
SUBSTITUTE HOUSE BILL 3160

State of Washington 60th Legislature 2008 Regular Session

By House Commerce & Labor (originally sponsored by Representatives Springer, Newhouse, Ericks, Goodman, Armstrong, Linville, McDonald, Kessler, Dickerson, Wood, Wallace, Hunter, Blake, Clibborn, Morrell, Williams, Loomis, Lias, Kelley, Eddy, Takko, Warnick, Jarrett, Rodne, Sullivan, Roach, VanDeWege, Kenney, and Ormsby)

READ FIRST TIME 02/11/08.

1 AN ACT Relating to the availability of nutrition information; and
2 creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds and declares that:

5 (a) Over the past two decades, there has been a significant
6 increase in the number of meals prepared or eaten outside the home,
7 with an estimated one-third of calories and almost half of total food
8 dollars associated with food obtained from restaurants and other food
9 service establishments;

10 (b) Broader availability of nutrition information regarding foods
11 served at restaurants and other food service establishments will
12 facilitate consumers making more informed decisions about the food they
13 purchase;

14 (c) Three-quarters of American adults report using food labels on
15 packaged foods, which are required by the nutrition labeling and
16 education act of 1990;

17 (d) Availability of nutrition information regarding restaurant food
18 assists consumers who closely monitor their diet;

1 (e) Due to substantial variations in restaurant characteristics,
2 restaurants have used a variety of methods to provide broad nutrition
3 information that their customers desire;

4 (f) Providing accurate nutrition information for food prepared in
5 restaurants is significantly more difficult than for processed food
6 items because of greater variability of portion size, formulation, and
7 other characteristics of the restaurant food product and the processes
8 used to produce it;

9 (g) In implementing the federal nutrition labeling and education
10 act of 1990, the United States food and drug administration recognized
11 the need for accuracy in nutrition information statements and addressed
12 the challenges of determining restaurant food product nutrition
13 information by permitting nutrition information for such products to be
14 determined with a reasonable basis;

15 (h) Notwithstanding the substantial variability of nutrition
16 characteristics of standard food items served at restaurants and other
17 food service establishments, public health will be advanced by
18 providing nutrition information, determined with a reasonable basis,
19 for standard food items generally available at restaurants; and

20 (i) Restaurants and other food service establishments generally are
21 more likely to provide nutrition information regarding food items, if
22 there is not a threat of conflicting or overlapping governmental
23 requirements for disclosure of nutrition information, or vulnerability
24 to frivolous litigation regarding the accuracy of disclosure of
25 nutrition information.

26 (2) The legislature intends to provide consumers with greater
27 access to nutrition information regarding restaurant foods by (a)
28 recognizing that nutrition information determined with a reasonable
29 basis is appropriately accurate, and (b) allowing restaurants
30 reasonable flexibility in providing nutrition information to consumers.

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