

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
124TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT "B" to COMMITTEE AMENDMENT "A" to H.P. 878,
L.D. 1259, Bill, "An Act To Increase Access to Nutrition Information"

Amend the amendment in section 2 in subsection 2-B in the last line (page 1, line 24 in amendment) by inserting after the following: "subsection." the following: ' "Chain restaurant" does not include a movie theater.'

Amend the amendment in section 6 in §2500-A in subsection 5 in paragraph B in the 2nd line (page 2, line 38 in amendment) by striking out the following: "60" and inserting the following: '90'

Amend the amendment in section 6 in §2500-A in subsection 7 in the last line (page 3, line 16 in amendment) by inserting after the following: "213." the following: 'This section may not be construed to create or enhance any claim, right of action or civil liability that did not exist under state law prior to the effective date of this subsection or limit any claim, right of action or civil liability that otherwise exists under state law. No private right of action arises out of this section. The only mechanism for enforcing this section is as provided in this subsection.'

Amend the amendment in section 6 in §2500-A by inserting after subsection 7 the following:

'8. Uniformity of regulation; preemption. To the extent consistent with federal law, the regulation of disclosure of caloric and nutritional information is a matter of statewide concern, and state law governing that disclosure occupies the whole field of regulation regarding disclosure by chain restaurants of nutritional information and requirements regarding the content required to be posted on menus, menu boards and food display tags. A local government may not adopt an ordinance regulating the dissemination of caloric or nutritional information or requiring information to be placed on menus, menu boards or food display tags by a chain restaurant, and any ordinance or regulation that violates this subsection is void and has no force or effect.'

SUMMARY

This amendment:

- 1. Adds movie theaters to the places that are not considered a chain restaurant;

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1 2. Increases from 60 to 90 the number of days an item must appear on a menu before
2 the chain restaurant is required to provide caloric information regarding that item;

3 3. Specifies that this legislation does not create any additional rights or liabilities;
4 and

5 4. Asserts that state regulation of nutritional information by chain restaurants
6 occupies the whole field of regulation and prohibits municipalities from enacting any
7 ordinance regulating the dissemination of such information.

8 **SPONSORED BY:**

9 *Joseph C. Perry*
(Senator PERRY, J.)

10 **COUNTY: Penobscot**