

**Action**

**MEMORANDUM**

July 16, 2010

TO: County Council

FROM: Amanda Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Action:** Expedited Bill 39-10, Eating and Drinking Establishments - Nutrition Labeling - Implementation

Expedited Bill 39-10, Eating and Drinking Establishments - Nutrition Labeling - Implementation, sponsored by the Health and Human Services Committee, was introduced on June 29, 2010. A public hearing was held on July 13 at which Melvin Thompson, on behalf of the Restaurant Association of Maryland, supported Bill 39-10.

Bill 39-10 would establish an implementation schedule for certain eating and drinking establishments to post certain nutrition information on menu boards and menus. Bill 39-10 would implement the nutrition labeling law according to the following schedule, which the Executive recommended and the HHS Committee supported:

- The nutrition labeling law became effective July 1, 2010.
- The Department of Health and Human Services will notify affected restaurants during July of the applicable laws and regulations.
- By September 15, affected restaurants must submit implementation plans to the Department. The implementation plan must state a date certain by which the restaurant would comply with the nutrition labeling requirements. Full compliance must be no later than January 1, 2011, after which the Department can begin assessing penalties for noncompliance.

**Council staff recommends approval of Bill 39-10.**

This packet contains:	<u>Circle #</u>
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Expedited Bill No. 39-10  
Concerning: Eating and Drinking  
Establishments - Nutrition Labeling -  
Implementation  
Revised: 6/22/2010 Draft No. 1  
Introduced: June 29, 2010  
Expires: December 29, 2011  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Health and Human Services Committee

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**AN EXPEDITED ACT to:**

- (1) establish an implementation schedule for certain eating and drinking establishments to post certain nutrition information on menu boards and menus; and
- (2) generally amend County law regarding eating and drinking establishments.

By amending

2009 Laws of Montgomery County Chapter 29

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 2 of Chapter 29 of the 2009 Laws of Montgomery County**  
2 **is amended as follows:**

3           **Sec. 2. Effective Date and Implementation.**

4           (a) **Effective Date.** Section 15-15A, inserted by Section 1 of this Act, takes  
5 effect on July 1, 2010.

6           (b) **Implementation.** Section 15-15A must be implemented according to  
7 the following schedule:

8           (1) Between July 1 and July 31, 2010, the Department must notify all  
9 eating and drinking establishments subject to the requirements of  
10 Section 15-15A of the applicable laws and regulations.

11           (2) By September 15, 2010, an eating and drinking establishment  
12 must submit to the Department an implementation plan. As part  
13 of the implementation plan, an eating and drinking establishment  
14 must identify a date by which the establishment will comply with  
15 Section 15-15A.

16           (3) Any eating and drinking establishment subject to Section 15-15A  
17 must comply with the requirements of that Section by January 1,  
18 2011.

19           **Sec. 2. Expedited Effective Date.** The Council declares that this Act is  
20 necessary for the immediate protection of the public interest. This Act takes effect on  
21 the date on which it becomes law.

## LEGISLATIVE REQUEST REPORT

### Expedited Bill 39-10, Eating and Drinking Establishments – Nutrition Labeling – Implementation

<b>DESCRIPTION:</b>	Expedited Bill 39-10 would establish an implementation schedule for certain eating and drinking establishments to post certain nutrition information on menu boards and menus
<b>PROBLEM:</b>	Code §15-15A (Nutrition Labeling) goes into effect on July 1, 2010; however, the regulations to implement the law will not be approved until late June.
<b>GOALS AND OBJECTIVES:</b>	To provide affected eating and drinking establishments with adequate time to comply with the County nutrition labeling requirements.
<b>COORDINATION:</b>	Department of Health and Human Services.
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Amanda Mihill, Legislative Analyst, 240-777-7815.
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	To be researched.
<b>PENALTIES:</b>	Violations of §15-15A are a Class A violation.