

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1774

H.P. 1241

House of Representatives, March 28, 2007

An Act To Provide Greater Information Pertaining to the Health of Maine Children

Reference to the Committee on Health and Human Services suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative FAIRCLOTH of Bangor.
Cosponsored by Senator BRANNIGAN of Cumberland and
Representatives: CONNOR of Kennebunk, FINLEY of Skowhegan, MILLER of Somerville,
PERRY of Calais, PINGREE of North Haven, PRESCOTT of Topsham, WALCOTT of
Lewiston.

1 Be it enacted by the People of the State of Maine as follows:

2 **PART A**

Sec. A-1. Review of the percentage of tobacco funding used for obesity prevention; increase funding. The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall conduct a review of the percentage of revenues in the Fund for a Healthy Maine under the Maine Revised Statutes, Title 22, section 1511 that is spent directly or indirectly to prevent obesity in Maine children and the percentage that would be required to undertake a campaign addressing obesity in Maine children as effective as the campaign against smoking tobacco. The center shall calculate the funding needed to improve obesity prevention by 25% and shall report the results of the review and any recommendations to increase the funding for obesity prevention to the Joint Standing Committee on Health and Human Services by November 1, 2007. The Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 123rd Legislature.

15 **Sec. A-2. Monitoring cardiovascular health.** The Department of Health and
16 Human Services, Maine Center for Disease Control and Prevention shall undertake a
17 study for developing a system to monitor the cardiovascular health of Maine children.
18 The center shall report to the Joint Standing Committee on Health and Human Services
19 by November 1, 2007 on the requirements for developing a monitoring system and shall
20 include recommendations and costs. The Joint Standing Committee on Health and
21 Human Services may submit legislation to the Second Regular Session of the 123rd
22 Legislature.

Sec. A-3. Study of marketing food to children through on-package marketing. The Department of Health and Human Services, Maine Center for Disease Control and Prevention shall conduct a study of the marketing of food to children through on-package marketing to assess the extent and nature of that marketing. The study must assess the marketing techniques targeted to children used on food packages in Maine grocery and convenience stores, including the use of characters and persons, contests and free promotions and games and toys; the types of foods and nutritional value of foods and beverages subject to on-package marketing targeted at children; and the proportion of on-package marketing targeted to children on foods of high and low nutritional values. The center shall report the results of the study to the Joint Standing Committee on Health and Human Services by November 1, 2007. The Joint Standing Committee on Health and Human Services may submit legislation to the Second Regular Session of the 123rd Legislature.

36 **PART B**

37 **Sec. B-1. 20-A MRSA §6661-A** is enacted to read:

38 §6661-A. School food and beverage standards

39 Beginning January 1, 2008, food and beverages sold or distributed on school grounds
40 but outside of school meal programs must:

1 **1. Adhere to standards.** Adhere to healthy food and beverage standards adopted by
2 the Department of Health and Human Services, Maine Center for Disease Control and
3 Prevention by rule and adhere to single-serving standards established by the United States
4 Food and Drug Administration, including the following maximum portion sizes:

5 A. For beverages other than water, 12 ounces;

6 B. For frozen desserts and ice creams, 3 fluid ounces;

7 C. For cookies and cereal bars, 2 ounces;

8 D. For baked items other than cookies and cereal bars, 3 ounces; and

9 E. For prepackaged snacks, 1.25 ounces;

10 **2. Meet fat content limit.** For other than low-fat dairy products, fruits, vegetables,
11 seeds and nuts, contain no more than 10% of calories from saturated and trans fatty acids,
12 30% of calories from total fat and 35% of weight from refined sugars;

13 **3. Exclude certain items.** Not include carbonated soft drinks of any kind or candy;
14 and

15 **4. Meet drink requirements.** For milk, be 1% fat or less; and for juice, be 100%
16 fruit juice or 100% vegetable juice.

17 **Sec. B-2. 22 MRSA §2502** is enacted to read:

18 **§2502. Freedom of caloric information**

19 Beginning January 1, 2008, a restaurant shall provide caloric information for all food
20 and drink items sold in the restaurant that are listed on menus distributed to customers in
21 the restaurant and on menu boards displayed in the restaurant.

22 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
23 following terms have the following meanings.

24 A. "Caloric information" means the number of calories in a food or drink advertised
25 on the menu or menu board of a restaurant when that food or drink is prepared in
26 accordance with the standard recipe and standard formulation of that food or drink.

27 B. "Restaurant" means a restaurant that is licensed as an eating establishment under
28 this chapter, that is identified with a restaurant chain having 30 or more locations
29 under the same name nationally, regardless of the type of ownership of the restaurant
30 locations, that has one or more restaurants located in the State and that distributes
31 menus to customers in the restaurant or displays menu boards in the restaurant.

32 **2. Menu boards.** Caloric information must be provided on menu boards in
33 restaurants in which menu boards are displayed. The typeface of the caloric information
34 must be at least 2/3 as large as other menu board information. The caloric information
35 must be displayed adjacent to the listing of the food item.

36 **3. Menu notation.** Caloric information must be provided on a restaurant's menu for
37 all food and drink listed on the menu. The typeface of the caloric information must be at

1 least 2/3 as large as other menu information. The caloric information must be displayed
2 adjacent to the listing of the food or drink item.

3 **4. Reasonable variation.** A restaurant is not out of compliance with this section for
4 the sole reason that the actual number of calories contained in a food or drink item as
5 served at that restaurant varies from the caloric information provided due to assembly of
6 the item by hand or changes or substitutions made at the request of a customer.

7 **5. Exception.** This section does not apply to restaurants that do not provide menus
8 to their customers.

9 **6. Rules.** The Maine Center for Disease Control and Prevention shall adopt rules
10 regarding the provision of caloric information required by this section. Rules adopted
11 pursuant to this section are routine technical rules as defined in Title 5, chapter 375,
12 subchapter 2-A.

13 SUMMARY

14 This bill requires the following initiatives with regard to the health of Maine children:

15 1. A report on the percentage of funding from the Fund for a Healthy Maine that is
16 being used and could be used to effectively address obesity in Maine children and
17 recommendations for increasing funding;

18 2. A study and report on marketing food to children through on-package marketing;

19 3. A study to determine the requirements for developing a system to monitor the
20 cardiovascular health of Maine children;

21 4. A requirement that certain restaurants provide caloric information regarding foods
22 and drinks listed on menus and menu boards; and

23 5. A requirement for standards for food and beverages sold or distributed on school
24 grounds but outside of school.