

Public Hearing/Action

MEMORANDUM

July 16, 2010

TO: County Council

FROM: Amanda M. Mihill, Legislative Analyst *Amihill*

SUBJECT: **Public Hearing/Action:** Resolution to amend Resolution #16-1194, Board of Health Regulation requiring certain eating and drinking establishments to post certain nutrition information on menu boards and menus

A resolution to amend Resolution #16-1194, Board of Health Regulation requiring certain eating and drinking establishments to post certain nutrition information on menu boards and menus, sponsored by the Health and Human Services Committee, was introduced on June 29, 2010. Action is scheduled following this hearing. At the July 13 public hearing for Expedited Bill 39-10, Eating and Drinking Establishments – Nutrition Labeling – Implementation, which would amend County law to provide for the same implementation schedule, Melvin Thompson, on behalf of the Restaurant Association of Maryland, supported Bill 39-10.

The resolution would amend the Board of Health Regulation requiring nutrition labeling in certain eating and drinking establishments to establish an implementation schedule for certain eating and drinking establishments to post certain nutrition information on menu boards and menus. This resolution 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 the resolution.

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE MONTGOMERY COUNTY BOARD OF HEALTH**

By: Health and Human Services Committee

SUBJECT: Resolution to amend Resolution #16-1194, Board of Health Regulation requiring certain eating and drinking establishments to post certain nutrition information on menu boards and menus.

Background

1. County Code §2-65, as amended effective August 10, 2000, provides that the County Council is, and may act as, the County Board of Health, and in that capacity may adopt any regulation which a local Board of Health is authorized to adopt under state law.
2. Maryland Code Health-General Article §3-202(d) authorizes the County Board of Health to adopt rules and regulations regarding any nuisance or cause of disease in the County.
3. On November 17, 2009, the Council adopted Resolution 16-1194, which approved a Board of Health Regulation Requiring Certain Eating and Drinking Establishments to Post Certain Nutrition Information on Menu Boards and Menus.
4. On {date}, the County Council held a public hearing on this regulation. As required by law, each municipality in the County and the public were properly notified of this hearing.
5. The County Council, sitting as the Board of Health, finds after hearing the testimony and other evidence in the record of the public hearing that establishing an implementation schedule for eating and drinking establishments to post certain nutrition information on menu boards and menus is necessary to protect the health of County patrons.

Action

The County Council for Montgomery County, Maryland, sitting as the County Board of Health, amends Resolution #16-1194, Board of Health Regulation Requiring Certain Eating and Drinking Establishments to Post Certain Nutrition Information on Menu Boards and Menus, as follows:

