Act Number:	09-157 Vetoed	
Bill Number:	1080	
Senate Pages:	3468-3490	**23**
House Pages:	8948-9138	**191**
Committee:	Public Health: 1631-1675, 1834-1849	**61**
	Page Total:	**275**

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GENERAL ASSEMBLY
SENATE

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Senate Bill 1080.

Mark that "go" and if the clerk might call that item.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Joint Senate Calendar page 30, Calendar Number 425, File Number 606, Substitute for Senate Bill 1080, AN ACT CONCERNING ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS, favorable reported committed on Public Health, and Planning and Development. Clerk is possession of amendments.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President.

I move acceptance of the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Acting on approval and acceptance of the bill, Sir. Would you like to remark further?

SENATOR HARRIS:

Thank you, Mr. President. Good morning.

THE CHAIR:

Good morning, sir.

SENATOR HARRIS:

Mr. President, the Clerk is in possession of an amendment LCO Number 8094. I ask that it be called, and that I'd be granted permission to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 8094, which will be designated Senate Amendment Schedule A. It offered by Senator Harris of the 5th District.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President.

I move adoption.

THE CHAIR:

Motion's on adoption, would you like to remark further, sir?

SENATOR HARRIS:

I would, Mr. President.

Yes, Mr. President, this bill is the manual labeling bill.

When the evening started out, I was going to

talk about Big Macs, now I guess I should talk about the Egg McMuffin. But, since there is really not much time to get people out of here, I won't talk about either.

Mr. President, this bill is about giving people the information they need to make healthy choices. It's about personal responsibility. This actually is a small but very key part of our health care reform efforts.

As we all know in this country, in this State, we have some of the highest costs in the industrialized world. As a matter of fact, the highest cost, we pay for our health care and some of the lowest outcomes. One of the problems connected with these high costs is the explosion of obesity. It's actually one of the main sources of the high cost of our health care. The chronic disease that is causes: diabetes, asthma, hypertension, heart disease, to name a few.

This bill requires all national chains to place calories on their menus, the printed ones, the menu boards that you see in a typical fast-food restaurant, on the drive-thru menu boards, on food tags, that would be displayed at salad bars and buffets. This will help people

have the information that they need to make healthy choices to help themselves, to help us control obesity.

Mr. President, I'd like to thank Senator Williams for bringing this bill to the attention to the Public Health Committee and for his support. Senator Debicella, our ranking member, who -- well, I don't think he totally agrees with where the bill is and we might have a small discussion on that -- has always made me think about it, and I think has helped improve the bill.

Senator Fasano, who was a key to helping us deal with a zoning piece of this bill. And, actually, the restaurant industry that came to the table and, actually, worked things out and made this a better bill giving us some practical knowledge about how this works in the real world.

I urge support of this bill or this amendment -- excuse me -- which will become the bill because, again, it's about giving people the information they need to make healthy choices. It's about personal responsibility.

THE CHAIR:

Thank you, sir.

Will you remark further on Senate A? Will

you remark further on Senate A? If not, let me try your minds.

All those in favor say aye.

Those nays.

The ayes have it. Senate A is adopted.

Will you remark further on Senate Bill 1080, as amended by Senate A?

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

And, Mr. President, first off, my apologies to you and the circle that I'm talking so much tonight. You're calling all the bills on committees where I'm ranking member so my apologies at this late hour.

Mr. President, first off, I'd like to thank Senator Harris for his leadership on this bill. It's been a pleasure serving with him on the committee. He always is someone who listens to all sides of an issue before making decisions, and his leadership on this bill has been exceptional.

However, Mr. President, he is correct is that I believe the intentions behind this bill are precisely right, but the way we're going about it is wrong.

So, I would ask the clerk to call amendment LCO 7136.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO 7136, which will designated Senate Amendment Schedule B. It is offered by Senator Debicella of the 21st District.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Thank you, Mr. President.

I move the amendment.

[INAUDIBLE]

SENATOR DEBICELLA:

Thank you, Mr. President.

Mr. President, the amendment before us accomplishes I believe the same goals that Senator Harris laid out in a slightly different way. He's absolutely right, we need to increase transparency of nutritional information to consumers to reduce obesity and, hopefully, reduce our health care costs.

However, relying solely on calories as the way to do this is not only not giving consumers

all the information, it is potentially misleading. The example I used that I used at the Public Health Committee was that of McDonalds, probably the largest fast-food chain. Where a cheeseburger has 300 calories, yet, the Southwest Salad with Grilled Chicken has 320 calories.

We all know it's just common sense that if you're looking to eat healthy, you want the salad with grilled chicken and not the cheeseburger. Yet, by having calories only on the menu, we are going to make people pause and say, oh, jeez, maybe that cheeseburger isn't so bad after all. Calories are misleading.

Now, if you add in the saturated fat, which is what actually causes heart diseases. The cheeseburger has 6 grams of saturated fat and the salad is 3.

So what this amendment does is this amendment says, that restaurants must have all of the nutritional information available that's prescribed by the FDA for packaged goods but gives them flexibility as to where to put it. It doesn't mandate putting it on the menu. They could. They could also put it on the wall, which is exactly what McDonalds chooses to do in many of

their restaurants. Or they could choose to put it in a pamphlet.

What the amendment does, Mr. President, is I think it takes Senator Harris's purpose, which I think is a noble one and a good one, and implements it in a way that is going to be more useful for consumers and doesn't result in the adverse effects that relying solely on calories might.

So, Mr. President, I want to thank Senator Harris again for this bill and urge adoption of my amendment.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President.

Mr. President, I do think this amendment is well-intentioned, and it does point to an issue that more information is at times better.

The problems that I have with the amendment and the reason that I'm opposing it, is, first of all, the way that this is structured. It does talk about it being upon the request of the

customer. And what we need to do is have information that is actually readily available, literally, in front of someone's face. So that, in particular in fast food, when people are, by definition, "rushing" that they have the information that's readily available.

With respect to calories, calories -- the New England Journal actually did a study, February of 2009, that showed that calories are the single most important factor in weight loss. And that's what we're talking about here, obesity. You're alma mater, Senator Debicella, did a study at Harvard that also showed that calorie intake was the, again, the most important factor in weight loss.

The other problem here and this goes to the issue of it being readily available. There was a study at that other school, the great school of Yale, here in Connecticut, and they took a look at four different fast-food establishments. And, actually, 4,311 people went to those fast-food establishments with not menu board labeling but labeling that was somewhere. It was either on the tray after they bought it or somewhere on the side or they could request it or go to a website. And

of those 4,311 people, only six, less than one-tenth of 1 percent actually used the information.

New York City has had a menu labeling law very similar to ours, as a matter of fact, we modeled ours after New York so that these national chains, which are already doing it in New York, already doing it California, could in a very cost effective, really in a no-cost way, be able to comply with the Connecticut statute. But, in New York, prior to the menu labeling law, 95 percent of the patrons didn't notice the very type of nutritional information that Senator Debicella talks about in his amendment.

Since that time, one survey, 82 percent of New Yorkers actually said that menu labeling has changed their ordering habits. Just recently, this week in the Boston Globe, it was reported about the New York menu labeling law, that 67 percent of the patrons said that they noticed the calories on the board. And 25 percent of that 67 percent -- 17 percent is the way I calculate it -- said that they actually used the calorie information to make more intelligent choices about their health. And when you think about it, just

in New York City alone, that's tens of thousands of people that are going to those national chains on a daily basis making that decision.

Finally, there was another piece that I read in the American Journal of Public Health that said when given info about calories, 27 to 37 percent of people said that they're less likely to choose high calorie items. So we can see that it works. It's there.

Two other points, again, this was the bill that we had a lot of cooperation from the restaurant industry. And in the amendment, actually, there is a 30-day limit in line 37, for determining when something has to be put on the menu board with calories. We worked out with the restaurant industry, just like New York, that there's a 90-day limit.

And, finally, we worked with the Department of Public Health. The amendment calls for regulations that actually brought out a fiscal note. We worked with the Department of Public Health, and we have guidelines in the amendment that was just passed by the circle.

So, while I do think, the amendment is well intentioned and we need to discuss more

information always, I would urge rejection of the amendment.

And I'd ask for a roll call vote.

THE CHAIR:

A roll call vote will be ordered.

Senator Kane.

SENATOR KANE:

Thank you, Mr. President.

I rise in favor of this amendment. I do thank Senator Debicella for bringing it out.

I do believe that his method of showing the consumer transparency is what truly is at the matter here and I -- I believe Senator Harris would agree. There's more to it than just calories but the other ingredients and items that he mentioned really show or paint the whole picture of the products that we ingest or digest in our bodies.

More importantly, I believe that the initial bill is a mandate on business. And we just debated another bill yesterday for four hours, which is a mandate on business, and we continue to do these type of bills in the State of Connecticut, which is literally hurting those who we think we're protecting.

So I do believe that this is the right way to go. It shows people that the more to it than just the calorie count. I do believe that it is not a cost-effective way for us to put this kind of effort into business. And I think that the way to do this is through Senator Debicella's amendment, which will allow it to be inside the restaurant at the customer's leisure and they're able to be pick it up and peruse through the information as they're placing the order.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

I also rise in support of the amendment, and I -- I think it's a better version of where we need to be and what the overall goal is. And I say that because if the individual is concerned about the caloric intake that they're going to a fast-food restaurant for, they can asked one of the workers, hey, can see how many -- the caloric menu that you have? You're supposed have

available to me, and I can look up on my sheet as I'm waiting in line to determine whether I want to make the choice of whether it's going to be a chicken sandwich or beef patty or a fish sandwich, and I can make that informed decision.

I'm concerned on the underlying bill -- I'll stick to the amendment. The amendment -- question, Mr. President, through you to Senator Debicella.

THE CHAIR:

Senator Debicella.

SENATOR WITKOS:

Thank you, Mr. President.

Through you, in your amendment, does it require of the posting of the caloric intakes on the outdoor menu boards? Through you, Mr. president.

THE CHAIR:

Senator Debicella.

SENATOR DEBICELLA:

Mr. President, it does not. It requires that there be availability of all nutritional information. It does not specify how the restaurant has to make that available. For a drive-thru, they could also make a pamphlet

available at the point where they're order, possibly in a side pouch on the menu board itself. There's any number of ways that they could it. We leave that up to the restaurant to determine how best to get the information to the customer, through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

And I thank the gentleman for his answers, and I'll reserve my comments for the underlying bill.

THE CHAIR:

Thank you.

Will you remark on Senate Amendment B? Will you remark further? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all senators please return to the chamber?

Immediate roll call has been ordered in the Senate. Will all senators please return to the

chamber?

THE CHAIR:

Have all senators voted? If all senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule B

Total number of voting	35
Those voting yea	11
Those voting nay	24
Those absent not voting	1

THE CHAIR:

Amendment B fails.

Senator Witkos.

SENATOR WITKOS:

Thank you, Mr. President.

The comments I wanted to make on the underlying bill. I have some concerns about and I guess most of those would be towards the posting of the caloric items on the menu boards, which are located outside of the chain restaurants. And I actually went through two of my drive-thru restaurants in anticipation of debate of this bill.

And I asked, what's the -- the font size of the lettering that they had on the menus because we were like 10 feet away and I tried to get an opinion from an eye doctor to say, well, if I had 20/20 vision and what's the smallest font I could see if I was sitting in a car and I could actually read it, but the bill says that the caloric information has to be the same size as the printed information describing the item. And I'm concerned that depending on the number of items that we have that the menu boards will grow in such a great size that you may see a reduced number of items on the menu board.

And a question, Mr. President, through you to Senator Harris.

THE CHAIR:

Senator Harris.

SENATOR WITKOS:

Thank you.

Through you, Mr. President, if I was going to -- I'll use my local McDonalds restaurant and they had a shortened menu board but I asked, Well, I don't see a quarter with cheese on the menu board. Do you -- do you still those here, and they say, yes, they do. Are they in violation of the -- of

this law because they don't post everything that's for sale on the menu board? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, first of all, I just wanted to address the size issue of the signs because that's something that was a concern of the restaurant industry, was a concern of the proponents of this bill and that's something that we worked out with the restaurant industry. And, actually, we're talking about, at most, four digits. Hopefully, there's no 10,000-calorie items on the menu. So we're talking about four digits and under this bill without having to get additional zoning approval and with the help of Senator Fasano, we defined the ability of the restaurant to increase the size of that board by up to 25 percent. So I don't think this will even be a problem, but the -- the bill does and is intended to say that for each of their standard menu items what they offer at the restaurant, they are supposed to post the calories, through you, Mr. President.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you and through you, Mr. Speaker -- Mr. President, I quickly scanned the bill and it says if something's offered as a group, like an advertisement or a promotional item, say a Happy Meal, that has a picture of the prize and things and it just has a price. Would it be the entire caloric for that item or are they listed individually? Through you, Mr. President.

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Thank you, Mr. President.

Through you, this was one of the best parts about this bill. We got to go through and talk about Happy Meals and combinations and all -- every kind of permutation of chain restaurant food that you can think of. And this bill, specifically, says that when you have a combination of items that you are allowed to use a range of the caloric values because sometimes there are different items within that Happy Meal. As you know, you can get sometimes a Happy Meal

that might have a hamburger or one that might have McNuggets, and you can put those ranges of calories on the menu board next to the Happy Meal.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

And, in your discussion of the different combinations that you could come up with, what -- if you were able to determine this information -- was the difference between the lowest amount of caloric intake and the highest amount depending on the variety of items?

THE CHAIR:

Senator Harris.

SENATOR HARRIS:

Through you, Mr. President, I'm not certain in the context of the combination meal what you're addressing. I don't know what the difference would be. That would be up to the testing that's done through a very affordable computer program that would identify the low end of the range and the high end of the range.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

What I was getting at was if the number exceeded from one combination to another combination, what would normally be found on a menu board of the different items you chose, example, chicken versus fish versus beef then this is an exercise of futility if the combination meals didn't list it and the numbers were such that it was the same as the difference between the other items you could purchase individually. That's what I was trying to get at.

I thank the gentleman for his answers.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator Witkos.

Will you remark further on the bill, as amended?

Senator Williams.

SENATOR WILLIAMS:

Thank you, Mr. President.

I just want to rise to speak very briefly to thank Senator Harris for his tremendous work on this bill. For his negotiating skill for bringing everyone to the table and for making this a better

bill as a result. Senator Harris, thank you for that and the others, including Senator Fasano, who contributed to this bill as well.

Thank you, Mr. President.

THE CHAIR:

Thank you, sir.

Will you remark? Will you remark further on the bill as amended by Senate A? If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Will all senators please return to the chamber.

Immediate roll call has been ordered in the Senate. Will all senators please return to the chamber.

THE CHAIR:

Have all senators voted? If all senators have voted, please check your vote. The machine will be closed. The clerk will call the tally.

THE CLERK:

Motions on passage of Senate Bill 1080, as amended

Total number of voting 35

Those voting yea 29

Those voting nay 6

Those absent and not voting 1

THE CHAIR:

The bill, as amended, passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, I would move for suspension for immediate transmittal to the House of Representatives of Calendar 425, Senate Bill 1080.

THE CHAIR:

Motion on the floor for suspension of rules?

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

We were all here together this morning watching the sun, I think, officially come up right around now of 5:25 a.m.

THE CHAIR:

(Inaudible) go outside and hold hands.

SENATOR LOONEY:

Would yield the floor to any -- any members seeking recognition for purposes of announcements or points of personal privilege before adjourning.

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THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members of the chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If so, the machine will be locked. And the Clerk will announce the tally.

THE CLERK:

House Bill 6545, as amended by House A.

Total Number Voting	131
Necessary for Passage	66
Those voting Yea	90
Those voting Nay	41
Those absent and not voting	20

DEPUTY SPEAKER GODFREY:

The bill as amended is passed.

Will the Clerk please call Calendar 665.

THE CLERK:

On page 21, Calendar 665, substitute for Senate Bill Number 1080, AN ACT CONCERNING ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS, favorable report by the Committee on Planning and Development.

DEPUTY SPEAKER GODFREY:

The distinguished Chairwoman of the Public Health Committee, Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of this bill in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage in concurrence. Will you explain the bill, please, ma'am.

REP. RITTER (38th):

Mr. Speaker, the Clerk has an amendment, LCO 8094. I would ask the Clerk to please call the amendment and that I be granted leave of the chamber to summarize.

DEPUTY SPEAKER GODFREY:

Clerk is in possession of LCO number 8094, previously designated Senate Amendment Schedule A. Mr. Clerk, would you please call the amendment.

THE CLERK:

LCO Number 8094, Senate A, offered by Senator Harris and Representative Ritter.

DEPUTY SPEAKER GODFREY:

The gentlewoman has asked to leave of the chamber to summarize. Is there objection? Hearing none, please proceed, Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, this amendment is a strike-all amendment and will become the underlying bill.

Before I move -- before I continue to summarize the provisions of the amendment, Mr. Speaker, I would like to be granted leave of the chamber to give a little background information behind this bill.

DEPUTY SPEAKER GODFREY:

Perhaps if you summarize the amendment and moved adoption, and then gave us a little summarization of the background, that would be a good thing, Representative Ritter.

REP. RITTER (38th):

That sounds really good to me, too, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

I'm glad you're glad that I'm glad. Thank you.

REP. RITTER (38th):

I think I'll take that route. Thank you very much.

Mr. Speaker, this amendment which is a strike-all

amendment requires chain restaurants to disclose on their printed menus and menu boards total calorie counts for standard menu items, food item tags and food items intended for more than one individual. It defines chain restaurants as part of a group of at least 15 or more doing business nationally under the same trade name; does not include specified grocery stores, food vendors or catering establishments.

The information, Mr. Speaker, must be listed in a similar type and size and style as all of the other information on the menu or on the menu board. And it provides that a disclaimer may be included anywhere on that board or menu concerning variations across the servings, special orders or ingredient quality.

Calories must be determined using reasonable means recognized by the Food and Drug Administration. The provisions supersede municipal laws or ordinances concerning menus or boards including an increase in menu board size of up to 25 percent in order to accommodate this requirement. In addition, regular inspections from the Department of Public Health are to include compliance with these provisions.

Mr. Speaker, there is a one-time cost estimate associated with this out of $360 for the Department of

Public Health to be included with the department's normally budgeted resources. Local health directors would be able to accommodate these provisions within their routine workload. I move adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption. Will you remark? Will you remark further on Senate Amendment Schedule A? Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Mr. Speaker, a few questions through you to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. CAFERO (142nd):

Through you, Mr. Speaker, to Representative Ritter, why are we doing this?

DEPUTY SPEAKER GODFREY:

Representative Ritter, do you care to respond?

REP. RITTER (38th):

Thank you, Mr. Speaker, and to Representative Cafero, this bill -- and I know the Representative has participated in many discussions around this topic, but it comes from the growing concern and knowledge

about the effects of eating out on our society, particularly eating food from chain or fast food restaurants. Information from both the Rudd Center at Yale University and other various medical journals and reports does explain to us and that increasingly, as a society, we are relying not only on food prepared outside of our own kitchens, but on food prepared from many fast food and other restaurants that may not be as healthy. In fact, eating out is no longer the extravagance it was when many of us were growing up. It was a surprise to me to understand that Americans are currently spending almost half of their food dollars on foods from outside their kitchens. Convenience and -- convenient and relatively inexpensive fast food increasingly is the choice.

As a nation, we now consume approximately one third of our calories from fast food restaurants and food service vendors. This is what we contend with, rising rates of diabetes, heart disease and obesity, to name a few. And Mr. Speaker, at the same time, very few people are aware of the calories or nutritional content of these foods. For example, I was particularly surprised and impressed to understand that in looking what -- at what is, to me, a very

classic choice of a caesar salad versus a bacon burger, my belief that that salad was substantially less caloric and therefore healthier for me, was incorrect. Some other interesting information, Mr. Speaker, a McDonald's big mac contains half of the calories of a chocolate shake, but if you put that big mac and shake together, it's over 1,700 calories in a simple lunch.

I'll give you one more interesting fact, Mr. Speaker, and that is that a Dunkin' Donuts plain bagel with no cream cheese actually contains more calories than the jelly doughnut. These are choices, Mr. Speaker, that are sad to me, as perhaps, to many other people in the chamber, but I was shocked to begin to understand the extent to which, not only myself and my family, but many other people are very uneducated in this.

The bill is a first attempt to bring this type of information to the decision-making process, Mr. Speaker, at and before the point of order. We have in this chamber talked for some time over different ways to do this and many restaurants have been very happy to comply with printed information, but not at or before the point of order. This joins a

national movement to help us bring caloric information to the process, give people the information they need to make healthy choices and empower their sense of personal responsibility and take control over this particular aspect of their personal lives.

Mr. Speaker, this does begin to provide some tools for us all to reduce these health-care costs, both in terms of dollars and better outcomes, a few of the reasons, Mr. Speaker, why I believe we are looking at this bill today.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, a big mac and a shake is over 1700 calories.

DEPUTY SPEAKER GODFREY:

Yes, Representative Ritter.

REP. RITTER (38th):

Sadly so.

REP. CAFERO (142nd):

Marone, am I in trouble.

DEPUTY SPEAKER GODFREY:

Aye aye aye.

REP. CAFERO (142nd):

Through you, Mr. Speaker, I want to -- is the requirement here in the -- as proposed in this bill that only calories would be that that is displayed? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, the answer to that is yes.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, as you indicated, this is being done for nutritional information so that people can make informed decisions on their menu choices. I know for instance, I presume Subway, the company that makes Subway sandwiches would probably fall under this bill because certainly, to my knowledge, they have more than 15 locations. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, to my knowledge, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Madam Speaker, for instance, let's take the grocery store of Stop & Shop. I know that they offer take-out food, not only had a sandwich -- excuse me, a salad or soup bar, but also at their deli counter where you could actually order sandwiches. Would they be -- and they certainly, I believe, have more than 15 stores in the state of Connecticut. Would they be subject to this posting requirement? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, I would bring the Representative's attention to lines 9 through 13 where it stipulates that grocery stores are not included under the provisions of this bill.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. So through you, Mr. Speaker, I could go to a Stop & Shop and order an Italian combo grinder and they have no obligation to tell me how many

calories are there, yet if I went to a Subway shop and ordered that same size Italian combo grinder specifying the gabba goul and the prosciutto, and all that stuff, they have to tell me how many calories they have. Is that correct? Through you, madam -- Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Madam Speaker -- Mr. Speaker, excuse me, why would we distinguished between the grinder I order and a Stop & Shop that has at least 15 stores in the state of Connecticut, and the grinder I order at the subway, one has to do it, the other one doesn't. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker, and that is an excellent question, Mr. Minority Leader. The -- there was a lot

of discussion about this in front of the committee, Mr. Speaker, and at that time there was also discussion about the abilities and choices available across many, many different types of food stores and institutions.

The decision was made at this time to join what is happening really across the country in terms of requirements upon chain restaurants for several reasons. One, increasingly, those are the restaurants that people are turning to for the types of decisions that perhaps, they are making, making quickly with a little less consideration than perhaps, Representative Cafero would put into the combinations on his -- I think it was an Italian grinder special. I lost track.

However, Mr. Speaker, information that we did learn from states and cities who are trying this was encouraging in that the national chains have already prepared menus, menu boards and have this information about those standard items. The situation that the Representative is talking about is not as standardized a menu choice, Mr. Speaker, and it would be far more difficult. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. And through you, Mr. Speaker, does the gentlelady know how many, for instance, grocery stores in the state of Connecticut that offer take-out food including, for instance, delis, sandwich shops; grocery stores that would not fall under this bill? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, grocery stores do not fall under this bill.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker, what a delicatessen, privately owned, fall under this bill?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, no. Not unless it was a -- part of a national chain with at least 15 restaurants in its part of the chain with a standardized menu label --

with a standardized menu offering, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you. Through you, Mr. Speaker -- well, I should say, in response. One of my concerns is, ladies and gentlemen, we have hundreds, maybe thousands of delis, mom-and-pop restaurants that are owned and have less than 15 stores. And ironically, we have grocery stores in some cases that number more than 15, all owned by the same chain, all who sell caesar salads, who grinders, sandwiches, hamburgers, wedges, pizza and all of those, thousands upon thousands of food service restaurants, if you will, delicatessens, would be exempt from this law. And yet, we're concerned about the nutritional health, information and education of our citizenry.

Through you, Mr. Speaker, I know this very well that I, as an individual, have to watch my sodium in take and various other nutritional facts that I should know that go above and beyond calories. In fact, just as we were surprised to learn that maybe a caesar salad has more calories than maybe a big mac, we might also be surprised to learn that even though some foods

have less calories, they have a higher sodium intake or glucose content that might affect you if you have high blood pressure, if you have diabetes and various other conditions. None of that information would be made available in accordance with this bill. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, that is correct. I would like to add, Mr. Speaker, that while the Minority Leader and I might very much like to see all of that other information, a difficulty that was brought to our attention in discussing this bill is that it would then be very difficult to interpret or provide the necessary tools to do that.

We are all different, as the Minority Leader has pointed out, and need to pay attention to different things. But a commonality across this is the impact of the calorie on one's weight and that was the reason for its selection, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Ladies and gentlemen of the chamber, I have often said that unfortunately sometimes, maybe unintentionally, we misrepresent by the title of our bills what exactly we accomplish by the legislation we pass. In the case at bar, the bill before us is called An Act Concerning Access to Health and Nutritional Information in Restaurants. That sounds like a good thing, but in point of fact what we've learned is it's not all restaurants, it's only chain restaurants.

In fact, it's not all food service outlets, it's only outlets or companies that have more than 15 stores. We also learned that the nutritional information we're talking about is not a whole litany of nutritional facts, it's one; how many calories are in that particular item being served?

We also realized that there are hundreds, if not thousands of mom-and-pop delis and food stores and coffee shops and sandwich shops and grocery stores that make food that has -- that sells it to people that have lunch that has thousands upon thousands upon thousands of calories in it. But we are not requiring them to post those calories. And I can't help, but compare this bill because of its title to a bill we

had a few years ago with regard to nutritious choices for children. It sounded like a thing you have to love. In point of fact, all it did was remove soda from high schools.

And yet, if you were to have read that title, you would have thought that we, the State of Connecticut, are making great strides in holding the obesity problem of our children and check. As a matter of fact, we're doing none of that. We allow in that previous bill I referred to the sale of candy, gum, ring dings, yo hos, suzy-q's, you name it. Couldn't have soda, but boy could you bulk up on that stuff.

Now, here's an interesting thing. The people who would be most affected, I presume, the people we are really targeting, besides of all the citizens of Connecticut, the people we should be most concerned with are our children.

Through you, Mr. Speaker, does the bill before us require our school cafeterias to list the caloric count of the foods served in our school cafeterias? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER GODFREY:

Representative Cafero.

REP. CAFERO (142nd):

Through you, Mr. Speaker. Ladies and gentlemen, our children by the thousands, in fact, 500,000s, go to school everyday in our public schools. They go there for 180 school days a year. There are cafeteria and hot food and hot lunch lines and hot breakfast lines. I know, I had three kids. I've got one still in high school.

There's pizza, there's hamburgers, there's milkshakes, hot dogs, anything you could want. You could get one, you could get 70 if you want, long as you've got the money to pay for it. And we do not require in this bill, called An Act Concerning Access to Health and Nutritional Information in Restaurants, we do not require our school system, our educational system to even teach and post, I should say, post and inform our students and their parents what the caloric intake or -- is for every item of food served.

What's wrong with that picture? What's wrong with that picture? So why are we doing this? Well, for the very noble reasons that Representative Ritter

said, except we're only doing a very small part of it. So you've got to ask yourself a couple of things. First of all, are we going to be the only ones to do this, these chain restaurants that, literally, are in every state in the Union, will they have to have a special carve out just for Connecticut? I think the answer to that is yes.

Also it's my understanding that the federal government is looking into making uniform rules with regard to health and nutritional information. But that's not good enough for Connecticut. We've got to be first. We've got to be first to put yet an extra burden at this time on businesses that do business in the state of Connecticut, an extra burden when it is not federally mandated, when we ourselves don't request everyone who serves food in this state to do so, where are we in this state don't even require our school cafeterias to do so. What's wrong with that picture? I'm very interested to hear the debate on this. I thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, good evening. Just a couple of

questions through you to the proponent if I may.

DEPUTY SPEAKER GODFREY:

Proceed, sir. Please proceed, sir.

REP. PERILLO (113th):

Through you, Mr. Speaker, I'd like to try and get a better handle of exactly who -- what stores, what restaurants are going to have to do this. And I'm reading the definition of a chain restaurant. It says it means a restaurant that's part of a group of 15 or more restaurant locations nationally. Should I interpret that to mean that to mean that A, you have to have 15 or more locations and B, that you have to be national? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I would address the Representative's attention to lines 14 and 15 where it says precisely that.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker and I thank the Chairwoman for her answer. We've talked about -- and we'll just

use this as an example, because it's one that we've mentioned we've gone back and forth about donuts and bagels at Dunkin' Donuts. Obtusely, Dunkin' Donuts has more than 15 locations, but for example, Dunkin' Donuts does not have a location in all 50 states. In fact it has locations in just over 30. Do we define that as national? What is national? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I would direct the Representative's attention to lines 14 through 15, where it does do that.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you. Okay. And I appreciate that and I'm looking at 14 and 15, but it doesn't answer my question. I'm just trying to get the intent of this.

So then am I to assume that because Dunkin' Donuts doesn't have a location in every state that it's not national and that it wouldn't fall under

this? Am I to assume that because it has a location in more than half of the states that it falls under this? Am I to assume that -- or what am I to assume? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, an interpretation of lines 14 and 15 will tell you that a restaurant that is required to be part of a group of 15 or more restaurants that do business in any of the states in this nation, of which there are 50, means that a restaurant that is part of a chain that has 15 restaurants nationally would qualify.

I believe that answers the Representative's question. It would -- could potentially leave 35 states without one of those restaurants.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Okay. I thank the gently lady for her answer. So any more than one state. So if you've got a restaurant in Connecticut and you've got a restaurant in Massachusetts, or a restaurant in Connecticut and a

restaurant in New Jersey, blah blah blah, that would be sufficient for us to consider you to be a national chain, and provided again, that there are more than 15 of them, you would fall under this. Because I think there may be some confusion among restaurants as to which ones fall under this and which ones do not, which ones need to implement this, which ones do not. And if I were working for Dunkin' Donuts, I might say, well, you know what? I'm not national because I'm not in every state. So I'd just like some clarity. Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, in lines 14 through 18, it fairly clearly explains that it must be a restaurant that is part of a group of 15 or more restaurants' locations nationally. It goes on to indicate that they would have to be doing business under the same trade name, offered predominantly the same types of meals, foods or menus, regardless of the type of ownership of the individual restaurant locations. The answer would be yes.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker. I thank the gently for her answer. I think that clarifies, which at least given the scope of a restaurant, which one would fall under this. We've talked about -- we've focused our discussion on, generally, fast food, but I'd like to get some clarity. There are all different kinds of chains. You think of sit down restaurants like Outback Steakhouse and Pizza Hut, you name it. Would those fall out of this as well? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Thank you, Mr. Speaker. So again, and provided they have more than 15 locations and they're in more than one state, they would fall under this. And you could just nod, just to say, I don't want to take up too much time with this, but I just want to clarify. Thank you.

DEPUTY SPEAKER GODFREY:

No. It has to be on the record, Representative Perillo.

REP. PERILLO (113th):

Fair enough, sir.

DEPUTY SPEAKER GODFREY:

And do you want to answer the question for the third time, Representative Ritter?

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the 15 or more restaurants would not have to necessarily be in a multitude of states.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you. I hate to do this. I -- that last statement confused me. I think the gentlelady said that they would not necessarily have to be in a multitude of states. I was under the oppression that they had to be in a multitude of states. Perhaps I just misunderstood. Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I believe the Representative is speaking to the word "nationally," which would be interpreted as anywhere in the United States.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Okay. I think the gentlelady for her answer and I thank you, Mr. Speaker. Just a couple of more questions.

Specifically, in lines 90 through 99, it talks about situations where you've got a type of food that has multiple flavors or varieties, and just to clarify, so milkshakes, for example, we'll just use that to make it a little more concrete. Simply offering the average of those is sufficient in terms of giving a calorie count. Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I'm looking at lines 90 through 94, where it indicates that if there are, say, different flavors, and I believe that would be the

milkshake example that the Representative is referring to, the menu and the boards may show a minimum and maximum within a range of flavors. For example, a vanilla and chocolate might have different calories. They could show the minimum and the max for all flavors and varieties of that standard menu item, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

I think the gentlelady. I think I was thinking back to it -- perhaps the original version of the bill that had an average, but this one has the range. I thank her for that clarification.

Moving onto the next section, lines 100 through 110, where we talk about salad bars and buffets. And again, just to clarify, we would -- the restaurant would post a serving size and how many calories are in that serving and that's it. Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, in the case of a salad bar or a buffet line,

for example, which I believe is the situation the Representative is asking about, the food item tag would be required to indicate the serving size and the calories for that serving size, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you. Just one question I thought of while you are answering that. For things like beverages, where there are multiple different sizes, and I can envision sort of a fast food menu board where you've got the small, medium and large, would the calorie count have to be illustrated for each individual size? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker, and to the Representative, I refer you back to the discussion that we had about the flavors and varieties and I believe that that instance is covered there. That the requirement would be that the total range of calories, minimum and maximum across flavors and varieties, however an indication for each size offered,

Mr. Speaker, would be required.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you and again, I thank the distinguished Chair for her answer. Another question if I could. In lines 136 and 137, it talks about sign size and we get to a situation here where we're starting to supersede local zoning. If a chain restaurant needs to change the size of its time it's not unusual for zoning to state specifically how large a sign can be, though, not often common in -- on the inside of a structure, but I could foresee situations where there would be something on the outside.

Is this -- am I reading this correctly that this bill will put the -- put us in a situation where a state -- where the State is superseding local control and local zoning regulation? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker, and the Representative, I believe, is looking at lines 129 on through 139, where it indicates that the provisions of this section would

indeed supersede local zoning only up to an increase of a sign of 25 percent beyond the present size, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you. So if there were an effort by a chain to, you know, doubled the size of the sign, local zoning couldn't weigh in and say, now you can't do that. That's correct.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

That is correct, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Thank you very much. One final question, actually, probably pretty simple one. In lines 147 through 150, it states that corporate owners are not required to provide any documentation that contains trade secrets. And it goes on to say that they're not responsible for verifying the accuracy of the listed calorie totals. My question is very simply, who is

responsible for verifying the accuracy of the calorie totals? Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the authorized agent, and I will bring the Representative's attention to the definition section of the bill of, lines 48 through 52, means an individual certified by the Department of Public Health to inspect and make that request.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, I thank you. The only sort of oversight body I've seen identified here are the authorized agents. And the authorized agents don't necessarily have the responsibility of verifying the accuracy of the numbers. Obviously, there's some sort of risk that perhaps a company might put incorrect numbers up there and mislead the public. So my question is just very simply, who's going to make sure that the, you know, 500-calorie doughnut is really 500 calories and not 700 calories? Through you, sir.

REP. GODFREY (110th):

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, that would fall upon the authorized agent through the Department of Public Health.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

I thank the gentlelady for her answer. And that is true even though lines 148 through 156 say that the authorized agent shall not be responsible for verifying the accuracy of the listed calorie totals. Through you, sir.

REP. GODFREY (110th):

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, that is my understanding.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

So I'll ask, just to clarify for legislative intent, despite the fact that lines 148 through 150 say that they would -- the authorized agent is not responsible. Indeed, to legislative intent to, we

should believe that they are responsible. Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I believe that we have other areas of our laws regarding fraud and misrepresentation that might reach the Representative's concerns and that would be an avenue through which they could be taken.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, thank you. I agree with the woman, that it would probably be extraordinarily stupid for a restaurant to try and do that. I'm just wondering whose job it is to make sure that doesn't happen.

Again, in reading the bill it doesn't appear as though the authorized agent, who is was responsible for making sure that signs are up properly, is given the authority to make sure that these are actually accurate. So I'm just hoping that perhaps, we don't have sort of -- I mean not toothless per se, but something we can't enforce here.

Is there someone who is able to verify the accuracy of the calorie numbers? I mean, if we are going to inform the public, I would hope we would do it accurately. So I would ask that question. Through you, sir.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, in putting this bill together, Mr. Speaker, we actually had the opportunity to talk to quite a few advocacy groups, one of the most nationally recognized, the Rudd Center is here in Connecticut associated with Yale University in New Haven.

And in addition, the Department of Public Health has trained inspectors with knowledge in this area and obviously, that would be another avenue that could be taken, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. PERILLO (113th):

Mr. Speaker, I thank you, and I very much thank the distinguished Chair for her time and for her answers. Thank you very much.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Mr. Speaker, through you, I have a few questions to the Chairwoman of the Public Health Committee --

DEPUTY SPEAKER GODFREY:

Proceed.

REP. KLARIDES (114th):

-- which I feel like we have a one-on-one dialogue at this point. Thank you, Mr. Speaker.

In line 9, when we identify what this bill does not include, I see itinerant food vending establishment. What exactly is the definition of that? Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. The term "hot dogs on wheels" is one that does come to mind, Mr. Speaker. I think many of us are familiar with food vendors and food carts that we might encounter among other places outside this or other State or judicial buildings, as well as at various fairs and gatherings across the

state, farmers markets. I think that suffices, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Just as an example, I'm clear on that definition now, but how would a place like a bowling alley, for example, that doesn't have a restaurant per se, but serves food from, say, a snack bar type place. How would that fit into this bill, through you?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, that would not be governed by the provisions of this bill.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. In line 15, where we talk about limiting the application of this bill to chain -- national chains that have 15 restaurants or more, how did we come to that number, through you?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker, and actually this is -- I'm glad I have a chance to discuss this a little bit. On the original bill, as the Representative might recall, did have some changes and one of them was in this area. We had extensive discussions with local industry and vendors and took a look at what is happening across the country in order to make an effort to closely tailor the provisions of this bill to things that were happening in other states and cities. And the consensus was that 15 would be an appropriate number, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Mr. Speaker, 15 would be an appropriate number in what regard? Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, 15 was the results of the discussion that I previously described to you and was a compromise reached among those parties.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. I guess where I'm confused is, it's my understanding that the purpose of this bill is to educate the consumer as to what type of food they're eating and allowing them to make healthy choices. And I'm curious as to why a chain that has 15 restaurants or more would be part of this bill and anything less would not be part of this bill. I mean, that would say to me that people that eat at chains that have 15 restaurants or more, we want them to be educated in their food choices, but people that go to the other restaurants, they shouldn't be educated in their food choices. And I'm just -- that just confuses me a little bit. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Much of this discussion, Mr. Speaker, concerned with -- it was concerned with an effort to make what Connecticut is doing conform with other areas that are doing this, the closest

being New York City. And it's very interesting to note that the 15 is -- provides a protection for the small business owners, the expanding mom-and-pop restaurants, to use an expression, and brings to -- and seems to be a clear distinction between those two instances.

I think that the -- in crafting this legislation, particularly working with representatives of the industry, I believe we were able to strike a balance between those competing interests, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. So then it's my understanding that we limited it to chains with restaurants of 15 or more because we believe that, to use the Chairwoman's phrase, the "smaller mom-and-pop type restaurants," it would be more difficult for them to do it, let's say, make it more difficult for them to do business, or economically. Would that be an accurate representation? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. If we go down to line 41, 42, we talk about the standard menu item section. In line 42 it says, lines offered for sale by a chain restaurant for not less than 90 days per calendar year. What's the purpose of that line? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the purpose of that line is to make a clear definition between items that are routinely or standardly offered for sale by a chain restaurant as opposed to a daily special.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. So with that, for example, besides the daily special, would that -- just to use the first thing that comes to my mind, McDonald's has their shamrock shake every

St. Patrick's Day. That would be something, something like that that would fit into this. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Moving down to line 68, where we say, shall list the total number of calories next to each standard menu. It's my understanding that that is the only part of the nutritional information that will be on this, on the menus through the -- with this bill, if this bill passes into law. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Care to answer that question, again, Representative Ritter?

REP. RITTER (38th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker, and why was that determination made and how was it made? Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, and I've had an opportunity to speak to this, I believe, with Representative Cafero earlier. In discussing this bill we looked -- and the Representative Klarides participated in these discussions, a wide variety of potential information that could be included. This was selected because it is the universally -- universal common element related to this issue. Thank you, Mr. Speaker.

REP. GODFREY (110th):

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Well, I guess I'm a little bit confused again, because it was my impression, as I mentioned before, that the purpose of this bill is to educate the consumer and allow them to make educated decisions on their choices for their meals. And what I don't understand is how giving them

calorie and only calorie count allows them to do that. Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. As I stated before, the impact of the calorie on one's health is universally shared. Not all of us suffer from, say, high blood pressure or have to pay attention to sodium or fat in the same way. It is our understanding, and certainly, was repeated to us many times in the testimony, the impact of the calorie upon our health and our lives.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Well, as our illustrious Minority Leader had mentioned, I don't really get that either, because even though the Chairwoman is correct, each one of us does not suffer from the same health issues, if any health issues.

If in fact the point is to educate the consumer, this certainly only gives them part of that picture and I think that that actually misleads them in the end.

Mr. Speaker, through you, if we could go to line 75, when we talk about each chain restaurant that uses a menu board or similar sign to list the food or beverage items. Can the Chairwoman please explain what a menu board technically is? Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker I would direct the Representative's attention to lines 30 through 34, a menu board being a posted board, sign or pictorial display of food or beverage items that are offered by that particular restaurant, or for sale by the chain restaurant. Menu boards can be located either within the restaurant or outside the restaurant. Most commonly seen as one goes through the drive through.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. I thank the lady for that clarification, but what would a similar sign be then? Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, often when one goes into a fast food restaurant and approaches the counter there is an illuminated or not illuminated menu displayed above the counter with the offerings and the prices. That is my understanding that would qualify as a similar sign.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Going down to lines 124, we talk about, shall use reasonable means in determining the total number of calories. That's how the chain restaurant should comply. Do we determine what those reasonable means are? Are they objective or subjective reasonable means, or do we know? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I would direct the Representative's attention to lines 57 through 62, where the bill states the definition of reasonable means, meaning any reasonable means recognized by the

federal Food and Drug Administration in determining nutritional information and calorie total information for a standard menu item, as such an item is usually prepared and offered for sale. Through you, Mr. Speaker.

REP. GODFREY (110th):

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Moving on to line 129, and the sections thereafter, these sections talk about this bill and how it relates to the zoning gloss and ordinances. In lines 129 and 130, it says, the provisions of this section shall supersede and preempt the provisions of any municipal law or ordinance relative to the content of a standard printed menu. Can we have a little clarification on what that means exactly? Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter, would you care to answer this again?

REP. RITTER (38th):

Thank you, Mr. Speaker. I would take that to mean that the requirements to post the calories on

these menus and menu boards shall supersede or preempt any existing municipal law regarding the information that is placed on menus or menu boards, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Now are we talking in sections H and I about drive throughs? Is that what those sections -- in reference to? Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Drive throughs would be included in that discussion.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. So in section I, we contemplate the increasing of a size of the menu board or similar sign to comply with the provisions of this section and that that will not be subject to local zoning regulations unless the sign exceeds it by 25 percent.

Is that 25 percent -- excuse me if I read this

correctly -- 25 percent or more of the size of the existing menu board? So if to comply with this bill the restaurant has to increase the size of their, for example, their drive-through menu, to use that example, by more than 25 percent of what it is now, then they do or they don't have to comply with zoning? I'm just unclear on that. Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter, would you care to respond to that again?

REP. RITTER (38th):

Through you, Mr. Speaker, it is my understanding from the section that if a restaurant must increase the size of its existing menu board in order to provide the caloric information the bill requires, it may do so without running into issues regarding local zoning from that municipality as long as the increase in size does not exceed 25 percent of the existing sign.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. And what circumstance would we -- would a restaurant has to increase it by

that much more than it is already? Through you.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I'm not aware of any circumstance, but I would assume that there will be one or two out there that will believe they have to expand the size of their menu board to accommodate this information.

This provision was made -- excuse me, Mr. Speaker. This provision was made at the request of, I believe, of the industry who had the concerns that they would have to do something to their signs and be unable to do so because of municipal zoning in order to comply with the provisions of the bill.

DEPUTY SPEAKER GODFREY:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker. Well, in the spirit of doing my job to the best of my ability, a couple weeks ago I drove to the drive through at a McDonald's. I swear I did.

And it was after we're here late at night and I went home and -- happened to be one near me and I

drove through, because I was trying to figure out how these businesses were going to get calorie information on these signs, because they're big to begin with and the writing is kind of small. And I have pretty good vision, but I can imagine somebody like my dad or other people that really have to struggle to read these signs as they are, let alone having calories next to them.

And at 11 o'clock or whatever time it was, I -- it was very difficult for me to understand how that was going to happen. So I can imagine that there would be circumstances where those signs would have to be 25 percent bigger than they already are. In fact, I would imagine that there would be more circumstances than not where a drive-through sign would have to be 25 percent bigger than it already is, which puts these businesses in yet another predicament in that now they have to abide by their local zoning regulations and therefore, go into a whole another arena of trying to do business with the regulations the State of Connecticut puts on them.

Mr. Speaker, I'd like to thank the Chairwoman for her answers. I guess my biggest problem is I don't get this. Most people in this chamber know that I

have been a huge proponent of many of the bills we've done that have to do with health of children and adults. And I think everybody in this chamber would agree that the purpose of this bill, or bills like it, are to educate the citizens of the state of Connecticut and teach them how to make healthy decisions about their food choices on their own. I couldn't agree with that more.

I guess part of my problem is, is we all have different health issues. Some may be diabetic, some may have high blood pressure, some may have a cholesterol problem, some people may be overweight, any one of a number of health problems. And giving people calories next to the food, to me, is not only not educating them, it is pushing them in the opposite direction. It is almost deceiving them, because somebody may say if -- I don't know if any of you remember, we go through phases in this country with what kind of food is healthy. Fat was bad for a couple of years. Then sugar was bad for a couple of years. Then it was all about how many calories you took in. So we went through all those fat-free, fat-free, fat-free phase, but what people didn't realize is everything was loaded with sugar. They

loaded everything with sugar to add the taste back that the fat you took out removed. That's not healthy. Then we went in the opposite direction. No sugar. For example, on the Atkins diet, but that was all fat and cholesterol.

But that's what we do in this country. We go through fads. We want a quick answer. We want an easy fix. We want to get skinny and we want to do it by next week. But our job in this Legislature is to help people make better choices and in this particular situation, it's in restaurants. I guess where I'm thrown is we want to help people make better choices and healthier choices for themselves, yet we say, they should be able to make those choices, but only in restaurants that have 15 or more restaurants and only if they're nationally.

If there's a restaurant that has less than 15 and it's not national, you're on your own. Figure it out by yourself. We're not so concerned about your health. We're concerned about the other people's health. I suppose and the chairwoman concurred with me that the reason for limiting this to 15 restaurants or more was economic. We heard from our local restaurants. We heard from the mom-and-pop

restaurants that had maybe one or two or maybe five, six or seven. We heard from them because they live in our neighborhoods. They come up here and they testified. We know their faces. We know who they are. And you know what? I have to agree with that.

The reason why we didn't add those restaurants is because we didn't want to put another economic burden on those businesses. We don't care about the economic burden if you have 15 or more, but if it's less, we're going to take care of you.

So we don't care if there's an economic burden on a restaurant chain that has 15 or more, but we'll take care of the ones that have less. We don't care about teaching people how to make healthy choices with their food in those smaller restaurants, but in the big ones, you're going to teach people how to eat. It doesn't make sense. I agree with this concept. I think there should be a national law.

In Congress there is a bill right now pending. There is no reason to believe that that will not pass. And then we will have a uniform law so you can go to Connecticut and Massachusetts and Florida and Rhode Island and you can have a menu and each one says the same thing, so you can make that educated choice as to

what you would like to eat.

But if you happen to live in Stamford and you go to a restaurant in Stamford tonight and you see -- well if this bill is passed -- and you see a menu that has calories and tomorrow night you go to a restaurant in Port Chester, New York and they have a different menu and they have different things on it, how do you make a decision? How do you know what was healthy night might not be healthy tonight because it has different nutritional guidelines? That's the problem here.

It's a great idea and it's a great concept. It should be a national law and it would educate people the way we want to educate them. This does not educate them. This deceives them. This tricks them into thinking that they're making a good decision or a bad decision based on one nutritional guideline. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. If I may, a couple of questions to the proponent of the amendment.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. In lines 19 through 25 we have a definition of grocery store, which are stores that are commonly known as supermarket food store or convenience store. I'm thinking about some of these changed -- chains such as a Dunkin' Donuts, a Subway, a Quiznos, that may be located inside a convenience store. Would they fall under this exemption if there is such a hybrid? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, if that chain qualified under the provisions of lines 14 through 18, the answer would be yes.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So just to be clear, if we have a Dunkin' Donuts, for instance, that certainly would qualify as a chain restaurant under the definitions of 14 through 18, but they may be wholly

owned by a convenience store and located within that convenience store, so that that store as a whole falls under the definition of grocery store. That would not provide an exception for the Dunkin' Donuts. Rather they would fall under the definition of a chain restaurant. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I would direct the Representative's attentions to lines 24 and 25 where that particular situation is addressed.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, I appreciate that. That certainly does clear it up. And through you, Mr. Speaker, in lines 28 and 29, and in 33 through 34, we are excluding print or pictorial materials utilized for promotional marketing purposes. If I could just get a distinction, because as I read the bill, it seems as if we're kind of including, you know, promotional boards as part of the requirements under menu board, but then we have this exclusion. If I

could maybe just get an example of what that language is meant to do. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, that language is intended to cover advertising and promotional materials that are distributed widely.

DEPUTY SPEAKER GODFREY:

Representative Perillo.

REP. CANDELORA (86th):

Thank you, Mr. Speaker and that -- those items would be items that might be nailed to people's homes or things of that nature, not items that are located inside the stores. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, that is my understanding.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And then in going to

lines 57 through 62, we have a definition of reasonable means and it includes means that are recognized by the federal food and drug administration. Is there a process by which these chains are provided information or given guidelines in determining calorie count? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I honestly do not know.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. Is -- was there some discussion or was this mirrored from some other language? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the answer to the question is yes.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and was this language maybe mirrored after an ordinance or a state law that is existing somewhere else, and if so, would I be able to find out what city or state that would be? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, that is correct. There are other jurisdictions in other states that do this.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. I guess, is it a common practice to have it worded that way? Do we have any regulations in Connecticut that have this type of wording to define reasonable means? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I do not know.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And moving to lines 90 through 99, if I could just get an explanation of what a food item tag is. And as I read this, I believe the way I'm reading this provision, if a chain has -- uses food tag items, they would not need to use standard printed menus or menu boards that have calorie counts. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. A food item tag is defined on lines 35 and 36 of the bill to mean a label or tag identifying a food item that is displayed for sale in these restaurants. And Mr. Speaker, I believe there was a second part to that question. I might ask that it be repeated.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. Yes. As I read the section 9 -- 90 through 99, I believe the way I am reading this is if a business uses these food tag

items, which I would envision maybe the food item would be displayed such as, like at a salad bar, and there would be a description of the item with the calorie count. And if a restaurant chain or chain restaurant uses those items to display the calorie count, they would then not be required to include that on their standard printed menus were many boards. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And then in lines 134 through 138, I understand we're carving out this exemption and I presume the way I understand it is that --

REP. CAFERO (142nd):

Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Cafero, for what purposes do you rise?

REP. CAFERO (142nd):

Mr. Speaker, I rise question the existence of a quorum.

DEPUTY SPEAKER GODFREY:

The House will stand at ease.

(Chamber at ease.)

DEPUTY SPEAKER GODFREY:

The quorum is present.

Representative Candelora, you have the floor.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. Mr. Speaker, in lines 134 through 138, I believe or 39 -- I believe we're trying to do here is to exempt chain restaurants from local zoning and the situation where these calorie count requirements will cause restaurants the need to expand their signs in order to fit all of the calorie information on it. Am I correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, it is my understanding

the intent of this is to allow those restaurants to, if needed, increase the size of their signs up to 25 percent to accommodate the provisions of the bill.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and through you, Mr. Speaker, who would make the determination of whether those signs need to be increased by 25 percent? Would it be to chain restaurant? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, that would be my understanding.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So if this bill becomes law and a chain restaurant would increase their size maybe because they can't fit the calorie information or they just -- just because they just want to do it, they would have the ability to increase that sign so long as it doesn't exceed 25 percent.

Now the way I would, I guess, see that this would work is that the restaurants inside -- the signs inside their buildings are not necessarily subject to local zoning, but certainly the signs outside the building would be subject to local zoning. Was there discussion about those distinctions? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

So this would basically apply to any sign at a chain restaurant. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Care to answer that question again, Representative Ritter?

REP. RITTER (38th):

Through you, Mr. Speaker, beginning on lines 34, I believe the bill states that if a chain restaurant is required to increase the size of a board or a similar sign to comply with the provisions of this

section, such menu board or sign should not be so subject, Mr. Speaker at.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and the way this bill reads I think it's an -- of course, an ongoing obligation of chain restaurants to update all of their many boards on an ongoing basis so that I know frequently a lot of these chains will change out what menus are being featured on those large poster boards. And those new signs that are brought in and changed out certainly would be subject to these requirements. Am I correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker and in the definition of, I believe, it's menu board, it seems to be sort of a broad definition just including a poster board, sign

or pictorial display of any other food and beverage item. So that could be in the form of a board, a menu board that you see on the wall when you go in or it could be a framed picture or it could be one of those A-frames when you walk into the restaurant. Am I correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And in section 2, we have some enforcement requirements, which requires that the chain restaurant provide documentation of the accuracy of any listed calorie totals. And as I read this, I guess the way I would envision the reason why this is here is because our local health districts would be going into these chains and would be acting as the enforcement body for this particular regulation. So that they would both be enforcing to make sure that the chain restaurant is posting the calorie count and also posting that calorie count

accurately. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, this would become part of the already existing routine inspection of a restaurant.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and as part of the routine inspection the health inspector would now go in and make sure that the -- all of the menu items have the calorie displays and they would also make sure that those calorie items are accurate. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, it is my understanding from section 2 it's their responsibility to evaluate their compliance with such provisions.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And I guess, the provision in lines 145 and 146, which is requiring the chain restaurants to provide documentation of the accuracy of any listed calorie totals, to me, creates the implication that the local health inspectors would have the authority to also determine whether or not the calorie information is accurate as well as being posted. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the agent may request that the franchisors or corporate owners provide that documentation and in -- goes on to state the requirement that they -- I'm sorry. To state that they are not required to provide any documentation that contains trade secrets or proprietary information.

Mr. Speaker, when we discussed this with representatives of the industry, this particular aspect was a concern and we worked to make sure that this conformed with what is being done in cities and states across the country and in fact, is being

anticipated with the federal legislation that was previously mentioned, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. And so it was 148 through 150 where the authorized agent shall not be responsible for verifying the accuracy of the listed calorie total, so that in fact, it says what it means, is that the health inspectors could not go in and find somebody in violation if the calories are not accurate. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, yes.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker. So the fact that they need to provide the documentation, as you pointed out, it's not for the purposes of, necessarily, of enforcing this current bill if it becomes law, rather it's the anticipation of something in the future.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, it's my understanding it would be a way of making sure the information is based on common sense and sound principle without unnecessarily revealing any proprietary information or trade secret.

DEPUTY SPEAKER GODFREY:

Representative Candelora.

REP. CANDELORA (86th):

Thank you, Mr. Speaker, and I thank the Representative for her answers to these questions.

I guess part of the concerns I have with this bill certainly is in the term "reasonable" and how we will go about complying. The standard reasonable means, as it's defined here, is we're sort of piggybacking onto a federal Food and Drug Administration, their nutritional information that we're not sure is provided or provided. I think that there may be some comfort level for the chain restaurants to be using these type of means. But I think, on a policy level, I'm just not sure what that

does mean.

I would think that restaurants could have other methods of coming up with their calorie counts and not to be dictated or piggybacked on to federal legislation. That certainly could change, our federal policy, that could change -- I think it's a philosophy -- I think we're much better off in Connecticut when we set our own standards doing so.

But I guess one of the other concerns that I have on this legislation that hasn't been talked about, but I think it is significant for our towns. I appreciate the efforts that we're going through to help municipal chains comply with this legislation as it relates to local zoning regulations, but as I read 135 through 139 I do believe we are creating a carve out far broader than is intended. Because when chain restaurants set up these A-frames inside of their businesses and they need to put the calorie counts on them, sure, they could increase the size by 25 percent or they can keep that A-frame sign the same way it is. But because it falls under the definition of a menu board or similar sign, we are no longer going to subject that A-frame to any local zoning regulations, not just regulations pertaining to the size of the

sign, but to any local zoning regulations.

And my concern is, I know in our town, we have struggled with the use of A-frames at restaurants. And it seems to me that a chain restaurant would now have the ability to place an A-frame on the front lawn of the business listing the calorie counts and promoting their items. And just because they're required to list those calories, we've now given them a carte blanche exemption to our local zoning regulations.

In my town, I know for years we've dealt with this issue and unsuccessfully have tried to come up with a solution. And I do fear that we are now placing a very unworkable mandate on the municipalities, because the problem is that most local zoning laws, as far as I know, don't relate to signage in buildings at all. It only pertains to outdoor signage. And I would think that if we wanted the customers to receive calorie information, while we could argue over the policy and the effectiveness of doing that, I don't see the point are the benefits in having those calorie informations extending to outside of the building.

It would seem to me that having them put it on

their menus or at the point-of-sale would make a lot of sense and be a heck of a lot more reasonable. But what we've done is we're requiring these calorie counts to go on the menu boards, to go on the place mats potentially, to go on the actual menus, rather than maybe having it go in one location per business and I would think that would make a lot more sense.

I know McDonald's already, sort of, complies with this statute because they provide their calorie counts on the menu that's located on the tray. So you can sit down and have the opportunity to peruse it. I don't understand our need to really overreach and make this bill unreasonable to require those type of institutions to now throw them up on their -- all of their boards, all of their signs. I just really don't understand it and it's certainly put me in a position to not support this bill, because I do think it's unreasonable.

I don't understand why we can't just carve the legislation to the intent that is necessary. I also don't understand why, yet again, we're going to target chain restaurants, not based on their health or nutritional value, but just carte blanche, target chain restaurants that are 15 or greater. And I guess

the premise is, well, they're big enough, they can afford it. My understanding of many of these chain restaurants, and I've had the pleasure of speaking with a lot of these corporate executives, you know, our Outback Steakhouses and our Bertucci's, are probably some of the lower profit entities that you will see in this country. Their profit margins are much less than you would find a local mom-and-pop business.

And so while we're making the assumption here that these businesses can afford to comply with these type of regulations, I certainly would beg to differ. Just because they're big doesn't necessarily mean that their pockets are deep. And I think that we could have probably done a little bit of a better job if we wanted to go this route of tailoring it to better suit the industry. And I'm disappointed that we have failed to do that.

I'm disappointed in crafting this legislation that we are certainly exposing our municipalities and our local zoning enforcement officers to a more difficult time in trying to figure out how they are going to comply with the mandates of this statute. We're now invoking local inspectors to come in and

have to do the inspections. Yes, it's part of their routine inspection, but it's certainly more work for them when there are regional boards involved, which my town in North Branford, certainly are part of. It's going to be a great justification for those regional boards to turn and say, I have another mandate placed on me. I need to raise my rates, or, I need an additional body to enforce these mechanisms.

We've seen it time in and time again. And so I think that is going to certainly be unfortunate that our municipalities will be facing that battle. And on top of it, I'm just not sure how it also is going to play with our local zoning enforcement officers, because they certainly are the ones that are responsible for enforcing local zoning. While the health inspectors is doing their inspection and determining qualification and eligibility under this statute, I guess once they're qualified, the local zoning officer will be punted the ball from the health district to determine whether or not a sign is compliant, exceeds the 25 percent, whether or not they can put in an A-frame on their front yard. And I just know historically, that is a nightmare for towns.

In our town, even in this bad economy, we've had

difficulties time and again of even retaining and holding onto it's local zoning enforcement officer because their jobs are so difficult. So granted, it's only of lines in a very big bill that doesn't seem to directly speak to the intent of the calorie counts, but it certainly is a significant unintended consequence. And I think that this amendment certainly should be rejected for the unfunded mandates that we're placing on our food chains and also on our local municipalities. And I frankly don't think we're really going to get much return for it in exchange. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. Mr. Speaker, a few questions to the proponent of the amendment, if I may.

DEPUTY SPEAKER GODFREY:

Please proceed.

REP. D'AMELIO (71st):

How will these calorie counts show up on a menu? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the calorie count will be in numbers and it will be in a size and type similar to the size and type of the other items describing the menu item.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Representative Ritter, like when I go into one of these chain restaurants in the future and I open up the menu and you see appetizer, fried calamari for example, and then you normally have a description of how the calamari is made and then you have a price. Will be calorie count appear somewhere in that line regarding that fried calamari? Through you, Mr. Speaker.

REP. RITTER (38th):

Through you, Mr. Speaker, I would direct the Representative's attention to line 77 through 79 in the bill, where it states that the total number of calories will be listed next to the item in a size and typeface similar to the other information included. Thank you.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

So in each item on the menu will have the name of the item, then a calorie count, and will it say 1100 calories, and then go on to describe the item? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the bill does not prescribe beyond the description that I already gave you.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

So as long as it appears somewhere next to that food item, it doesn't matter exactly where. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

In each item on -- the menu would have -- is required, beverages, non alcoholic and alcoholic beverages also. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, the answer to that question is no.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Could she please explain that? Through you, Mr. Speaker, what would be exempt from that?

DEPUTY SPEAKER GODFREY:

Representative Ritter, would you care to explain no?

REP. RITTER (38th):

One moment, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Of course. Take your time.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I would direct the Representative's attention to the discussion beginning of lines 39. Specifically, if he

looks down to lines 43, 44, '5, '6 and '7, it indicates that the definition of a standard menu item and then goes on to list exemptions. Specifically, alcoholic beverages I believe are one of the exemptions the Representative asked about.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

So if an alcoholic beverage is -- not because there's so many different martinis today and different drinks, is not posted on the menu then, the calorie count is not required. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

But you know, somehow you'll go into these chain restaurants, through you, Mr. Speaker, and they have menus, like house special drinks or, you know, different drinks made with, you know, ice cream and that sort of thing, they will have a calorie count.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, alcoholic beverages do not fall under the provisions of this bill.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

But -- thank you, Mr. Speaker. Non alcoholic beverages that aren't on one's menu as a special will. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, non alcoholic beverages would fall under the provisions of this bill.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. Mr. Speaker, through you, many times we'll go into, you know, an Olive

Garden, for example, and we'll order a meal, the fettuccine alfredo. That, the fettuccine alfredo comes with a salad or your choice of you know, caesar or house or, you know, minestrone soup, how will that be listed? Will each item -- the soup, the salad, the caesar salad be listed as a combination of the full calorie count for that meal, or will it all be separate, where as a consumer, I'll have to determine that -- the entire calorie count for that meal? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the provisions of the bill are that the calorie count would be listed next to each item.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. I'm just wondering when a choice is giving, how will the consumer determine the truth calorie count of that meal when you're given different choices. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I would direct the Representative's attention to lines 15 through -- oh, I'm sorry, 115 through 122. The discussion there, I believe, is the issue the Representative is talking to, which would be a combination of one or more standard menu items. In this case, perhaps that made up an entire meal.

And it -- the provisions of the bill are that the number of calories should be based on all possible combinations and shall include the minimum and maximum number of calories for that standard menu item, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Through you, Mr. Speaker, I was going to question you on lines 111 through 122. So when you see a meal, as I described at an Olive Garden, you're going to be given a couple of different scenarios on a calorie count for that meal. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the provisions of the bill state that calories listed should be based on all possible combinations for such standard menu item and would include a minimum and maximum number, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

So just so I understand this, Mr. Speaker, they'll be one number given of calorie count, and that would be a max for any combination that was -- that I described. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the provisions of the bill state that it would include a minimum number of calories and a maximum number of calories for that meal selection, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. But when you're given a

choice of, you know, the soup, the salad, or you know, potato or pasta, each item that is a dinner choice on the menu would give that combination. So each item, like if you saw fettuccine alfredo somewhere in that description would have to give you a minimum number and a maximum number of calorie counts for that meal. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, if the menu item is a meal that has its several items included in the meal, the requirement under this bill would be that each item be addressed and that there would be a number of minimum, the minimum number of calories one could order and the maximum number of calories that one could order.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker and through you, I read through this amendment, Representative Ritter, and I didn't read anywhere in here where it will explain to the customer the minimum and maximum number. And I'm

missing it? Is it in the legislation that there has to be a description of the minimum number and the maximum number on a menu somewhere? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, I am not aware of a definition of minimum number and maximum number in this bill.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. I just don't know how, you know, the customer will be able to determine what those numbers are if it's not pointed out to them. Through you, Mr. Speaker -- well, that's not really a question about how will a customer determine what those numbers are if it's not explained anywhere? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, one suggestion might be that the restaurant could indicate that the calories

fall in a range between the minimum and maximum numbers and give that number.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

So through you, Mr. Speaker, so the legislation really doesn't provide for that information to be given. They could take it upon themselves to do it any which way they feel. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the legislation requires that the minimum and maximum number of calories be shown. It does not state specifically the words that should be used.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. I'm not sure if the issue of condiments was brought up, you know, we use condiments on virtually everything in restaurants if you go in and you buy a burger and you're throwing ketchup on there. Will there be some place in the

menu that will tell you how many calories in mustard or ketchup or mayonnaise? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the bill on line 45, sub D specifies that condiments are not covered as a standard menu item.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Representative Ritter, and Mr. Speaker.

Representative Ritter, buffet restaurants are becoming very popular and they have several items that change daily, as we all know. Reading the legislation, I believe I know how it works, but through you, can you explain to me these buffet restaurants and how the public is going to be aware of the calories that they're going to be consuming for that day? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Yes. Restaurants with salad bars and buffet lines are indeed becoming more common and the bill addresses this beginning on lines 100 through 110, where it indicates that in the case of a salad bar or buffet line, you do not have to list the total number of calories for such items, however a menu tag must list the serving size for one individual and the calories for that serving size, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

And could the good lady explain what a menu tag or food tag is? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. I would address the Representative's attention to lines 35 and 36 where a food item tag is defined. It's a label or tag identifying the food item displayed for sale by a chain restaurant.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker and will -- where will that menu -- excuse me. Where will that food tag be posted? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, it is common practice in restaurants employing food tags that the tag is posted as approximate to the item as possible.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

So through you, Mr. Speaker, when you're going through a buffet line and there's a tray of spare ribs, there should be a tag there that has the calorie count for that item. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Is my understanding there would be a tag indicating the serving size for one individual and the calorie count.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. So this menu tag or food tag would just -- would have wherever -- let me just see if I can phrase this right. If you're going through a salad bar, there would be a food tag for the lettuce, there'll be a food tag for, let's say, the cucumbers and croutons to make that salad. And you would have to, as a consumer, try to add it up in your head on exactly how many calories that salad is going to cost you, I guess. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. The provisions of the bill apply to standard menu items, in this case, offered at a salad bar. And yes, that would be the case.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. When we're talking about outside menu boards, many restaurants advertise some of their items. In that advertisement, is the calorie

count of whatever item they're advertising have to show up? And these are the lit signs that sometimes fall right under their, you know, their road signs that flash or, you know, are computer written. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. I apologize to the Representative. I do not understand the question.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. Through you, many times these chain restaurants have menu boards that are outside that display to the general public as they drive by the items that they're selling inside the restaurant. Would they have to include a calorie count on advertised products that are outside of the restaurant? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I believe on the

description of menu boards on lines 30 through 34, it makes it clear that a menu board does not include the types of signs that are used for promotional purposes. It does include the signs that are used for the food or beverages offered for sale to identify those standard items.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker. So if a chain restaurant advertises their menu in the Yellow Pages, which has become a very common practice for many restaurants to put their full menu, they're not going to need to have that information in that, you know, in that example in the Yellow Pages. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, that is correct.

DEPUTY SPEAKER GODFREY:

Representative D'Amelio.

REP. D'AMELIO (71st):

Thank you, Mr. Speaker, and I thank the generous lady for her answers.

You know, Mr. Speaker, I really don't know, as Representative Cafero stated, why we're doing this. If you at what's going on in the marketplace today, virtually all chain restaurants and all restaurants indicate on their menu healthy choices, and they do so by little icons. They'll put a heart there or some other symbol and at the bottom of the menu they'll explain what that means.

You know, we are an educated society, I believe, that knows what's good or bad for them. And many times as I've witnessed around here during our lunch time, you know, we refuse to see what the things that are bad for you are. You know, I personally, when I go out to dinner with my family, I'm going out to eat. I'm not going to count my calories. I really don't want to know how many calories are in fettuccine alfredo. It will ruin my entire night.

You know, so as silly as that sounds, you know, this bill, we're trying to educate consumers. And I want to thank the committee for not going after independent restaurants, because I've got to tell you, as a restaurant owner and operator, there's no way I could figure out how many calories are going to be in a meal. I just don't have that type of technology or

skill.

You know, we really don't have trained professionals out there. I was handed a flyer on why to support this bill and it says, trained dietitians regularly underestimate calorie content of the restaurant meal by up to 600 calories. So I don't know who we're going to have on a state-level to go into these restaurants and make sure these chain restaurant menus are accurate.

You know, it's -- we're getting to the point where we're legislating everything under the sun. You know, people go to a lot of these fast food places because of the price structure of those places. These dollar menus have become very, very popular. People know they're not really eating healthy, but they choose to do so because of the economy or where they are at that time.

You know, we're picking on these national chains. I think they already do a good job. And if anybody has ever walked into a McDonald's lately, they've had this information posted for a couple of years now. Ever since the health craze started in the 80s they've been giving consumers an information on how many calories are in a big mac, how many calories in a

quarter pounder, how many calories are in a happy meal. And I don't know if you ever really looked at that board and studied it, but there's so much information on there, you're going to have to sit there for 15, 20 minutes to absorb it all.

And I can't see how, when you walk into a McDonald's and you look up on the menu board and you see big mac there, and then you see a price and then you see wherever, you know, in that line there's going to have to be a calorie count, you know, I think we're going to confuse the general public unless they know what they're looking at.

You know, and again, when you go into these full-service chain restaurants today, there's so many different options that you could have with your menu. I mean, you could have fettuccine alfredo. Would you like soup, salad or a caesar salad with that? Would you like breadsticks with that? You know, and you're going to have to have on that menu in that scenario a minimum calorie count and a maximum calorie count. Where they're going to stick that on the menu, I have no idea, but virtually every single item on these full-service chain restaurants give you an option.

And then if you want to go to the salad bar it's

going to be even more confusing, because each item is going to have to have the name of the item plus the calorie count for that item, so you're going to have to sit there, take out your calculator. I'm going to have croutons, olives and tomatoes and peppers and cucumbers, and try to add that all up. It makes no sense. It makes no sense to me at all.

I don't really think it does the general public any good. If they're really concerned about calorie counts, you can go virtually any of the websites of these restaurants that we're talking about and they have a breakdown for you of what's in their meal. I don't think we should have to go out to a restaurant, sit there and look at the calories that are on a -- for each particular dinner.

So you know, I just ask the chamber to really think about this. Do we really need to legislate this? If this was really a big deal out there, I'll tell you right now, these businesses would be doing that and they'd be jumping in line to be the first ones to do that because if that's what consumers truly want, they want to make sure they give the consumers what they want.

I don't believe this is what they really, truly

want. So I urge the chamber not to adopt this. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Good evening, Mr. Speaker. A few questions, through you, to the proponent.

DEPUTY SPEAKER GODFREY:

Of course, Representative Sawyer. Please proceed.

REP. SERRA (33rd):

Madam Chairman, in looking at the description of a restaurant and the differences, would -- could you help me then in the case where, if you go to the mall if you have something like Orange Julius, which really is a restaurant that is specifically a juice bar, different types of juices -- they don't really serve much food. They might serve pretzels or something. Would they qualify? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, that chain would fit in this definition, I do believe.

REP. GODFREY (110th):

Representative Sawyer.

REP. SAWYER (55th):

And through you, Mr. Speaker, then you would say that something like Pretzel Time or Mrs. Field's cookies would also fit into that. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. I would direct the Representative's attention through lines 5 through 6. The entity would have to qualify as a restaurant licensed permitted and registered or expected as a food service establishment by the local health department or district health apartment under existing regulation in the state of Connecticut. If that were the case, then the answer would be yes as long as it then also qualified as a chain restaurant.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. I appreciate her answers. Through you, Madam Speaker, could you

envision then in a food court at a mall, a situation where you have some smaller restaurants that perhaps, local to Connecticut, that are in the same food court as the chains that we would have some restaurants that would have to have the calorie count and those that would not? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, that could indeed be the case.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. Then would you help me then with another situation? If we have a situation, we have a national chains, such as Cracker Barrel, and Cracker Barrel has many restaurants across the United States, their franchise, but they only have two in the state of Connecticut. Through you, Mr. Speaker, according to this bill, would they have to have the calorie count and would they only be in those two restaurants that are in Connecticut? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I believe the situation you describe would fit the definition of a chain restaurant in lines 14 through 18.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker. And if she would also answer the question, if we had a situation like the Max Restaurant Group that is growing in Connecticut, it's been pretty exciting to watch them go from one restaurant to now seven. I believe there's seven now. And say they were to put six in New York and two in Massachusetts, those two in Massachusetts would put them at the 15 mark. Would they then have to, in the Connecticut restaurants, put the calorie count? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, it would depend on if those restaurants continue -- did indeed meet the

definition of a chain restaurant in lines 14 through 18. That might depend, Mr. Speaker, on the types of meals.

If you look at lines 16 and 17 and 18, the requirement is that they offer predominantly the same types of meals, foods or menus, regardless of the type of ownership. And I'm not as familiar, apparently, with this chain as the Representative is. If it qualifies, yes, that would be the case.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

That's a very interesting answer because The max chain, no two restaurants are alike. One is fish. One is an oyster bar. Another different -- Max's Tavern is different from Max Amore, which is very different from Max Downtown so it's -- that's a very interesting distinction.

Here we have a restaurant chain that's very successful that could duplicate, perhaps, those same 7 restaurants plus 1 make 15. In another state, that would make them a national chain according to the definition, but yet would not qualify because they are not all replicated 15 times.

A question through you, sir, in looking at the cost. Could you please tell me how much it costs per menu item to have the testing done to establish the caloric content, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker, I am not aware of the cost per menu item.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Oh. Could you tell me please where we go to have the caloric content tested, please, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, I'd like to offer an additional comment onto my last answer, which is that this is being done in cities across the country in various other locations including the state of California. And it is my understanding that if there's additional research to be required on this item we would be able to obtain it from there. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker and could she please tell me how much it cost to replace, say, the sandwich board on the top of a -- in a McDonald's, say? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. I do not have that number at hand Mr. Speaker. In discussing this bill, as I had indicated earlier, we spent considerable time talking to representatives of many of the more well-known chains about this. And they were particularly pleased with the way this bill ended up being crafted, because the terms and conditions of the bill are concurrent with those in other states where they are already doing this. In fact, in several cases, they indicated they already these boards prepared. However, I don't believe I can recall the cost.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Thank you, Mr. Speaker and may I ask the gentlelady what is the expectation if the clientele is of a certain ethnic group, what language does she expect the calorie to be written in? So say, Mr. Speaker, we're talking about an Asian restaurant, Mr. -- through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. SAWYER (55th):

Or a Greek restaurant, through you, Mr. Speaker.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, you will recall that the bill requires that this information be listed in the same size and typeface as the other information on the menu. That is the only expectation that I am aware of.

DEPUTY SPEAKER GODFREY:

Representative Sawyer.

REP. SAWYER (55th):

Mr. Speaker, would it qualify then if it was an Asian restaurant that has 15 restaurants across the nation and they have one in Connecticut, that it be listed, perhaps in, say, it's a Korean restaurant, in

the Korean language? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, that would be my expectation.

REP. GODFREY (110th):

Representative Sawyer.

REP. SAWYER (55th):

You asked if it was going to be interesting, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Never dull, Representative Sawyer.

REP. SAWYER (55th):

I think the gentlelady for her answers.

Ladies and gentlemen, when we look at what we're doing to businesses in the state of Connecticut, here's another one. Here's another zap. In the case where you have a restaurant, such as Cracker Barrel, that I brought up before, Mr. Speaker, there are two in Connecticut, but only two. And now we're going to force them to do all the testing for caloric testing per item, per item that sometimes is a combination item.

And also, what do we do with the special of the

day? We didn't even talk about that part. We changed the special of the day, which I know that some restaurants like the Cracker Barrel do. They have a special of the day on the board. Do they have to go and have that tested, or are they going to make a guess?

If I were a restaurant in today's economic times I would only put the guess out there, ladies and gentlemen. I would not go and have an accurate testing done, because of the money that it would cost me out of pocket for each and every time that I put something new on the board. And I can also see the differences, as I was describing, when you got something like Orange Julius, which is a fairly small type kiosk type restaurant -- I want to say beverage restaurant. Or the cookie restaurant, we talked about Mrs. Field's, and the costs that they would have to put out.

They're barely eking it out, ladies and children, right now because they are at a mall and the rent is very high. As a matter of fact, Mr. Speaker, the local mall by where I live is about to file for bankruptcy. So I can imagine, Mr. Speaker, that the rents are not going down. So we're putting another

pressure on these businesses.

So I would throw it -- turn it another way. We have other restaurants, restaurants that are pretty well nationally known, besides Cracker Barrel. Because if you've traveled around the country, different places, you might have seen them. There's Jack-in-the-Box. There's things like a very special restaurant, Roy's Hawaiian Fusion Cuisine. And Roy's, let me tell you, is very popular in other parts of the country, but you know what, Mr. Speaker? They're not here in Connecticut.

And I suspect that you will find that if we put this bill into place, if it gets signed into law, the attraction is not going to be there because it's one more requirement that we're putting on businesses. Mr. Speaker, it's not that I am against knowing the calorie count. It's very important for some people. For other people, it is not. The calorie count alone, because it's a "nutritionalist" calorie, ladies and gentlemen, in case you don't know the definition there. There are different definitions for calorie. But a nutritionist calorie depends on the serving size. And it depends if you eat your entire dinner, or only half and take the other half home.

But there's so much more, Mr. Speaker, that goes into the nutritional issue of what makes someone heavy, what makes someone not heavy. Mr. Speaker, there's many more facts, such as, when you're looking at the big mac/caesar salad controversy earlier that was talked about, you have the protein versus fiber discussion. You can have the potassium versus the sodium chloride discussion. You can have the sugar versus the flour, and whether or not you like anchovies in your caesar salad.

You can certainly have the discussion about what has soymilk, what doesn't. What has nuts, what does not in the listings that are out there. But listing versus testing are two very different things. Whether peanuts are involved, whether there's something like milk, where you have diary involved; those are important things for people's diets to know and how much and how much salt is involved, the sodium chloride, or is it potassium chloride that they use in that particular recipe.

You have the issue of whether or not preservatives are in food or not in food which is a -- certainly nutritionally important for those people who are highly sensitive. As we look at how we go forth,

our business, ladies and gentlemen, we're here in the next -- there are only two more days left in this particular session and we do not have a budget, Mr. Speaker. I just thought I'd bring that up because we're working right now on something that's taking a number of hours. Everybody knows about restaurants. They all like to go to them. We all have family members that can or cannot eat certain things. It's always a debate as to which restaurant you're going to go to, who likes what, where you're going to go, particularly if you have children, Mr. Speaker. Certainly have the children's menu that you'd have to deal with as well. The dessert menu, the bar menu, it goes on and on.

I guess you can tell from my line of questioning and my commentary at the end that I will be opposing this bill, Mr. Speaker, because I think it is wrong to put one more burden in 2009, in a downturned economy in which the restaurants are struggling and they're struggling every day. They've reduced the number of their waitstaff. They've reduced the number of people in the kitchen. Oh, but that's all right. We're going to put one more pressure on them for the sake of calories.

And we did not find out how much it costs to have each and every item tested. That wasn't part of the discussion. We don't have the costs of the change on the boards. That wasn't part of the discussion.

So there's a lot more to this than what we looked at before. Some of the restaurants absolutely already have an online. You can go find it out if you're interested. There are a number of magazines from Reader's Digest to the Ladies Home Journal that have done articles on how many calories there are. And you can go to Prevention Magazine and find out where you should eat and what you shouldn't eat and how much you should eat and not eat.

Ladies and children, if you want to look at the caloric value of standing in a cold swimming pool for an hour a day over the course of a week, you lose five to seven pounds in just nothing. But you may have trouble with chlorine on your skin.

So we can talk calories. We can talk nutritional value. It's a specialty that people have made careers on. Is America getting heavier? Yes they are. Do they need more nutritional knowledge? Yes they do, but this is 2009, ladies and gentlemen, in which we have businesses that are hurting, including the

national chains -- provide jobs.

And Mr. Speaker, I will submit to you and to the chamber that some of those jobs are by -- that people have, are by those who need those jobs the most. And I'm not willing today to put the pressure on those businesses for any additional cost and put the threat they will have to lay off more people. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Mr. Speaker. I would like to put several questions to the distinguished Chair.

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. HETHERINGTON (125th):

Thank you, I'd like to go back to -- well, first let me ask this, and I recall the gentlelady's eloquence at the beginning of her remarks some time ago, and the comments about how people were eating out not at home like they once did. Is part of the purpose of this kind of disclosure to discourage people from eating out? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Absolutely not, to my knowledge.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Well, that's good, because when I eat home, I hardly ever see those gallery notices. But the -- going back to the chain stores. Now if you had a -- chain restaurants -- if you had a series of chain restaurants of more than 15 doing business just in Connecticut and no other state, would that mean they were exempt from this requirement? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, it is my understanding they would fall under the requirements of this bill.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

That they would fall under the requirements of

this bill.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, yes.

REP. GODFREY (110th):

Representative Hetherington.

REP. HETHERINGTON (125th):

So nationally simply means that they could be national, but thus -- that's -- they could have restaurants in other state, but those aren't words of limitation. Is that correct? Through you, Mr. Speaker.

REP. GODFREY (110th):

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. It's my understanding the bill would apply to restaurants, chain restaurants located nationally. That is correct, whether they are all in the state of Connecticut or spread across different states in the United States.

REP. HETHERINGTON (125th):

Thank you. Well, I wondered the source of some of the distinguished wisdom on this comes from Yale

University, and they have 12 colleges, a law school, a medical school, a divinity school. Would their dining halls in those facilities be covered by this requirement? Through you, and madam -- Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, not to my knowledge.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, is it true that the definition of restaurant in line 5 doesn't just talk about retail establishments. Isn't that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I believe the definition of restaurant in lines 5 through 13 is referring to retail establishments, if that is the Representative's question.

REP. HETHERINGTON (125th):

Even though it doesn't say retail establishment.

Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Mr. Speaker, the definition of restaurant that's set out in the first few lines refers to an entity that's licensed, permitted, registered or inspection -- inspected as a food service establishment and I believe that would sufficiently describe a restaurant.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, through you, Mr. Speaker, aren't dining facilities in such things as colleges in Connecticut, they're covered by local health department regulations, aren't they? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, it is my understanding that they are inspected, but if you go further along that section, you will see that catering food service establishments are not included in this bill. And I believe that would describe the operations at, at

least, the colleges that I am familiar with.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, do you know in fact if Yale does describe -- post the calorie content in their dining halls? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. I do not know if they post that information.

REP. HETHERINGTON (125th):

Well, they don't in the law school, anyway, but perhaps they'll change.

On the salad bar issue, lines 100 through 110. Now a salad bar, at least as it comes to my mind is a counter where there are serving dishes that have different items, lettuce, tomatoes, onions, chicken bits, whatever. And the calorie tag that seems to be described here has a serving size for the item and the calorie. Would that mean that you would have to have a scale there so that you would be able to tell if you

had a serving for which the calorie content were disclosed? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I do not believe the bill specifies that a scale would be needed.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, I quite agree. It doesn't, so how would you know if you had a serving size that was identified as having X number of calories? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. It has been suggested to me that in the case, particularly of a salad bar, common sense perhaps would rule the day. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Ah, common sense. Now that's something.

Now I would like to just ask you this, and I don't want to belabor this, but the line 39 talks about a standard menu item that includes beverages. So would you list water, for example, and the fact that it has no calories? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker, I believe the Representative answered his question. Water has no calories and there would be no impact.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

So there would be no disclosure. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

I think it would be difficult to note if there was disclosure or not, because water does not contain

any calories, Mr. Speaker. A commonsense approach would indicate that perhaps there did not have to be disclosure.

DEPUTY SPEAKER GODFREY:

Representative Hetherington.

REP. HETHERINGTON (125th):

Through you, Mr. Speaker, well, no. This is not a question. It's an observation. I'm looking at a bottle of Poland Spring, raspberry lime essence, at that. And under nutrition facts it says it has zero calories. So they've done a better job than we would require here on Poland Spring. They tell you that water has no calories.

This bill would require a disclosure only as to calories, but not other things like calories from fat or trans fat or cholesterol, sodium and so forth. I think that this was questioned before, but I'm not sure I understand why. Why don't we require a full disclosure of nutritional content? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, as I may

have mentioned before, we entertained extensive discussion in the committee about not only disclosing calories, but many, many other pieces of information. We also discussed this with representatives from industry and from the affected restaurants and determined that calories were the single universal item of concern to everybody. Not everybody suffers from perhaps the need to reduce their sodium or the need to watch their fat or various other requirements, however the calorie is a universal component of concern over weight and that was the reason it was selected, Mr. Speaker.

REP. GODFREY (110th):

Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you. Through you, Mr. Speaker, I just picked up a can here of Diet Coke and it has calories, zero; total fat, zero; sodium, 40 milligrams; total carbs, zero; protein, zero. Now, does the gentlelady think that this is useful information to provide and that it ought to be on there? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

We're moving a little way from the amendment.

Representative Ritter, do you care to answer this one?

REP. RITTER (38th):

Thank you, Mr. Speaker. I will refer to the calorie information, which is the purpose of the amendment and I do believe that is useful information.

REP. GODFREY (110th):

Representative Hetherington.

REP. HETHERINGTON (125th):

Well, I thank the gentlelady who has graciously and patiently answered questions. And that's the conclusion of my questions, but I would like to point out that what we are requiring here is, in fact, less than the industry, the relevant industries, have provided on their own.

I pointed to the Coke. I won't belabor that -- it, because it perhaps, goes astray. I also pointed to the water, the Poland Springs water and find that both of those provide full nutritional information.

But here we focus on food establishments in Connecticut to require a disclosure of only calories and require it in some detail, so as to put an imposition upon these food establishments. And we do it very selectively. We don't do it on take-out places. We don't do it on places that have more than

15 establishments. And so the selectivity, it seems to me, very much diminishes the usefulness of this.

Also, I don't think we're really clear and I think this bill is somewhat flawed and that we're really not clear at its application. And we discuss the definition of restaurant, but we don't know whether that's a retail restaurant or not. I mean, I think the gentlelady has made a very reasonable statement about why she would conclude it's a retail establishment, but you know, from the words, the four corners of the provision, you can't tell that.

I think too, that the focus on calories is somewhat overstressed. Calorie -- the importance of calories largely depends on lifestyle. A person who's out there doing the work of a lumberjack requires far more calories, can health -- can be healthy managing far more calories than, for example, Connecticut State Representatives, who sit here and would have a hard time burning 300 calories a day.

So I also think that to make this disclosure relevant, at the very minimum, even if you're just going to stick to calories, you ought to put down the fact that what the recommended daily caloric value is and caution people that it does depend on lifestyle,

because you know, obsessing about this is bad too. We have people with anorexia who become totally focused on what they eat and not ingesting even what they should be eating.

So, and finally, you know, it's clear that both by national regulation and by industry voluntary standards we are providing more and more. Again, I just say pick up any container of food that you may buy -- and whether it's candy at the newsstand, or whatever, and you will see on there all the disclosures beyond calorie count.

So we're really -- what we're really doing here is burdening certain establishments very selectively with a very selective requirement. The national government and private industry are already ahead of this. They're already way ahead of this. What we're doing is just making life more difficult for certain businesses in Connecticut.

So I would go back to the reference to common sense and I -- and applaud that and embrace it. And I would suggest, and in fact, urge that common sense says reject this amendment. Thank you.

DEPUTY SPEAKER GODFREY:

The gentleman from Yankee Stadium, Representative

Lawlor.

REP. LAWLOR (99th):

Thank you. Thank you, Mr. Speaker and thank you for noting, as was evidenced in the Quinnipiac poll that most of us are Yankee fans in Connecticut here.

REP. GODFREY (110th):

Here, here, here.

REP. LAWLOR (99th):

First place New York Yankees, I might add.

DEPUTY SPEAKER GODFREY:

The Chair will so note with glee.

REP. LAWLOR (99th):

Mr. Speaker, I rise in support of this commonsense bill. It's -- I think you really have to, you know, seeing is believing in so many things and I realize that this is a complicated year for the Legislature. And as our leaders and representatives of the Governor's office are negotiating the details of the budget, off the House floor, we are here debating many bills related to a variety of other issues, including this one.

And I think this is certainly not the most important bill that will come before the Legislature this year, but I think it's very important. And in

many ways, it is cutting-edge of course, but we're certainly not the leading edge on this process. And I say that because my knowledge of this topic comes from visiting New York City a few times in the last year or so.

And if you go into most of the restaurants that would qualify under our definition here, as a chain restaurant, the thing that strikes you immediately is the menus all have the number of calories for each menu item on them. And I think for many people, when you look at this menu, it's not what you think. So the things you think are relatively healthy -- the things that are relatively healthy turn out to be worse than the other things that might seem even -- the good things seem to be bad for you. The bad things seem to be good for you in comparison to one another.

And the clearest example of this I can relate here tonight is a couple of weeks ago I went to Yankee Stadium to watch the Yankees win a game. They came back in the bottom of the ninth -- walk off home run, the whole thing was perfect. But during the game, of course, like most of the fans who were in attendance, I went out to visit the concession stand and I was

looking to get a beverage and I was also kind of hungry, so I wanted to get something to eat.

But -- and so I figured, you know, I'm at a sporting event. I've attended a lot of these over the years and I always felt one of the safe bets would be to get one of those soft pretzels, the kind you get at a stadium, has the big hunks of salt on top of it. And I figured, you know, compared to the cheeseburgers or the pizza, this was probably a relatively safe choice. And then I was shocked to see on the menu that for those soft stadium pretzels, it's a 630 galleries. Now the other thing that was available in that particular stand were slices of pizza. You could either get plain or pepperoni and I were shocked to see that the pepperoni pizza at Yankee Stadium, which is a pretty big size, was only 270 calories.

So that's what I would have rather had, the slice of pizza over a pretzel, and that certainly is what I did have. I could have actually had two and still have been doing better than if I had gotten the pretzel, which many times previously, I've gotten. And I've actually shared with a number of members of the chamber, and I have some other printouts on my desk, the photos of the menu boards at the concession

stands at Yankee Stadium and at the new Shea Stadium, City Field, which clearly demonstrate that rather than getting a pretzel, you're better off getting the beer battered onion rings. It's actually less calories than the pretzel. Who knew?

And among the most calorie infested items you can choose there is the -- is you get the barrel of popcorn or something like that, the souvenir thing of popcorn; 2,400 galleries. The bag of peanuts in the shell that I would also typically get at -- usually in a Giants game when you're -- I get more nervous at Giants games, so I eat stuff that takes a while to eat.

DEPUTY SPEAKER GODFREY:

Certainly, they're rarer.

REP. LAWLOR (99th):

2,300 calories in a big bag of peanuts, which really shocked me. So I guess the moral of the story is go with the pizza, not the peanuts, which is good news for people from East Haven like myself. But my point is that it's not what you think and I think it's so -- it makes it so easy to make an informed decision.

Now the other part of the proposal here tonight

is it's really very simple because in talking to a lot of the folks here who represent these large national restaurant chains, their main concern is not whether or not there are requirements like this around the country. Their main concern is that these requirements are, in effect, uniform.

The proposal we have here tonight is almost identical to the proposal that exists currently in New York City. Almost all of the restaurants that are in Connecticut that fit this description are also doing business in New York City, so they already have the menus printed. They already have these.

The State of Massachusetts, just a few days ago made it a state law to do it exactly the same thing using exactly the same criteria, national chains that have more than 15 restaurants. And in fact, some reference was made earlier to Cracker Barrel, which I assume is not a low-cal enterprise. You can actually go online and see all the Cracker Barrel's menus with all of the calories for each menu item, if you choose to, but they do business in Massachusetts. They're going to be publishing these menus. The good news is they don't have to spend more money to get the calorie counts done. As I said, you can go online and see all

this stuff.

And I know people watch our deliberations from home and they may, if they're watching on CT-N, they can also make -- they can probably go online and look at this stuff too. If you go to the website for the Center for Science and the Public Interest, which is CSPI.net, they have a fascinating section on menu labeling.

You can not only see what's going on in all of the other states -- this law has been enacted in both California and Massachusetts and its not in effect yet, but it's about to go into effect in both of those states. And as we all know, California is the largest state in the country, a lot of restaurants out there. So people; are already going to be abiding by this.

What you can also do is, say, we go to that same website, CSPI.net, to the menu labeling section, they actually have photographs of all the menus from restaurants which I think we're familiar with like Chipotle, Cosi, International House of Pancakes, Johnny Rockets, McDonald's, Nathan's, Quiznos, Starbucks, Subway, Thank god It's Friday -- TGI Friday and Wendy's. And they have photos of the actual menus.

There have been a lot of questions tonight -- what would it look like? How would it look on a menu? How is this information conveyed? Well, we are not developing something new here. We're just adopting what other states have already adopted and, which I think in a few years, will become a national mandate enacted by the federal Congress, but as is often the case, state legislatures are really the laboratories of effective public policy nationwide, and sometimes bad public policy. But all of the indications are that this has been extremely popular in New York City. People are using this effectively and I can testify to this myself.

So Mr. Speaker, it makes perfect sense. Not going to cost anybody extra -- any extra money. It is not going to cost any jobs. These restaurants are here because people are willing to dine at these restaurants. And so I would encourage passage of the bill.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Lawlor.

The distinguished ranking member of the Public Health Committee, Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. Good evening.

DEPUTY SPEAKER GODFREY:

Good evening, ma'am.

REP. GIEGLER (138th):

I have a couple of questions to the Representative Giegler -- Representative Ritter.

DEPUTY SPEAKER GODFREY:

No, no. You're Representative Giegler. She's Representative Ritter.

REP. GIEGLER (138th):

Representative Ritter, I understand that you, you know, there's a number of questions that have been asked and I want to try not to repeat some of those that have been asked.

I want to focus primarily on lines 140 to 165 as it has to do with enforcement. And on lines 142, it refers to evaluate. On line 144, it refers to evaluation. And then it also, on lines 145 to 146, it refers to providing documentations of accuracy of any listed calorie totals. How would one measure and how would you define those terms in as far as it would lack clear enforcement?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, it is my understanding that the food and drug administration, it -- this is one of their lines of business and expertise, so to speak, in terms of the measuring. In terms of the documentation, and some of this issue we had discussed earlier, the -- excuse me -- regularly scheduled infect -- inspection of chain restaurant would, under the terms of this bill, include an evaluation of that restaurant's compliance with these provisions.

Any additional documentation may -- does not have to be, but may be requested by the inspecting agent and that would include documentation of the accuracy of any listing calorie totals.

We talked extensively earlier that this would in no way make a requirement that specific trade secrets or proprietary information be divulged. And that the authorizing agent themselves not specifically be the person responsible for the accuracy.

In addition, beginning lines 153 -- I'm sorry. Down on line 162, it's clear that by July 1st of 2010, the Commissioner of Public Health is responsible for establishing guidelines that would incorporate both

the inspection and enforcement procedures for the requirements established in the above two sections. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Chairman. A question -- or Mr. Speaker -- the language, could it not result in inconsistent enforcement and non standardized enforcements across the state?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, as the Representative knows, we rely extensively in this state on our local or regional districts of health. However, those public health regional directors are responsible to the Commissioner of the Department of Public Health and any issues or concerns along that line would then be referred through the normal channels to the Commissioner and the Department of Public Health. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. If I remember correctly, when we discussed the authorized agents, you may have made reference to them being trained, if I understood that correctly, in evaluating calories within their respective food service establishments. Did I hear that correctly?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Currently, restaurants are routinely inspected and -- on a regular basis by representatives from the regional departments of health whose business it is to be able to make these evaluations. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. Understanding that the local health departments or the district health departments are responsible for these inspections of the food service establishments, would this new added responsibility for calories, would it not take it away from their focus on some of the foodborne illnesses

that health inspectors have to look at when they go into a restaurant?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Madam Speaker, not to my knowledge -- Mr. --

DEPUTY SPEAKER GODFREY:

That would be Mr. Speaker. Thank you, madam.

REP. RITTER (38th):

Excuse me, Mr. Speaker. Through you, Mr. Speaker, not to my knowledge.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

I'm glad we're both having problems in this hour. One question, is it not the responsibility of the Department of Consumer Protection to have the authority to regulate the food labeling laws and menu requirements and not that the Department of Public Health?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the Department of Consumer Protection has many responsibilities, but the Department of Public Health is the agency that is responsible for the routine and regular inspection of restaurants.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. With this new responsibility for the public health to adopt these regulations, is there not a fiscal impact to the Department of Public Health?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker and through you, the fiscal note for this states that there would be a cost to the Department of Public Health of $360, a one-time cost. That cost is to reprint the inspection forms that will be used. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. It was made reference to

before that the -- there's federal legislation known as the LEAN Act. And this legislation would ensure that all consumers would have access to detailed nutritional information in a constant manner across the country. Would this not have -- our passing this bill, would it not have the potential to lead to setting up a standard of regulations which may vary from other states across the country?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, while it is true that the federal legislation has not yet been passed, I am not aware of any conflicts of these requirements with the discussions that have been had at the federal level at this time.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. Would it not be beneficial for the State of Connecticut to wait for the LEAN Act to pass Congress because within their legislation, they are taking into consideration not only caloric, but nutritional information. And should

this bill pass, would that require restaurants to now post on their menu boards or any other -- any menu labeling, any kind of additional nutritional information that would make the restaurants again, have to change their boards?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

A few points, Mr. Speaker. First, I would indicate that the provisions of this act do not require compliance until July 1, 2010. And I believe earlier, some time ago perhaps, it was mentioned that this federal legislation could be expected this year. There would be plenty of time for these requirements to be coordinated.

And to the -- another part of the question, I would state that I do not see any problem with the State moving ahead with this now. As I have said, I'm not aware of any conflict with what is being contemplated at the federal level at this time.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker. And under this

legislation, how would it address any minor fluctuations of ingredients that the restaurant chain might make in one of their menu items?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. One moment.

I would direct the Representative's attention to lines 57 through 62 where there is discussion of the reasonable means to be used. Beginning on line 60, it states that the standard menu item, as such item is usually prepared and offered for sale. That would account for any of -- variations in preparation materials that might be minor, but could occur.

DEPUTY SPEAKER GODFREY:

Representative Giegler.

REP. GIEGLER (138th):

Thank you, Mr. Speaker and I thank the gentlelady for her answers. I think the bill before us really doesn't go far enough. Not only should we be concerned with caloric, but we originally, when this bill was drafted, it also mentioned allergens. And one of the problems that we have, and we've seen it in legislation that's come before us previously, is food

allergies, especially in children.

And I don't think this bill addresses that and I think, even though caloric intake is important, I think we also have to address -- take it further and it should be looking at allergens as well.

With the proposal before the U.S. Congress, I believe that it has the potential to really engage and incorporate more issues as it regards to food and information that is important to restaurants. And I feel that we should put off assessing, working with this particular bill until we have more guidelines through the federal government so that we can enact legislation that will be in compromise with the other states within the country. And I ask that when the vote be taken, that it be taken by roll call.

DEPUTY SPEAKER GODFREY:

Question is on a recall vote. All those in favor signify by saying, aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

In the opinion of the Chair, the 20 percent has been met. And the vote will by roll call. Will you remark further on Senate Amendment Schedule A?

Representative Wood.

REP. WOOD (141st):

Thank you, Mr. Speaker. I do have a couple of questions for the proponent --

DEPUTY SPEAKER GODFREY:

Of course, Representative Wood, please proceed.

REP. WOOD (141st):

-- of the bill. Okay. Certainly, obesity is rising at epic proportions, no pun intended. And there's significant health concerns with that, as well and I absolutely appreciate all that. You just drive down the New Jersey Turnpike and you see the evidence of that.

I read through all the public hearing testimony and in reading through that, I didn't find any research that gave statistical evidence that putting calorie counts next to menu items was effective, or even proven. So I guess my question is why did you -- why is -- why have you decided that this is the way to label the foods? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I have

mentioned several times the process by which we went through to determine that caloric information was the information that would be asked for at this time. And I would also like to point out to the Representative that this has been in force in New York City for sometime. In fact, long enough for surveys to be done to indicate either customer satisfaction with it, reaction to it, or whether it has had any discernible effect.

And there has been testimony reported back that that is indeed the case. In fact, many people not only have appreciated having the information, but it's my understanding that restaurants that are not necessarily required to conform to these requirements are now beginning to do so because their customers are asking for it.

REP. WOOD (141st):

Thank you. Through you, Mr. Speaker, what I pulled off the website -- oh. Sorry.

DEPUTY SPEAKER GODFREY:

Representative Wood.

REP. WOOD (141st):

Thank you. What I pulled off the website was testimony from Dr. Patricia Checko on March 6th in

front of your committee. And she said other research has shown it is still too early to evaluate the impact of these labeling laws, and that was on March 6th from Dr. Patricia Checko.

So I think there does seem to be some question whether this research is valid. Through you, Mr. Speaker, I guess.

DEPUTY SPEAKER GODFREY:

Is there a question in there, Representative Wood?

REP. WOOD (141st):

Yes. I would like a response, because there was testimony on March 6th in front of Public Health that it's still too early to evaluate the impact of these labeling laws; Dr. Patricia Checko. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

And what would the question be, Representative Wood?

REP. WOOD (141st):

The question is, how much -- it doesn't seem that -- how much research is there out there on how -- how much did you look at the statistics? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. In the committee this year and every other year, actually that I have been a member of the committee, we've had extensive discussions on issues around weight, obesity and its impact on the public health.

Specifically, in Connecticut, we are fortunate to have the Rudd Center at Yale University, which is a nationally recognized institution that does research. Its purpose is to do research into this subject. And among many of the recommendations from the Rudd Center are that this information be included in menu labeling.

The testimony, in addition, from many members of the public, supported that fact. Some memorable testimony that comes to mind immediately to me, it came from parents of young children who felt that this would be especially useful in enforcing the lessons that they were trying to establish in their household around diet and the need to simply pay attention to what we eat. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Wood.

REP. WOOD (141st):

Thank you. Question on the testimony from Ellen Blashinski, who's the regulatory services branch of the State of Connecticut Department Public Health. They had concerns with Senate Bill 1080. And some of this has been covered, so I'm not going to go over it.

There was concern about incorporating vague enforcement criteria and permissive language that will result in an inconsistent enforcement. You've covered that, so I'm not going to ask that -- inappropriately places enforcement of provisions under DPH. She says it's the Department of Consumer Protection, not DPH that has statutory and regulatory authority. We've already debated that.

The last question really is about the fiscal impact, and at the bottom of this letter Ellen Blashinski says, this bill would have a significant fiscal impact on both the department and local health agencies. And a minute ago you mentioned that the only cause would be $360 to reprint the inspection forms. Can you explain the discrepancy between these two figures? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the original testimony that was presented to the committee was not on this amendment to the bill. It was on the bill as originally submitted, which did have different requirements about the information, how it was reported and how it was enforced. I would like to point to the Representative, the fiscal report from the Office of Fiscal Analysis which here, in this body, we rely upon to make those determinations upon bills that we are presently considered. And for this amendment, as I had mentioned, their conclusion is that there is a one-time cost to the Department of Public Health of $360. They do not have a concern about any future ongoing costs.

DEPUTY SPEAKER GODFREY:

Representative Wood.

REP. WOOD (141st):

Thank you. I certainly respect all the hard work that's gone into this. I do question whether this is the time to do it. I think there are a lot of questions still out there on this -- on the statistical evidence, certainly, the fiscal impact and

it does concern me, but I do recognize that it is a serious -- obesity and -- is a serious health issue we need to address, but I probably -- I don't feel ready to support his right now. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Coutu.

REP. COUTU (47th):

Thank you, Mr. Speaker.

How you doing tonight, Mr. Speaker?

DEPUTY SPEAKER GODFREY:

Please proceed, sir.

REP. COUTU (47th):

Thank you, sir. I have a few questions for the lady if possible. First and foremost, for this master list, who would be put on this calorie blacklist, exactly who would come up with this list? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter, would you care to answer this question again?

REP. RITTER (38th):

Mr. Speaker, I do not understand the calorie blacklist that the Representative is discussing.

REP. COUTU (47th):

Okay. I'll clarify, Mr. Speaker. Just the overall list that's going to say who has 15 businesses either nationally or within the state. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Again, Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I am not aware that this bill requires the composition of a list of 15 or so restaurants. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Coutu.

REP. COUTU (47th):

Mr. Speaker, the reason I ask that question, I thought that was the minimal amount of business locations who would be inspected. And if you're a health department, I figured you'd have to go on a list of some sort to know who's supposed to comply with this calorie list on their menu. Is that the case? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I'm not

aware of the formulation of such a list in the provisions of this bill.

DEPUTY SPEAKER GODFREY:

Representative Coutu.

REP. COUTU (47th):

Through you, Mr. Speaker, how would the local health authority know who to -- who has to be in compliance? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the local health authority would have the provisions of the bill to use in making this determination.

DEPUTY SPEAKER GODFREY:

Representative Coutu.

REP. COUTU (47th):

Through you, Mr. Speaker, if they have the provisions of this bill, they may go to the local diner where there's one location nationally, or they may go to an organization that has, from what I understood originally, they have to have a certain number of businesses in order to comply with this. If you're below that number.

So through you, Mr. Speaker, again is there a certain number of businesses for that particular entity that needs to comply with this?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, the bill on lines 14 through 18 stipulates that in order to qualify for the provisions of this bill, it would have to be a chain restaurant, a restaurant that is part of a group of 15 or more locations doing business under the same trade name, offering prominently the same types of meals, foods or menus. I would suggest that if that is not clear to the local health department, they could ask.

DEPUTY SPEAKER GODFREY:

Representative Coutu.

REP. COUTU (47th):

Mr. Speaker, I'm just confused because I know my local health authority. I believe there's a hiring freeze in the State of Connecticut. They're short people. They have to comply with this new law and basically go to these restaurants, these businesses and inspect and question -- which I'm not against this, because I believe in power is knowledge when it

comes to health. So it's a good thing.

But I'm a little confused how the local health authority is going to know if the donut shop, which had 17 locations, now has lost three nationally, how they're going to know if they're still about 15. And that's why I just said I would think it makes sense there's some list somewhere that says, outside just the district, how many business locations this particular entity has. That's what I was just trying to get to that. Not a trick question, just something I was trying to figure out myself.

On line 108 there's again, something, and I know this hasn't brought up -- I just want to clarify just so that I make a sound decision when I vote tonight. On -- it has for the buffet style family dinner, such food item tag shall list the recommended serving size for the item in total number. I'm a little bit confused how they could determine the recommended serving size if you have any 60-pound boy or a 220-pound male, is there some type of standard out there with the FDA or some other agency that says what exactly is the recommended serving size for a serving of broccoli? Through you, Mr. Speaker, or anything else.

DEPUTY SPEAKER GODFREY:

Representative Ritter, do you care to answer this question again?

REP. RITTER (38th):

Thank you, Mr. Speaker. I believe the Representative is asking if there is some sort of nationally recognized measure of serving size. As a person who does most of the food purchasing/cooking in my household, I know that there are generally recognized measures; a cup, a half a cup, a quarter of a cup, or simply common sense.

We had discussed this earlier in conjunction with this bill, Mr. Speaker, and we have also discussed the difficulty in many cases of precise serving sizes every single time. And I would submit that the requirements of the bill are simply that they be an averaged serving size for an individual. And that may indeed vary across food items. It also may vary for individuals, Mr. Speaker. It may very in relation to their weight as well. And I understand there could be some difficulty with that.

This has been implemented in states and cities in a couple places across the country. It's being considered quite a few right now. You heard

discussion from Representative Lawlor as to how it's working. And I would return to the Representative's previous statement that he believes in many health issues knowledge is power. I would submit that this provides more knowledge, Mr. Speaker, than we have presently.

DEPUTY SPEAKER GODFREY:

Representative Coutu.

REP. COUTU (47th):

Thank you. I thank the lady for that information and the answer to the question. On line 124, through you, Mr. Speaker, it says, shall use reasonable means and determine the total number of calories for each standard menu. I know this has been, sort of, asked a few times and I have some concern, I guess related -- I guess this is less of a question than just my comment.

I have some concerns. Once again, the serving sizes -- we -- determining within reasonable means is kind of vague and generic. And when you're going to calories and people eating habits, I guess it can really vary depending sometimes on the community. So that's one of my concerns.

Another question I had was in the state we have a

lot organizations such as extra marts, food marts, 7-Elevens, and I know there's a description here of which restaurants are considered restaurants or retail establishments, but would those examples also be included under this provision? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER GODFREY:

Representative Coutu.

REP. COUTU (47th):

And through you, Mr. Speaker, does the proponent of this bill envision over time this expanding to other things such as protein, carbohydrates, caffeine, vitamins or any other information?

DEPUTY SPEAKER GODFREY:

I would counsel everyone to stay within the four corners of the amendment. Representative Ritter, do you care to answer this extraneous question?

REP. RITTER (38th):

Thank you, Mr. Speaker. The answer would be perhaps.

DEPUTY SPEAKER GODFREY:

Representative Coutu.

REP. COUTU (47th):

I'll just wrap this up, Mr. Speaker. In my view, this is something that we really don't need to be stepping into. As far as I know, the businesses who have the capacity to do this, to provide a little bit extra for their customers, they already do this.

McDonald's, I was recently at one, and I noticed there was some serving information. I think it went a little bit more in depth than -- because the reality is caloric count is almost useless when you really think about, is that carbohydrate a complex or is it simple carb? Is it nutrient dense? Is there anything good in that donut or that whatever, bagel?

That one really has to question if this is to change our society's eating habits and make us a better society where people are making informed decisions, if you just based on a calorie count, in my view it's going to make certain people petrified to eat more than what they eat when they see that donut is 500 calories and we may have a health crisis where people are falling over with heart attacks when they really realize how many calories are there.

So I have some concerns with that. I do think in some ways this is a mandate. We don't honestly know and there was no proof that I heard of how these health districts are going to determine who has 15 businesses. I know my local health district doesn't know nationally how many subways there are or how many Donut Holes there are, so I think that's a question.

And with the hiring freeze and everything else, it's going to be another burden on our health districts. They're trying to do a job and they're already cut pretty slim, so one has to question that. I think the best method we can do in the future is go to some type of preventive mindset, education. And while I do think this potentially has some positive effect, I don't see how somebody who is going into a donut shop really wants to know how many calories are in that doughnut, and that's going to make them choose more wisely and choose a bagel, because they think that's better eating and overtime there going to be in better shape.

I don't understand it. I'm not sure why we're doing this tonight with the $8 billion deficit looming, but I guess at the end of the day it's just another bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rowe.

REP. ROWE (123rd):

Thank you. I'm afraid to say briefly, but briefly -- I don't have any questions. I just want to make a couple comments that, you know, I suppose the good news is that this by far isn't the worst bill we're going to do -- even has some merit.

But the bad news is I don't think it, in some ways, goes nearly far enough and is even misleading in some ways, because calories are such a -- really only one piece of the nutritional puzzle. You know, maybe that means 10 percent. Maybe that means 40 percent, but clearly they are, but 1 percent -- they are, but one piece of the puzzle.

I was -- I enjoyed Representative Lawlor's Yankee Stadium references. I think the Yankees are winning tonight. It was 5-2 at some point tonight so hopefully that'll continue. Thank you, Mr. Speaker. Yes. Java will get the win hopefully.

But when Representative Lawlor was talking about his food choices there, and what do you get? Do you get -- he gave us the photographs of the menu and -- which has the calories next to it, and such.

You know, if you're looking, for example, at some of the food at the stadium, you can get an original beef frankfurter, Nathan's frankfurter, 260 calories at the stadium, will cost you almost six books. But if you're going calories alone, that would appear to be the best choice and there aren't a lot of great choices but another choice is peanuts.

Now those peanuts came in at 960 calories. And I think even Representative Lawlor may have talked about that, or he was talking about the pepperoni pizza, I'm not sure. But I think that most nutritionists would say that peanuts are a very healthy food, notwithstanding the caloric level and the type of fat that they provide is a healthy fat.

So going by calories is extraordinarily misleading. You could have, you know, nearly four hotdogs at the stadium or one thing of peanuts. Those four hotdogs, which would have about the same calories as the peanuts are much worse for you. So that's one example of the way that this can be deceiving.

You can buy one of those, you know, Carvel ice cream helmets that they have and get, you know, some soft chocolate ice cream in it. Again, that'll cost you nearly seven bucks, but that's only 400 calories.

So okay. Get something for 400 calories. There are many items that have more than 400 calories, but are a lot better for you than a Yankee Carvel helmet full of soft chocolate ice cream.

So that's really all I've got for you on this one, happily, probably. But you know, we do a lot of things in this General Assembly and again, some of them are good and some of them aren't and this falls into a bit of a gray zone, but there are so many more important things for us to be concentrating on. And focusing so much and drawing so much attention just to calories, I think, does people a disservice. It gives people misleading information, false information.

And you know, last time I checked, you know, the other side has the numbers. Clearly, this is going to pass and we'll see if it gets signed by the Governor, but you know, it's -- it may do a little bit of good, but it'll probably do a lot of bad. So I appreciate the time, Mr. Speaker.

And if anyone has an updated Yankee game, please let me know. Thank you.

DEPUTY SPEAKER GODFREY:

Representative Camillo.

REP. CAMILLO (151st):

Thank you, Mr. Speaker. I just -- a quick comment on this. I think this is a great concept. I do like it and I wish most restaurants did do this. I certainly look at the menus when I go in and if they do have a calorie content, that helps me. And almost always it's a chain and these -- I've never seen a small local deli or restaurant have this. If they do, I haven't seen them. So I'm all for it and I wish they all would do that, but when I go around my hometown in Cos Cob, and I go to Chicken Joe's, and Joey B's and Donnie's Deli, this has actually come up and they said, please don't do this. We don't want to have to go through this expense.

I just think that if we can encourage them all to do it without mandating it on the smaller ones. Just about a month ago in Greenwich, we had an issue in Cos Cob. All the stores on the Post Road, they wanted -- a special committee wanted them to change the numbers, the addresses for some medical purpose. Just a safety reason -- yes a safety board. And we convinced them not to do it because they were pleading with us in this economy, don't put this expense on us which really could have cost them thousands of dollars, and to a small business, that's a lot.

So I would -- we got them to back off and I would hope that on this one point the Legislature would back off too. But I do think it's a great idea. I think Representative Ritter has done a great job tonight. I salute her for her hard work.

And a quick note about Yankee Stadium. It's -- just if Yankee Stadium is showing the calories and nutrients, it just shows once again how the Yankees are ahead of the Red Sox -- and another one. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Camillo.

Representative Thompson.

REP. THOMPSON (13th):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the amendment and if anyone is concerned about numbers, and I think that was a Yankee fan I just spoke, $2500 a seat, that's obscene. But what is even worse is the amount of money we spend in this state due to obesity related health problems.

I did not attend the Public Health Committee hearing on this bill. I didn't read their joint favorable report and I think every expert or organization that has expertise on this issue spoke in

support of this legislation. And I want to identify myself with the remarks made by Representative Lawlor.

I think you could go into many different restaurants, even not -- non chains and find the information we're requesting here on their menu. And some restaurants, I know, who change their menu almost daily. But I think there are -- the information that would be necessary to put on a menu is readily available, can be done rather cheaply. Many times we get in a restaurant a Xerox copy of an original, but the American Academy of Pediatrics, the Connecticut Chapter, in their testimony before the Public Health Committee -- that it cost us $665 million in one year due to obesity related health problems. Now if that isn't hitting the taxpayer rather hard, I don't know what is. But worse that is the effect it has on the health of our population.

Many of us here have been guests at seminars or programs run by the Milbank trust fund. Well, I think many of us received a mailing from this organization this past month. There must have been 600 pages dedicated to the real problem, health problem that we're facing in the United States because of our ignorance on what we're eating and how much we're

eating.

And one doctor after another at that public health meeting -- not that there weren't that many doctors, but spoke about helping them because they are advising their patients. They need some help and this would be an easy way to supply that. And the Labeling Education and Nutrition Act, LEAN of the federal government will come along and it probably will resolve some of these issues as to getting information out. And it might be a better way of doing it, but I don't think we can afford to sit tight and ignore this problem anymore.

It is a national problem. It is a state problem and it costs, according to the American Academy of Pediatrics, over $600 million in Medicaid and Medicare costs this past year. So think about that and I hope you support the bill. I appreciate the arguments made against it, but I don't think they stand up to the real cost and real harm that obesity, uncontrolled obesity is doing to our society.

And I must remind you that there are many, many, many children who do not have access to health care, do not get regular advice from a pediatrician. And if they're lucky and fortunate, they live in a town that

has a qualified health center so that they will get that advice and that direction. So please, don't take this lightly. Support the bill.

DEPUTY SPEAKER GODFREY:

Thank you, Representative.

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, to the proponent of the bill, just a few questions.

DEPUTY SPEAKER GODFREY:

Representative Ritter, brace yourself.

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. I just wanted some clarification, lines 86 through 89. When we talk about food items and I know it's been discussed already tonight that that includes food and beverages. Would that also include the alcohol menu? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter, would you like to answer this question one more time.

REP. RITTER (38th):

Yes, Mr. Speaker. The answer is no.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Just for clarification purposes as well, would it also include any mints provided by the restaurant? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter, would you like to answer this one one more time?

REP. RITTER (38th):

Thank you, Mr. Speaker. That would be a condiment, and the answer would be no.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, some clarification regarding the minimums and the maximums. Line 94 and 95, regarding the minimum and maximum calories, how is that to be determined? Is it the size of the portions? How is that going to be determined? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. And Mr. Speaker, that would be determined in the same way that the portions are determined for the standard menu item.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

And through you, Mr. Speaker, for clarifications, what would be the same way? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. The standard menu item would be determined by individual portion unless it is a combination of several individual portions and then it would be the sum of the -- of those calories, the minimum possible number and the maximum possible number. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. And that actually brings me to the next questions. In lines 112, et cetera, my question regarding those portions, is that going to be up to the individual restaurant to determine what is

the size of the portions?

For example, it says here in these lines that we need to provide the number of calories for each individual portion. Now I have actually eaten in many restaurants. I can say I've eaten at all restaurants, but I can tell you right now that the size of portions that I get served at Italian restaurants or Portuguese restaurants are far different than some other restaurants I've been in. So who is to be able to determine that, individual sizes? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. That would be determined as the meal fits under the definition of a standard menu item.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, just to clarify on that, what would be a standard menu item? Is that determined by the restaurant, or, we talking about an average of all Italian restaurants? Through

you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you. Thank you, Mr. Speaker. Mr. Speaker, first, I would bring the Representative's question back to the realization that under this bill, it would refer to chain restaurants 15 or more nationally, as we've discussed, offering predominantly the same types of meals, foods or menus regardless of the type of ownership. So within that classification of restaurants, the standard menu offer would be evaluated for its caloric content.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, I also wanted some clarifications. Lines 1 through 8 -- 118 onward regarding all possible combinations regarding minimum and maximum. That the restaurants are required to consider all combinations and then demonstrate or show what the minimum and maximum would be. What is meant by all combinations? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. It's my understanding, Mr. Speaker, that if a standard menu item is actually a combination of three or four servings that might be put together to equal a meal, the caloric content would be for that meal as described by that menu item. There then would be an indication of the minimum number of calories using one from each portion option, for example, a solid, a vegetable, a potato, and the maximum number of calories. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Just for further clarification, are we talking about combinations on one particular plate, so therefore, it would be mashed potatoes, the meat and vegetables, or are we talking about between an appetizer, your main dish and the desert? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. That might vary across chains and it would depend on how that item was described as one of their standard menu offerings. In one group of restaurants, that might include an appetizer, a salad, a main dish, a potato and a vegetable. In another restaurant, it might not include that appetizer. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, if a particular patron at the restaurant decides to eliminate either an item in that meal or a particular -- if it's the appetizer that's included, the appetizer, is the restaurant required to provide an updated calorie count for that meal? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, no.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Looking at lines 124 and 125, where it indicates that the restaurant needs to use reasonable means in determining the total number of calories for each standard menu, exactly what is meant by reasonable means? What is that category? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter, do you care to answer this question again?

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I would refer the Representative to lines 57 through 62 where the definition of reasonable means, as recognized by the federal Food and Drug Administration for this determination is provided.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Also looking at lines 134, et cetera regarding the writing of calories on these signs, it's my understanding that if the signs exceed 25 percent of their current size, they do not need to increase the signs? Is that my understanding of that reading? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter, do you care to answer this question again?

REP. RITTER (38th):

Through you, Mr. Speaker, my understanding of those lines is that if a chain restaurant is required to increase the size of its menu board strictly to comply with the requirements of this bill, they would be allowed to do that up to an increase of 25 percent beyond the current size without -- with no issue with the provisions of any municipal law or zoning ordinance.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Through you, Mr. Speaker, hypothetically speaking, if after increasing the size of the sign by 25 percent, if the restaurant is still unable to fit all the required information that's being requested in this bill, will they be held to -- or will they be responsible to be in violation of this bill? Through you, Mr. Speaker.

REP. GODFREY (110th):

Representative Ritter.

REP. RITTER (38th):

Through you, Mr. Speaker, I would like to remind the Representative that the only information that is required to be on these menu boards is the caloric content. And it is highly unlikely that an increase above 25 percent would be needed to accommodate that information. And I will also like to remind the Representative that the local zoning officials would be in a position to be able to make that evaluation.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker, and I'd like to thank the Representative for those reminders. Again, I just want the clarification on the last part of the response, I believe that was delivered at the end. So in fact, if hypothetically speaking, after the sign increases by 25 percent, if all the required information under this bill does not fit, will it then be up to who to decide whether or not the restaurant should be in violation? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, the provisions of this bill only apply to a 25 percent increase. After that, it would be just subject to local zoning regulation, as I understand the bill.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. I think I, just again, I don't think I'm getting the response or maybe I'm not making myself clear. Not looking at the zoning regulations, I'm looking at the violation pursuant to this bill that if all the information is not provided as required, if I, for example, in the restaurant, I have now increased my sign by 25 percent and I still have not provided all of the required information in this bill, will I be held in violation? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. The -- that would be subject to a local zoning enforcement issue under the provisions of this bill.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. For clarification purposes, therefore if I've increased my signed by 25 percent, I still cannot provide all the information that's being required by this bill, but I can prove that through my municipal zoning laws I will be in violation of increasing it anymore, I therefore do not have to provide any other information. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, I believe the Representative -- her question is seeking a way for a restaurant to not have to provide this information. I also believe that the provisions of the bill, which granted an increase in a menu board size of to 25 percent that would supersede any local zoning or impact, is more than generous for the information that is required for the bill. And I believe it would be highly unlikely for the situation that she suggests to arise.

I would further suggest that if that were the

fact that there is provision, first on the size of the sign for her -- for the restaurant to take that appeal through its local zoning and secondly, to address it through the Department of Public Health, which is responsible for the provisions of the bill.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. ROBLES (6th):

Thank you, Mr. Speaker and I'll accept that answer. To the proponent of the bill, Mr. Speaker, through you, what is the definition of calories?

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. The Representative is correct in, I believe, indirectly referring to the fact that there is not a definition of calories in the bill. However, that determination comes from the federal Food and Drug Administration. Is their business to understand the definition of these things. There is a scientific definition that I cannot recite at this time.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, I find it highly ironic that we're here, asked to vote on a bill that talks about calories, talks about the importance of calories, the number of calories, the decisions people are going to be making based on these calories, however we have no definition of calories. And as it was testified -- I mean, paraphrasing, that's not up to us to know the definition.

Again, I find that highly ironic that we spent all this time talking about the importance of calories and we're missing the big picture. I can tell you right now that, as I stand here, with the title on this bill, An Act Concerning Access to Health and Nutritional Information in Restaurants, I have no problem supporting that, but quite frankly, this title is not the bill that we've discussed here this evening. This is an act stating calories, calories only. This has no nutritional information whatsoever for anyone.

And it's really interesting how we expect people to believe that we are going to curtail obesity, educate people just based on the number of calories. This is based on education of nutrition. These are

things that we're not going to get off of menus at any type of restaurants, whether their chains or non chain restaurants.

Also to think that these chain restaurants now need to go out, they need to hire nutritionists, they need to provide all this information. I mean, quite frankly you get hit by three sides. If heaven forbid, your restaurant has a drive-through menu, you have to change that. Heaven forbid that you also been -- a billboard inside and you have to change that. And then you actually have hand menus, which you have to change that. All of which goes to costs for any business. However, there's a lack of any education whatsoever to that patron that's going in.

So again, we're doing a disservice because the intent of this bill again, is to provide health and nutritional information and all we're providing are calorie counts and the only thing that's going to do is scare people off. Quite frankly, when I'm going to a restaurant, I want to relax and I want to eat. I do not want to read through a menu that has a bunch of different numbers. And I think the majority of people are going to a restaurant for the same thing.

One final question, through you, Mr. Speaker to

the proponent of the bill.

DEPUTY SPEAKER GODFREY:

Proceed.

REP. REBIMBAS (70th):

Would it be sufficient to have this information posted on a website? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Representative Ritter.

REP. RITTER (38th):

Thank you, Mr. Speaker. Mr. Speaker, you may recall that quite some time ago when discussing the provisions of the bill, one of the points of emphasis was that this information be available to the consumer prior to ordering the food.

While it would not be harmful to have this information on the websites, and as we have discussed throughout the evening, many of these restaurants, Cracker Barrel, McDonald's, TGIF, have this information on their websites today, but the purpose of the bill is to provide the information prior to the placing of the ordering of the food.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, to that response that the information is to be provided to the patron prior, wouldn't it be sufficient then if the patron upon entering a restaurant would ask the owner of the restaurant for a sheet of information regarding the calories and not having to be -- not having to have the calories in each and every menu throughout the entire restaurant? Therefore, for the people who are trying to obtain this information can, in fact, obtain the information, but not have to subject the business owner of the restaurant to having to change each and every menu that they have, whether it's inside or outside the building. Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

We're getting to stray again from Senate Amendment Schedule A, but Representative Ritter, do you care to respond?

REP. RITTER (38th):

Thank you, Mr. Speaker. I will point out that the purpose of the bill is to provide this information to the customer prior to ordering their food items.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Maybe I need to clarify that a little bit better. Maybe I wasn't clear. If upon entering the restaurant, prior to my ordering, if I were to ask for the calorie counts on the meals listed on the menu, would I not be able to do that? Would that not satisfy the purpose of this bill that's being represented? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Again, we're beginning to stray away from Senate Amendment Schedule A. Representative Ritter, do you wish to answer this question again?

REP. RITTER (38th):

Mr. Speaker, I will add some information to my answer to the question that I've given a few times. One of the more interesting things that we learned this discussion is that fully two thirds of the people in this country that regularly dine at chain restaurants never enter the restaurant, and therefore the purpose of the bill and wording it in its provisions precisely as we have, is to be able to provide this information to all customers of those restaurants prior to their making a decision to place their order.

DEPUTY SPEAKER GODFREY:

Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, I believe my question was in response to the response I got, which was the purpose of the bill is to provide the calorie information to the person prior to ordering. So if in fact, if someone, upon entering a restaurant prior to ordering, were to request some type of informational card with all of the calories, wouldn't that satisfy the purpose that's been represented? Through you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

For the third time, madam, I will warn you that we are straying away from Senate Amendment Schedule A. Representative Ritter, do you care to respond a third time?

REP. RITTER (38th):

Mr. Speaker, I have no additional information to respond.

REP. GODFREY (110th):

Thank you, madam. Representative Rebimbas, you still have the floor, madam.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Mr. Speaker, with all due respect, it was in response to -- it was a follow-up question to the response that was provided.

With that said, Mr. Speaker, I certainly will accept the response, and I'll certainly reiterate exactly my statement, not in a question form, but my statement this evening would be again, the purpose of this bill has been stated over and over in this chamber that it's to provide the information prior to the patron making -- ordering their meal. If that's the case, they can certainly, those people who have access to online and it's been stated here repeatedly, that this information is on the website. They can certainly go to that website, the person who is actually interested in the calories could obtain that through the website.

For the person who does not have the ability, or maybe on the spur of the moment, entered into the restaurant and did not have an opportunity to go to the website, it would be a lot easier for not only the restaurant owner, but also for the patron then to ask for something in detail, in writing where they can be then provided with that calorie count.

There is absolutely no need and no necessity

whatsoever to have that restaurant change all of its menus, change all of its billboards, change everything that they had in order to satisfy this one request to providing calorie counts, not only just on the meals they have, but any combination of possible meals from a minimum to a maximum.

And again, we're not providing any education to these people. The real education lies in what is health and nutrition. You need to understand what the calories are and how your body processes calories, not simply how many calories are in these meals. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Question is an adoption of Senate Amendment Schedule A. A roll call vote has been asked for and obtained. Are you ready for the question? In which case, staff and guests please come to the well of the House. Members take your seat. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting Senate Amendment Schedule A by roll call. Members to chamber.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If so, the machine will be locked. The Clerk will take a tally. And the Clerk will announce the tally.

THE CLERK:

On Senate Amendment Schedule A for Senate Bill 1080.

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	91
Those voting Nay	58
Those absent and not voting	2

DEPUTY SPEAKER GODFREY:

The amendment is adopted.

Remark further on the bill as amended? Representative Carson, my good friend from New Fairfield.

REP. CARSON (108th):

Thank you, Mr. Speaker. Before we vote on this final bill I'd like to weigh in. And just let -- I'm letting you know I think that caloric content is a good deal. I like the idea of having the calories and knowing what they are. I also know there's a whole

lot more information to be obtained in order to be a healthy individual.

And frankly, the establishments -- everyone that we've discussed tonight and every one I can possibly think of, I've looked up online and they are providing this information for us far more than what we're asking for. I know we've heard that over and over, but that's the fact and they're doing it in a cost-effective way and if it's that important for me when I go out to the Olive Garden or wherever else to know if that alfredo sauce is really fattening, I can go online and find out.

I really think this is absolutely unnecessary, especially since we're dealing with national chains. This is being debated on a national level. This can be done with the uniformity. I think it's again, onerous on our business. This sounds like it's a trivial additional step for our local health departments, but at a time where we're looking at giving less -- fewer dollars to our health departments, I don't want to add one little thing to their responsibilities.

And frankly, Mr. Speaker, it's very frustrating, as I'm sure it has been for you and others, that we're

spending so much time on an issue such as this when we've got such a huge deficit facing us and we have some serious work to do. I will not be voting for this bill, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, Representative Carson.

Representative Cafero.

REP. CAFERO (142nd):

Thank you, Mr. Speaker. Ladies and gentlemen of the chamber, we're probably about to vote on the final bill that's before us, An Act Concerning Access to Health and Nutritional Information in Restaurants.

Once again, this is what we've learned about this bill, we've learned that this has absolutely no effect on every single one of our public school cafeterias or private school cafeterias or universities, private or public. That the hundreds upon hundreds of thousands of students that eat in these eateries every single day in our public schools are not required to know how many calories it is in what they're eating, because this bill does not apply to them.

We learned today that the hundreds of thousands of delis and restaurants that are singularly owned, the grocery stores that give take-out food, all of

that that sell in many cases, the exact same food sold in the so-called chain restaurants, we don't need to know the caloric intake or amount with regard to those foods. We also learned today that with regard to health and nutritional information of things, such as sodium and other ingredients that are in food that are very important to people who are diabetic or have high blood pressure, that information will not be required whatsoever.

We also learned that we're not quite sure what happens if a restaurant doesn't comply with this regulation or doesn't comply properly with this regulation. So I go back to the original question I asked way back when, why are we doing this? The original answer given to me was that it is important for our obese society and our ever-changing world where we're constantly eating fast foods, and eating out is a necessity, that we know what we're putting in our mouse and how many calories it has.

But I just went through the hundreds and hundreds of thousands of exceptions from this bill. To call this An Act Concerning Access to Health and Nutritional Information in Restaurants is a misrepresentation to the public. And anyone that

believes that we will have a healthier Connecticut, that our citizenry will be better informed, that they will start making healthier choices when they go out to eat, I think will be sadly mistaken.

So as Representative Carson said, instead of doing the business we should be doing in this chamber and dealing with an economic crisis, what we're doing is passing a bill that in many cases can be seen as meaningless. I'm voting against the bill. Thank you, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Question is on passage of the bill as amended. Staff and guests please come to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber, please.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members voted? If so, the machine will be locked. Clerk will take a tally. And Mr. Clerk, if you'd kindly announce the tally.

THE CLERK:

Senate Bill 1080, as amended by Senate A in concurrence with the Senate.

Total Number Voting	149
Necessary for Passage	75
Those voting Yea	89
Those voting Nay	60
Those absent and not voting	2

DEPUTY SPEAKER GODFREY:

Bill as amended is passed in concurrence.

Speaker Donovan in the chair.

SPEAKER DONOVAN:

Is there any business on the Clerk's desk?

THE CLERK:

Mr. Speaker, there is a list of favorable reports on House joint resolutions.

SPEAKER DONOVAN:

Representative Merrill.

REP. MERRILL (54th):

Yes, Mr. Speaker. I move we waive the reading of the Senate favorable reports and the bills and House joint resolution be tabled for the calendar.

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SENATOR HARRIS: I spoke to someone about that once. Don't we have that with e-health? So I'm glad that you --

MARY EBERLE: No. E-health will be focus on the patient records and identified, because you'll have the patient in front of you who can sign a release that you can get their records.

This is for public health research where you have large existing databases, and it's totally impractical to try to find the people to get individual consent to have their records included.

And so we -- we're working at it in a way that we can get access to the records but no identification will ever go beyond the CHIN system.

SENATOR HARRIS: Thank you very much. Any other questions?

Mary, it's good to see you back. Thank you for all your work on this.

MARY EBERLE: Thank you.

SENATOR HARRIS: Next we are on to Bill 1080, and we have it looks like Jerold Mande or Marde, Rich Rosenthal and Roberta Friedman.

Dr. Mande, I see on this. Thank you.

JEROLD MANDE: Thank you.

Senator Harris, members of the committee. Thank you for the opportunity to testify on Senate Bill 1080.

My name is Jerold Mande, and I'm associate

director for public policy at the Yale Cancer Center. Prior to coming to Yale, I had the honor of working on cancer policy the White House for Vice President Al Gore and on nutrition policy at the Food and Drug Administration for Commissioner David Kessler.

While at FDA, I helped lead development of the Nutrition Facts food label that is now required on virtually all packaged foods.

I'm here today to testify in strong support for the enactment of SB 1080.

Providing Connecticut's residents with calorie information on menus and menu boards in the state's chain restaurants is probably the most important step you can take to tackle the growing obesity epidemic. I want to thank the committee for raising this bill.

There are three points I'd like to make today. One, we are facing an obesity epidemic that requires urgent action; two, menu and menu board labeling would finally complete the nation's nutrition labeling program; and three, restaurant labeling will lead restaurants to return to more sensible and healthy meals.

We are in the midst of an obesity epidemic that some have predicted will make today's children the first generation of Americans to have shorter lifespans than their parents.

Attached to my testimony are two maps of the nation produced by the Centers for Disease Control and Prevention (CDC) that graphically demonstrate how serious the problem is.

As you will see, in just 15 years we went from not having a single state in our nation with

more than 15 percent of the population being obese to virtually every state having 20 percent or more of the population being obese, And the likely health consequences are enormous.

SB 1080 will also help to complete the nation's nutrition information program.

In 1992 while at the FDA, I had the privilege of leading the graphic design of the Nutrition Facts food panel that is now required on all food packages. At that time, we recommended that nutrition labeling also be required in chain restaurants.

We were convinced that the nation's nutrition goals would not be reached unless our program included chain restaurants. Unfortunately, we lost that battle, and the nation's health has suffered. You now have the opportunity to help correct that mistake, and I urge you to do so.

Finally, restaurant labeling will lead restaurants to offer more sensible and healthy meals. As part of research that I am doing on obesity at Yale, I've had the chance to interview a number of food designers.

Food designers work for both the packaged food and restaurant industry. They are the people that Cheesecake Factory, Campbell's and others hire when they design a new food items.

They explained how the Nutrition Facts panel changed what they do. When a packaged food company comes to them and brings in a mock label, it shows the different elements they want, and they ask them to make sure that the fat or saturated fat does not go beyond a certain level.

But when their restaurant clients are planning their new foods, there's no such restraints. And I'd be happy to explain that more during the questions.

So in closing, I'd also like to say that I support recommendations by Yale's Rudd Center to include drive-thru menu boards in your legislation and to add a statement to menus and menu boards that the average person should consume only 2,000 calories per day.

These changes are evidence-based and make good sense. I urge you to favorably report SB 1080. Thank you.

SENATOR HARRIS: Thank you, Doctor.

Any questions? Representative Esty.

REP. ESTY: Thank you, Mr. Chair.

Good afternoon, Dr. Mande. I think we're going to have to hear testimony from a lot of different groups about making sure that the impact here is going to achieve what we want, but I strongly applaud the efforts that you're doing at Yale as we look at trying to control the healthcare costs.

The rising tide of obesity is a huge, huge problem, and I think efforts that we can do to educate the public and to put material in their hands to change their behavior rather than paying for medications and programs to deal with the problem at the far side or to deal with the diabetes in ten-year-olds and new drugs for those treatments when, in fact, behavioral change is what we need.

So I -- I support these efforts. We may need

to tweak them some, but -- but I do think it's in the right direction to empower people and also put the responsibility on individuals to realize they can avoid these incredibly costly, life-limiting diseases if they actually watch what they eat.

JEROLD MANDE: Thank you.

I couldn't agree more. Prevention is the key to holding down healthcare costs and making progress on a lot of diseases, and I think obesity is a big driver of healthcare costs and having a simple way when you choose --

I'm trained in nutrition. When you see two items on the menu, you have no idea that you could get all of your day's calories in this one item, and it might even be the salad. It's because of the dressings and stuff.

So I think that kind of information would help.

SENATOR HARRIS: Thank you. Any additional questions?

I have a couple of questions. Charts are very revealing. They show the 1994 to 2007 snapshot.

JEROLD MANDE: Right.

SENATOR HARRIS: But in that time, between '94 and 2007, we also had the Internet developed. There's been an expansion of cable TV and DirectTV, and cellphones have made life a little bit more convenient and perhaps cushy for people.

So why isn't it that that's causing the obesity, the couch potato mentality, versus

the eating?

JEROLD MANDE: Well, physical activity is a part. It's -- you know, there's a part of obesity that's physics. It's calories in, calories spent.

But if you've ever had the chance -- you know, I have an exercise machine that I exercise on two days a week, and if you see how long it takes to burn 100 calories or 200 calories or 300 calories, you have to exercise at a pretty fast rate on one of these exercise machines to burn 300 calories in a half an hour, for example.

On the other hand, how quickly you can take in a thousand or 2,000 calories in a single entry is much greater.

So I think when experts have looked at this and tried to see how much of the problem is reduced activity and how much of it is increased calorie intake, reduced activity plays a role, and increasing physical activity is important not only for burning calories but in health overall.

I'm a cancer -- I work in the cancer area. Just the exercise itself helps reduce your risk regardless of calories.

I think I could spend more time on it. If you look at what's happened over the years and what really explains this increase, it's -- it's the large increase in calories that people are taking.

You see other things as well. It used to be that when you got soda, it was a small thing. In movie theaters it was a 12-ounce cup. Now it's a 36-ounce cup. It's those changes that

have been found to be at the root of this problem.

SENATOR HARRIS: Can you elaborate a little on that?
Because that was my next question as far as what's changed in the eating habits.

I mean, I remember flashing back to, you know, the seventies and sixties with restaurants and even just food that my grandparents ate. There was a lot more schmaltz and a lot more, you know -- I mean a lot more starchy kind of fatty, bad foods, if you will, back then than I see today at restaurants.

So it's just portions and super-sizing it?

JEROLD MANDE: It's portions, super-sizing and the design of food.

So what's happened -- and I alluded to this in some research that I'm doing. We talked to food designers, the people that both the packaged food and restaurant industry go to.

When they're doing packaged food now, because of the label, they're given very clear directions that calories shouldn't go above a certain amount per serving. Fat shouldn't go above a certain amount. Some things need to be more.

When the restaurant clients come in, they've learned that by layering on fat, sugar, salt, fat, sugar, salt as they design the food, then it quakes responses in the brain that get people to eat more, have more pleasurable experience, and the whole nature of restaurants changed.

I don't want to pick on any restaurant, but if

you happen to go to a Cheesecake Factory, has great food, but the nature of that kind of restaurant and the restaurant you might remember in earlier times, restaurants are looking to become more of a form of entertainment as well as a place to go get food. And the whole atmosphere of the place, the sizes of the servings are enormous.

And as I said, you can get today in just one portion, you know, two or three thousand calories in something that in the past was unthinkable. And they're able to do this because of the way that they're designing and (inaudible) food.

And I think what the designers have called to our attention is that's possible because in the packaged food industry, they -- you know, consumers quickly see how many calories are there, and they make those decisions.

When you go into the restaurant, as I said, even myself as a trained nutritionist, I can't tell you which item's going to have, you know, possibly a thousand calories more than another just simply by looking at the food.

SENATOR HARRIS: Two things: You're saying in the packaged food where you see the amount of fat, carbs, sodium, calories, et cetera, there -- you actually do have an educated consumer that makes appropriate decisions.

JEROLD MANDE: Yes.

In fact, one study that was done after we (inaudible) label, they surveyed dieticians, who obviously are extremely knowledgeable, and wanted to find out if their -- their patients, their clients, had changed their eating behavior because of a new label, and the study

found out that they had.

But even more important, the dieticians themselves who work in this field volunteered that they themselves had been shocked to see the amount of calories or fat that were in products, that they had no idea.

And again, that's not -- it's because the nature of how these product change. They are designed in a way where, again, they layer the fat, sugar and salt in building the product in such a way that -- and they -- you know, it sort of encourages you to keep eating more, and that's had that effect.

And I think the label really changed that, and we saw it in the design of the products, and that just hasn't happened in the restaurant field.

SENATOR HARRIS: Well, as dieticians, I can understand that, because they're trained to know the amount of calories that's good or bad, the amount of fat that one should take.

But the average person, do they know how much fat you should have, how many calories per day? I mean --

JEROLD MANDE: You know, I think that that's something -- that's one of the suggestions that I made, that I think studies have started to show.

Studies we did when we were designing the food label, one thing we put on it is that we noted that the average person needs about 2,000 calories a day.

So when you look -- when you're looking just at calories, you can put that in that context. I think otherwise what you do, it's more

relative. So you go and you see this sandwich choice or menu choice that might have two or three hundred calories. You'll see another one has a thousand calories, but it doesn't take a great deal of additional knowledge to realize that those are going to have a big difference.
But I think it would be helpful to many consumers to have some frame of reference.

In the overall Nutrition Facts label, we have saturated fat, these other things. We dealt with that problem by creating something called the daily value. And it gives you a percent.

And I can -- if you want to know more about it, I can spend time, but what's interesting, when we wanted to add these percents, when you look at the Nutrition Facts panel, we -- consumers, they want to see it's 20 percent of their daily value, things like that.

Consumers' reaction was, well, don't give us percent. They're confusing. We don't want to see that. We'd prefer something other than that.

But then when we actually gave them a test to make food choices based on those percent, they as aced those tests.

And so I think -- but that -- that's for the more complicated label that provides a lot more information, how to put it in sort of a general context. And we did that on the Nutrition Facts label with this percent daily value.

The legislation you're considering, I think it makes good sense when you're looking at a menu board or a menu, and people are in a hurry often in these chain restaurants, putting one

number, just the calorie number, I think, you know, will get us to the goal we have in a -- in obesity.

But I think, again, if you were concerned about that -- that's why I think recommending putting somewhere that it's within the context of the 2,000-calorie diet that most people should consume helps consumers put it in context.

SENATOR HARRIS: Is there any information out there that shows in this context, not in the packaging, but we now have labeling, I believe -- menu labeling in California, New York City, that it makes a difference, a person -- I want to go get the Angry Whopper. I think I know the Angry Whopper's not good for me, but if I -- if I saw that it had 1,000 calories next to it, I'm not going to go get the Angry Whopper?

I mean, is there any statistic that -- any evidence that would show that?

JEROLD MANDE: I would have to check based on these new laws, but I can tell you again from the Nutrition Facts panel, there are surveys that are done -- when consumers go into a grocery store, it's also a fairly quick decision. They see something, they pick it up, they make a decision.

And that label has been shown not only in comparing products but just picking up the product itself and seeing how many calories are there, seeing that it might be that, you know, this doughnut has more than a hundred percent of your day's saturated fat causes people to put it down and make another choice.

I think the key thing is, though, also, you're giving people that choice. They have the information. You can go ahead and order that Whopper. No one's saying you can't, but if you also see that it might contain a thousand calories and you're trying to keep your calories down, you might see that this other option has 500 and it's one you liked as well, and that may make a better choice, whereas today you have no idea which one has more calories.

SENATOR HARRIS: So I'll switch to the regular Whopper from the Angry.

(Laughter.)

SENATOR HARRIS: That's what you're saying, okay.

JEROLD MANDE: I agree. People should enjoy food. I think it's -- that's a very important part of this. But I think to make the choices -- as I said, a lot of the facts -- food restaurants when groups have gone and looked at it, it turned out that salad had more calories and fat than the big Whopper because you started putting these things on it.

SENATOR HARRIS: Right.

JEROLD MANDE: You put the dressing on it, so you don't realize it.

I think that's what this legislation really helps consumers understand, is that something that there's no way for them -- as I said, even nutritionists, you really can't tell the amount of calories there just by looking at the entree. It spends how the product was designed.

SENATOR HARRIS: Thank you.

And finally -- and I've been talking about Burger King here. No product placement revenue being given to me. And you keep mentioning Cheesecake Factory, so -- and food designers.

It sounds to me --

I'm really hungry.

(Laughter.)

SENATOR HARRIS: You missed the smoked meat discussion earlier, too.

(Laughter.)

SENATOR HARRIS: -- that there are potentially places -- these larger -- larger institutional type chains, if you will, that are designing food, et cetera, but, you know, local restaurants that even might have, you know, 10 to 15 stores, storefronts, that they're a little bit more -- I mean, they're there for culinary pleasure and entertainment, as you say, but in sort of a different league, potentially.

Is that something that you've found?

JEROLD MANDE: Well, again, I think that -- that's why it makes sense to design the bill to focus on chain restaurants.

And I think the definition that you've used is one that when people have looked at it and find it to be about the right size to -- to, you know, not try to place burdens on small restaurants and that are really trying to prepare foods that don't have the kind of control over their product, I think what people -- what we're trying to get are the

chain restaurants that for quality purposes, for a lot of other purposes, make a very uniform product each and every time and have this information readily available, because it's at the core of their business and how they manage their, you know, supply and products that they sell, that they know this information. It's important to their work, and so it's not an extra burden for them.

They -- the key to the success of their business is to prepare things every time the same way at their multiple locations, and things are done with very careful recipes that are easy to analyze.

SENATOR HARRIS: That -- that explanation makes sense to me, and I know that the size makes sense, showing some economic ability to carry out the legislation.

But I guess what I'm concerned with with the definition is -- is this strict cutoff at ten, because my experience, there are some restaurant groups that have -- are near that amount, maybe even over that amount, that are not, you know, the Cheesecake Factory the Burger King.

And, I mean, even some of them there's some difficulty in the definition. Talk about offering predominantly the same types of meals. There are certain chains that they might have a restaurant that focuses on seafood, one that maybe focuses on Italian or pasta type dishes.

They're under the same name. I mean, do they come within that definition?

JEROLD MANDE: Well, again, I'd be happy, and I think others, to work with you on that. I

think, again, the goal is to get to the chain restaurants that we understand as chain restaurants.

I think you'll here from the Rudd Center, they've done some work on this and maybe can share with you a legal analysis of how to really try to look at the size, and people tried different ways in looking at it and coming up with the legal issues to make sure that -- and we should look here in Connecticut in terms of the uniqueness here. There may be a particular chain that you want to think about in developing the design.

But I think the goal is to get at the chain restaurants as I described it, and I think it makes sense to try to develop it in such a way that does not apply this to a restaurant that's in a very different situation.

SENATOR HARRIS: Thank you. I think I share that goal, so --

Questions? Representative Esty.

REP. ESTY: Just one quick question that came up actually when we were talking in Energy yesterday about changing consumer behavior and how to best to that.

Have you looked at all at how to best -- if we should do this by numbers or whether pie charts or something else? Because this is the discussion we were having about energy use.

JEROLD MANDE: Right.

REP. ESTY: And is it better -- I mean, do people's eyes roll in the back of their heads if they see a lot of numbers, or they found in some tests in California that actually is just red

versus green, you know, you're using really expensive energy versus less expensive.

Have you looked at that or in conjunction, something like a piechart, you know? We now have actually three pie charts of your daily dose --

JEROLD MANDE: Right, right.

When we designed the Nutrition Facts panel that's on food labels we did -- in fact, a designer of that label that I worked with was also the same designer of the Energy Guide that you see on that.

And actually, we started off -- and I'll be happy to provide for the record an article I wrote about it. But we started off thinking that piecharts or bars or things like that would work better for consumers, and we started off playing around with designs like that.

But as the -- as it evolved, it came to the label you see today. And as I said, it was an interesting dynamic, because by and large, when you ask consumers which they liked, they prefer piecharts, bars and things of that sort over seeing numbers and particularly percentages, which is what we ended up relying on.

And, in fact, the percentages -- we rely on the daily value -- scored the lowest in terms of consumer preference.

But then when we gave them actual tasks to do -- these were done in mall intercepts. We brought consumers who agreed to come into a room and do these tasks and make choices, and we gave them sort of situations there, and in

terms of making dietary choices, they did much more poorly when they used the bars, the piecharts and others and did much better on those tests when we gave them the -- the numbers and percentages that we use.

So I think there's that -- you may find that again. I think people sometimes are uncomfortable with those things, but I think it's important to study both what people react positive to, like it, and then give them specific tasks (inaudible) to do and see how they do that.

REP. ESTY: Thank you.

I think that's very helpful, because I think we want it to be effective, whatever we do, and it isn't necessarily what they like. It's what works best.

JEROLD MANDE: Well, exactly.

And we went into -- when we're designing Nutrition Facts, we went with sort of feeling that we would want to do a piechart.

In fact, when I show you some of the earlier designs, they look really cool, and so you think that this is going to work well. But then we were stuck in this dilemma, you know, what matters most. And I think we opted and it's proving to be that case, that you want to pick the design that's most effective.

SENATOR HARRIS: Thank you.

Any further questions? Thank you very much. Very helpful.

JEROLD MANDE: Thank you all, and good luck.

SENATOR HARRIS: Next, Rich Rosenthal, followed by Roberta Friedman.

RICHARD ROSENTHAL: Good afternoon, Senator Harris, Representative Ritter and members of the Public Health Committee. My name is Rich Rosenthal. I am the president of the Max Restaurant Group and chairman of the Connecticut Restaurant Association.

I am here to speak on behalf of the Restaurant Association regarding their position on SB 1080.

Although this bill specifically targets chain restaurants, we are in a very competitive marketplace where ultimately we will all have to respond to the same standards or have the potential to lose market share.

Restaurants are involved in the business of hospitality. Our mission is to respond to our customers' wishes regarding the food we serve. As an independent restaurant group, the -- Max's mode of operation is to be creative with specials and to allow that creativity to an extent to take place in the kitchen.

This probably happens a great deal more in the chef-driven restaurants whose hallmark is creativity. But quite frankly, a number of the chain restaurants are creating themselves in the mold of independent restaurants where you can "have it your way."

Whether it's a pasta dish at Bertucci's or a pizza at your favorite pizza palace, you're the boss. How many combinations will you have to account for in a Subway Sandwich Shop or a Snack Wrap at McDonald's where you can change the dress, the way the chicken's prepared or the bread or whatever. This momentum to give

the customer control is strong and a growing trend in our industry.

We agree with the concept of an informed customer. After all, we have less invested in what the customer chooses, and we are driven by what they really enjoy. Our problem with the legislation is a concern over implementation and practicality. My menus are the single most important marketing vehicle that I produce, and the dishes on it evolve with the creativity of our culinary team.

To have to seek new laboratory analysis with every minor fluctuation of ingredients and seasonality would be an incredible burden for all but the largest chains that operate thousands of restaurants and employ scientists alongside their chefs.

You have set the number of restaurants to constitute a chain at ten. I'm not there yet, but maybe some day. However, my restaurants operate independently, and I don't ever foresee a day that my menus will be formulated by scientists instead of chefs.

For the lack of a better description, restaurants are a continuum of sophistication. At one end of the chain -- at one end is the chain restaurant where the menus are exact formulas, often prepackaged, with little variation. As you move further away from this version to the more entrepreneurial, there's more variation in preparation, product substitutes, availability and creativity.

Your interest in public health and ours is -- remaining viable in the very competitive restaurant business. Healthy lifestyles are created through educating consumers about choice and moderation.

The restaurant industry provides consumers with ample choices, but in the end it is up to them and what choices they -- what they choose to dine.

Education is the key, and it must start with the earliest ages, because without it the meaning of calories, saturated and trans fats, carbohydrates and sodium per serving will mean nothing. Education is critical, but that is not the role of the restaurants and the food stores. It is the role of public health and the educational system.

REP. RITTER: Thank you. Are there questions from the committee? Representative Giegler.

REP. GIEGLER: Thank you, Madam Chair.

In your testimony -- and thank you for coming before us today -- you seem to hit the head on every minor fluctuation of ingredient. And I know a bill similar to this was before us in previous years in public health, and one of the concerns that was expressed and which would affect you more than the chain restaurants is that you have different chefs on at different times, I'm sure, if you're a six-day or seven-day-a-week business. And through chef creativity, they might prefer to use one ingredient over another ingredient which would change the whole dynamic of what is in that particular dish.

That would become a tremendous problem for you, correct?

RICHARD ROSENTHAL: Well, you know, one of the hallmarks of any good restaurant is consistency. And like the chains, we work very hard to have set recipes, but everyone's

hand and eye is a little different.

And in the quick firing of dishes in a restaurant, you know, you're not using measuring cups and, you know, measuring spoons, you know, the way one does in the home or formulating a huge batch of something.

So cooking a pasta to order, you know, three ounces of cream can vary by a half ounce or -- either way, possibly, in the heat it's cooked at or, you know, the timing is going to change, and, you know, the amount of liquids that go into a dish or the amount of pasta, you know, if it's designed to be four ounces, it could be four and a half ounces.

So all those counts are going to get changed when it's not coming out of a plastic pouch.

REP. GIEGLER: Or even if you put on various specials on a given night, I'm sure that sometimes you might have a special maybe on a Tuesday night and then you may not have that special again for maybe a month or two.

RICHARD ROSENTHAL: Absolutely.

REP. GIEGLER: That would be really problematic.

RICHARD ROSENTHAL: In the summer months when we're shopping at the farms in 4:00 in the afternoon, you know, how could we execute, you know, a recipe with that much detail by 6:00 at night, you know?

REP. GIEGLER: All right. Well, thank you. I appreciate your answer.

REP. RITTER: Further questions from the committee? Senator Harris.

SENATOR HARRIS: Mr. Rosenthal, good to see you.

RICHARD ROSENTHAL: Are you going to do the schmaltz thing again?

SENATOR HARRIS: At least someone knew what it was.

(Laughter.)

SENATOR HARRIS: Actually, I went to a place in -- what was it, Triplets, but it's like Sammy's Hungarian in New York when I lived there, and they would actually still have the schmaltz extra on the table, so --

RICHARD ROSENTHAL: I hope they have a label.

(Laughter.)

SENATOR HARRIS: It had skull and crossbones on it.

(Laughter.)

SENATOR HARRIS: A couple of things.

First of all, the variation issue, I think what this is trying to get to is not, you know, that there might be change in a particular dish but it's not retrospective, oh, I got more or less, fewer calories. It's the idea that when I make my choice, I have the basic estimate of what I'm getting into. How many calories.

Might say a grand and because of these little changes maybe it's 1200 or maybe it's 900 because of those variations, but at least I can make my choice.

And I believe in the bill we actually have under Section 50 -- excuse me, line 51 and 54 the ability for a restaurant to put on the

menu a disclaimer saying that there may be a variation, so we anticipate that.

With respect to the difference between your type of restaurant versus the chain, as we're saying, it's my understanding that while there could be a little bit of variation, those franchises, which they tend to be, are fairly strict, understandably, at standardizing their food products. So a Big Mac is a Big Mac here versus a Big Mac in Montana.

Isn't that correct?

RICHARD ROSENTHAL: I would think that would be McDonald's goal, to be indistinguishable between the 3,000 miles, yes.

SENATOR HARRIS: And basically the only difference is product price.

RICHARD ROSENTHAL: I'm not sure.

SENATOR HARRIS: Well, actually, I had a theory once, which I did a little study anecdotally, that you could go to a city, look at the cost of a Big Mac versus another city and have an idea of the cost of living differential of the city, but that's another -- another story.

Maybe I was eating too much fast food at that time.

(Laughter.)

RICHARD ROSENTHAL: You know, I think some of the chains -- and I know Chili's and 99 and I would -- and I'm pretty certain McDonald does quite a good job of making that information available in the restaurant.

I know it's not on the menu board, but I think

McDonald's actually has it on the sheet that goes on the tray, you know, on your little cafeteria style tray.

99 has it on their website and very available. Chili's I believe also does. And, you know, Chili's has a whole category on their menu called Guiltless -- Guiltless Grill, you know.

So I think the chains are working very hard at making those accommodations.

But I -- one of the concerns, and it's not in my testimony, that if you're sitting in Chili's and looking at their menu -- and I'm not speaking for Chili's and they did not ask me to, but if you're looking at a restaurant like Chili's and you're looking at their nachos or you're looking at their salad of some type, you know, is it really great marketing as you're reading the menu, you know? Do you want to see all these calories?

The educated consumer is going to be -- kind of knows what's lean and what's not lean, and they're going to make an effort to eat through education and knowledge prior to going to a restaurant.

SENATOR HARRIS: Understand. And I do understand that there are instances where these chains have made some efforts.

But would you at least agree with the proposition that there is a difference between the Applebee's, the Chili's and those type of places than the type of restaurants within your group or the mom and pops on the --

RICHARD ROSENTHAL: Sure, sure. And I think it's easier for them to accomplish this, but it does -- it does -- it's going to put a lot of

pressure on the mom and pops, you know, if every large chain, you know -- and there may be five, you know.

If you go to a town like Southington where there's ten of them down the road, then the local operator on -- who's dealing with that now may be pressured to have all those details when it would be almost impossible for them to provide them accurately.

SENATOR HARRIS: Okay.

RICHARD ROSENTHAL: And we clearly don't want to put the small operators out of business or in a position where they can't compete.

SENATOR HARRIS: And that's not the intent of the bill. I mean, not only just in this economy, but we don't want to obviously be doing anything that -- that -- that places an undue burden on business.

And I guess the -- the exercise here is to try to come up with a balance of, you know, consumer protection, informed consumers making healthy choices against -- against that potential.

RICHARD ROSENTHAL: I think all restaurants are in favor of healthy choices, and I don't think they're against educating their guests when they can.

But I -- I'm -- it scares me to think that the local guy who does not have a scientist in his kitchen or possibly even a computer to do the research, you know, and he's sitting next to Chili's, and he just can't provide that kind of information, and the customer's (inaudible) it now.

SENATOR HARRIS: One comment and then a final question to you.

First of all, you do know that cooking is an art and baking is a science, right?

RICHARD ROSENTHAL: Yes.

(Laughter.)

SENATOR HARRIS: Okay.

But with that scientist mentality, how -- if you -- if -- just assume you had to do this, and you might do it anyway, how difficult is it for you to come up with an estimate of the calories in a particular dish?

Is it -- isn't it just a matter of taking a look at the various products that go into it and sizes and doing --

RICHARD ROSENTHAL: I think there are computer programs and I believe the National Restaurant Association with their lean act, that they're working very hard to come up with something that is a national program so each state has consistency in these issues. I believe they're developing something on their website that restaurants can go to to enter an actual recipe.

I know they're co-branding it with some -- with someone. I'm not sure who it is.

So I think at the moment it would be -- it's difficult and probably laborious for the small operator. I don't think it's impossible. You know, the big -- it would be a little easier for a group like me than it would be for the corner coffee shop serving, you know, eggs and home fries.

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SENATOR HARRIS: Okay.

Thank you. For everybody's edification, just so you know, there's 880 calories and 55 grams of fat in the Angry Whopper.

(Laughter.)

RICHARD ROSENTHAL: The what?

SENATOR HARRIS: And I am actually going to take a break right now, Mr. Rosenthal. I have to go up and have my steamed broccoli and chicken from Eggroll Express on (inaudible) West Hartford.

So with that, I will turn it back over to my co-chair.

(Laughter.)

REP. RITTER: Thank you, Senator Harris. Are there other questions from the committee?

I have a question. The bill also referred to notifications for food allergens, and I didn't hear anything in your testimony about that portion of the bill.

Am I -- how do you feel about that?

RICHARD ROSENTHAL: About -- well, I think any restaurant that is worried about the liability of a -- of a sick guest is -- would be very concerned about that.

And, you know, we -- our service staff is very well trained in what's in dishes, you know, as far as things -- you know, the highly allergic items like nuts and et cetera, you know?

We've seen a lot of customers with celiac that

are very concerned about gluten, and in our restaurants we provide gluten-free restaurants [sic] in all the restaurants. And this is coming from the marketplace.

Our customers are coming in and saying, you know, I have celiac or other related illnesses that need a gluten-free menu. And at Max's Oyster Bar, for example, we've had two very successful gluten-free dinners that were both sold out.

So the marketplace really drives things like that quite a bit, you know, fear and also combination. So I think most restaurants are on top of -- well, let me say I know we are.

And as an association, we've talked about that quite a bit, allergy issues. And, you know, a lot of restaurants are posting those things on their website. And, you know, people are very careful when they write a menu to make sure, you know, if they're using peanuts, the obvious allergy, does it have peanuts in it or peanut oil?

They make it clear it's on -- they will almost always put it on that menu descriptor.

REP. RITTER: Thank you.

And I certainly appreciate the obvious attention and that you and your staffs and the restaurants that you've been talking to are paying to this.

It has been my experience that that might not always be the case at all at various other restaurants, and I -- I guess I might just -- that's some of the concern, obviously, driving this.

And clearly that educational efforts and notification and all of that can vary widely across these situations, and I think that's sort of where we're going; but I just was struck that while your testimony was very clear when it came to the calories, there wasn't any mention at all of this particular aspect of the bill.

And for folks who have these kinds of allergies, of course, that would be -- would be a fairly serious issue for them.

RICHARD ROSENTHAL: Well, I would say as an association, we would be much more responsive to the allergy issues.

REP. RITTER: Thank you. That is helpful.

RICHARD ROSENTHAL: Thank you.

REP. RITTER: And I think Representative Gentile has a question.

REP. GENTILE: Thank you, Madam Chair. Not really a question, just a comment.

I'd like to commend you on your sensitivity to food allergens. As a celiac patient, I want you to know that I appreciate that.

I can't tell you how many times I've gone into a restaurant and ordered chicken and when it's delivered, they neglected to say that it was breaded, so thank you for your efforts on that.

RICHARD ROSENTHAL: Well, we're seeing a very large part of the community, surprisingly amount -- large amount of the community that has this illness. And, like you said, it would be -- we're thanked all the time for our

responsiveness.

REP. RITTER: Further questions from the committee? Thank you very much for your time.

RICHARD ROSENTHAL: Thank you.

REP. RITTER: Our next speaker will be Roberta Friedman, and she will be followed by Pat Checko.

ROBERTA FRIEDMAN: Representative Ritter and members of the committee, thank you for this opportunity to testify in support of Senate Bill 1080. My name is Roberta Friedman. I'm the director of public policy for the Rudd Center for Food Policy and Obesity at Yale University.

Our center conducts research that helps inform the public and shape public policy so that we can have a real impact on the obesity epidemic. And I have several points -- key points that I want to make today about menu labeling.

The first is that the available scientific evidence, some of which is our research, supports menu labeling. Americans today are spending about half of our food dollars in restaurants and other food service vendors.

And research shows that foods that are made Outside the home tend to be higher in calories and fat and sat fat and carbohydrates and sodium, and they're generally poorer nutritionally than the foods we make at home.

Research also confirms that portion sizes have increased and that people will eat more when they're served more. And it's really difficult for people to figure out how many

calories are in something they order.

And studies have shown that nine out of ten people underestimate by almost 600 calories how many calories are in some of the fast food less-healthy items.

And as Dr. Mande referred to in one study, even professional nutritionists underestimated the number of calories, and that was by between 220 and 680. This is why putting calories on the menu board certainly makes sense.

My second point is that the information needs to be on the menus and the menu boards. It's great that the information's being given out, it's being put on brochures and posters, but it's not enough.

We conducted a study at Rudd to see how many people accessed the nutrition information when it was on brochures or posters or sometimes on the computer screens in the restaurants. Out of 4300 fast food customers that we observed, six of them looked at a brochure.

So to be useful, obviously the information needs to be on a menu board.

My next point is that it's more than an obesity prevention measure. We're certainly dealing with an obesity epidemic in the state, but -- and this has been framed as an obesity prevention measure, but it's really public health strategy that's good for everyone. We all need to learn how to eat more healthfully, how to choose lower-calorie meals.

And as I mentioned from before, it's difficult for people -- for most people to know which are the low-calorie items. How are we

supposed to take personal responsibility for our health if we're not given this information that we need?

My next point is that consumers do have a right to this information. I'm going to skip to two recommendations I have very quickly for the bill. The first is that the menu boards need to be defined explicitly to include drive-thrus. We know this is important because we did a study observing over 2600 patrons, and 56 percent of them used the drive-thru.

So these people would not be able to benefit from the information if it weren't on the drive-thru menu boards.

And the other is, as Dr. Mande said, we really encourage you to put a statement that says the average person eats 2,000 calories per day prominently on the menus and the menu boards. I have a -- can I make one more -- no?

REP. RITTER: Well, if you want to quickly wrap up, I mean very quickly.

ROBERTA FRIEDMAN: One more point is that New York City has had this menu labeling in effect for over a year, and they did a poll in January and found that nine out of ten people were in favor of seeing the calories listed.

Eighty percent of the customers said that the calories had an impact on what they ordered and 71 percent looked for lower alternatives, so it's working in New York City.

Thank you.

REP. RITTER: Thank you very much.

Are there questions from the committee? None. I -- I was not laughing at your testimony, only at myself. Occasionally it's my experience that when taking on public testimony, I hear my behavior being described by the person giving the testimony, and sometimes I find it funny and sometimes I find it sad.

So I -- I want to thank you for your clear testimony on this.

I had a question about the New York City experience, and I just can't remember this. I understand that they put calories and I believe other information on their menus.

Am I correct?

ROBERTA FRIEDMAN: As far as I know, calories on the menu and the menu boards, but a lot of them have extra information available on brochures and pamphlets if people want to know about the fat and sat fat and carbohydrates and sugar.
But if you go into the restaurants, you'll see the calories.

REP. RITTER: Thank you.

As an addition and a suggested item that maybe we might be interested in, but maybe you would be interested in taking a look at, is I have sometimes asked this question when I've been out at a variety of restaurants, and as I said to the previous speaker, I'm amazed at the range of results I often get to my question, and I'm asking about things like calories.

You know, I might like to know how much is in that, you know, meatloaf, mashed potato and gravy dinner that I want as opposed to perhaps

salad. And just -- and a range of information is -- is I think really from a customer standpoint what I might be seeking.

I get a wide variety of answers, and so maybe something I would be interested in hearing from the Rudd Center is whether that experience is unique or whether as a -- as a state or as communities we are becoming more aware, the extent to which our awareness is being heightened.

So thank you very much.

ROBERTA FRIEDMAN: Thank you very much.

REP. RITTER: Any other questions?

Thank you. Our next speaker will be Pat Checko, followed by Connie Malave. Is Pat here? Hi.

MICHAEL MUSZYNSKI: Representative Ritter.

REP. RITTER: Hi.

MICHAEL MUSZYNSKI: Dr. Pat Checko couldn't be here to testify, so I'd like the opportunity to testify on her behalf.

My name is Michael Muszynski. Dr. Pat Checko is the prevention committee co-chairman of the Connecticut Cancer Partnership. It's a coalition of more than 200 stakeholders in cancer prevention and control in Connecticut.

The Connecticut Cancer Partnership is in strong support of Senate Bill 1080, which supports nutrition labeling in chain restaurants as an important step in the comprehensive approach to addressing obesity, the nation's fastest rising public health

problem.

In 2007, 70 percent of Connecticut adults and 26 percent of our youth were overweight or obese, with 24 percent of adults and 12 percent of high school students actually classified as obese.

The Behavioral Risk Factor Survey also noted that less than 30 percent of adults and high school students ate five or more fruits and vegetables per day. Poor nutrition, physical inactivity and a -- physical inactivity and obesity account for 30 percent of all cancers and also impact on the rise in other chronic diseases like heart disease and diabetes.

The tobacco control experience has demonstrated that policy and environmental change are essential components of a comprehensive approach to reduce health risk and change behavior to stop the obesity epidemic.

Similar purposeful public policy and community-based interventions are needed to reinforce individual efforts to achieve and maintain a healthy body weight and level of physical activity throughout life.

Marian Nestle is an academic nutritionalist with decades of advising on nutritional issues. Dr. Nestle noted that even she was stunned by the number of calories in fast foods. She used the example of a blueberry and pomegranate smoothie which had 1180 calories, compared to a pizza which had 2,000 calories.

Given that nutritional experts have difficulty choosing the healthiest options from just menu descriptions, what hope is there for the rest

of us? Because people find it difficult to estimate calories, these laws are being introduced as part of an effort to combat obesity.

We must also consider the importance of eating out in the overall diet. Americans consume around one-third of their calories outside of the home, and nearly 75 percent of all restaurant visits are to fast food or other chain restaurants.

A New York City survey found that a third of respondents purchased 1,000 calories or more at lunchtime alone. Other research has shown that when calorie information is provided, people tend to choose high-calorie items less often. The food industry will inevitably raise the cost issues associated with the legislation.

The -- I'll just wrap up. The fact is that chains, even fast food restaurants like Chili's and TGI Friday's, have standardized menus. Many of these chains operate in places like New York City and California, which also have -- which also -- which already require calorie labeling. So this requirement would not cause a hardship for them.

In addition, for these fast food chains that a -- offer drive-thru access, there should also be a drive-thru menu board requirement.

Pat Checko did submit written testimony, so I'd like you to -- if you have the time to look at that. There is additional information which I did miss.

And I'd like to thank you for the time. And if you have any questions, I'd be happy to try and answer anything.

REP. RITTER: Thank you. And we do have the testimony.

Are there questions from the committee? Thank you very much.

MICHAEL MUSZYNSKI: Thank you very much.

REP. RITTER: Our next speaker will be Connie Malave, followed by Patricia Grace-Farfaglia, perhaps.

SB1080

BRYTE JOHNSON: Hi. Connie couldn't be here either. She's probably driving Pat someplace. I'm the director of government relations and advocacy for the American Cancer Society here in Connecticut. And with the committee's permission, I'd like to just kind of summarize Connie's points.

The American Cancer Society believes that people need access to nutritional information to make informed choices about their diets. This information is already required on nearly all packaged foods, which encompasses most foods purchased at supermarkets and convenience stores. Food sold at restaurants is not incorporated into this requirement.

However, people are eating at restaurants more frequently than they have in the past. Without this information, people can only guess about a food's nutritional content. Those guesses are often incorrect. And compounded over time, choices based on incorrect assumptions can have dire health consequences.

The American Cancer Society has nutrition, physical activity and cancer-prevention guidelines that recommend maintaining a

healthful weight throughout life and consume a healthful diet.

Successful adherence to the guidelines requires informed decision-making. Informed decision-making requires access to nutritional information.

Nutritional information has been required on packaged foods since 1994. Three-quarters of adults report using these food labels, which -- which is associated with eating a more healthful diet. The FDA recommends that restaurants provide nutrition information that is easy to find and use at the point of decision-making.

Many chain restaurants already collect nutritional information. However, much of the time it is posted on a website, available on a brochure or available on a tray liner, which you have access to only after the order has already been placed and is not available when the diner is making his or her choice.

The American Cancer Society is a strong Supporter of SB 1080 because we know that one in three cancer deaths is related to poor diet, obesity and physical inactivity.

People cannot begin to address their personal health without tools to make healthy decisions. SB 1080 ensures that they have the basic information necessary to make healthy choices when they eat out. Thank you.

REP. RITTER: Thank you very much.

Are there questions from the committee? Thank you. Our next speaker will be Patricia Grace-Farfaglia, followed by Lucy Nolan.

Is Patricia here? Perhaps not. Lucy Nolan, to be followed by Tim Phelan.

LUCY NOLAN: Good afternoon, Representative Ritter and members of the committee. My name is Lucy Nolan. I'm the executive director of End Hunger Connecticut, a statewide antihunger and food security organization. I'm here in support of Senate Bill 1080, An Act Concerning Access to Health and Nutritional Information in Restaurants.

I would just like to reiterate, just given the testimony before by Rich Rosenthal, that this rest -- that this bill would not affect a group such as Max's Restaurant Group. As you know, as you can see in the definition, there are two pieces that have to have the same tradename, which none of those restaurants do, and they have to be predominantly the same type of meals for food and menus, and that's really what we're talking about, the Chili's and the TGI Friday's and the McDonald's and those things.

And I -- next time you go to a restaurant and you look and see what the average size of a hamburger is, it will be about three-quarters or two-thirds of a pound. When I grew up, it was always -- a quarter a pound is what you bought for your own barbecue, not for what you got at a restaurant.

We mentioned before that there was a study done by NYU where the dieticians were asked to see what kind of -- how many calories were in a meal, and they got a typical dinner from Applebee's or TGI Friday's. I thought there were 865 calories in that meal. Turned out that there were 1,550 calories.

And I -- just recently, I went to Cheesecake

Factory, going to get the Godiva's chocolate cheesecake, which is really fabulous, but asked how much it was. It's 2500 calories for one piece of cheesecake. And the waitress said to me -- the waitress said to me, "Sometimes that's all I eat all day because that's all my calories I can have for the day."

So I -- I just -- it just really is mindboggling. And I just want to say to you, too, that part of the problem here is that we're eating out more often now. We eat five times -- women who eat out five times a week -- and that's including lunch -- eat 300 calories more per day.

And if you try to find out -- if you go online and try to find out how much the calories are, it's really difficult. You get there and then something else seems better and -- or if you go to McDonald's and it's on the tray, you've already got what you're going to get and it's on -- you know, you're not going to throw it away and get something better.

And so it really is important that these calories are at point of purchase. We have to be able to decide, and we want people to be responsible for their ownselfs, and the only way to do it is to be able to give them the information to be responsible. Thank you.

REP. RITTER: Thank you so much. Unfortunately, I just want a piece of cheesecake now.

(Laughter.)

LUCY NOLAN: I know, well, it's -- sadly, you've been informed about the repercussions. I won't be able to eat until the day after tomorrow if I eat it, so --

REP. RITTER: Well, we share. We share. We can buy one piece and you share it with a bunch of people and it's actually -- it gives you the taste. It's okay. Thanks, Lucy.

LUCY NOLAN: You're welcome.

REP. RITTER: Are there questions from the committee? Thank you very much.

LUCY NOLAN: Thank you.

REP. RITTER: Our next speaker will be Tim Phelan, and he will be followed Do n Dobson. Is he here?

SB 1080

TIM PHELAN: Good afternoon, Representative Ritter, and other members of the Public Health Committee. Representative Ritter, before I begin, I think you deserve a piece of cheesecake, and I would -- I would not deny yourself that.

REP. RITTER: Thank you.

TIM PHELAN: I am -- for the record, I'm Tim Phelan. I'm president of the Connecticut Retail Merchants Association, and part of our membership includes a number of quick-service restaurants, including McDonald's and Taco Bell and Kentucky Fried Chicken, Subway Corporation and others.

And our members are familiar with this type of legislation, having worked on it in other states, primarily in California and in New York, and are generally supportive of this, although this bill does add some additional burdens to us that we'd like to continue to work with the committee on, specifically in the areas of -- of notification on allergies.

I believe that those are not required in the California statute, and they are -- they may not be contemplated further in the -- in the federal act which is about to be introduced, we understand, on Monday.

So I guess our message to you today is that the industry that we represent deals with this issue on a daily basis. As has been mentioned earlier in testimony, there is information available now to consumers that we're providing on a voluntary basis through online websites, through pamphlets and through other types of voluntary measures.

And in addition, there is activity on this level on a federal -- on this bill on a federal level, a bill that will be introduced, we understand, on Monday.

But should the committee consider moving forward with this, there are parts of this bill that we would like to work with you on to make sure that we are -- Connecticut is consistent with what other states are doing and also with which may be contemplated on a federal level.

REP. RITTER: Thank you.

I'd like to add a request, then. I don't see any written testimony, and I think we might appreciate having those items specified for --

TIM PHELAN: I was -- I was going to write some testimony, but I went out to lunch instead. I'm sorry.

(Laughter.)

TIM PHELAN: But I'll do it when I get back to my

office.

REP. RITTER: I hope your lunch was good. I won't say anything more about it.

TIM PHELAN: I was with Representative -- I was with Senator Harris. He got the Big Mac and I -- forget.

REP. RITTER: Right.

Thank you very much. I believe Representative Gentile has a question.

REP. GENTILE: Thank you, Madam Chair.

Tim, can you please explain to me why your organization would be unwilling to address food allergens? Because, after all, food allergens can be just as life-threatening as calories are to obesity.

TIM PHELAN: Right.

I understand, Representative Gentile. I think the biggest concern that we have is that -- not to diminish the -- the effects of food allergens in any way, shape or form. I think the concern we have is there is just so much space on a menu board that -- there's so much information that we can place on a menu board.

Or in addition in a drive-thru menu that I Think it becomes a question of at what point does the consumer miss the message that we're trying to send.

So I think those are the factors that are involved in -- in determining whether or not, you know -- how do we fit all this on a menu board so that we get the right information out.

REP. GENTILE: Just as a follow-up to that, and maybe as a suggestion, I agree that menu space is limited. However, you might want to consider some kind of a supplemental handout that you would just be able to post in the -- in the facility somewhere that information regarding food allergens is available, please request it.

TIM PHELAN: We do that -- Representative Gentile, we can do that now. In a lot of places right next to the kiosk, right next to the cash register there's nutritional information, so I'm sure we'll -- we wouldn't have any objections to continue to do that.

I think I would also, you know, like to reiterate a point that Mr. Rosenthal said earlier, that, you know, the restaurants we represent, the quick-service restaurants are really in the business of making sure that our customers are well-informed about the product that we're trying to -- that we're selling to them.

So it's not as if, you know, we're -- we're trying to sort of hide the fact, you know, the calorie contents or what's in the food or any of that stuff. And in particular with the allergies, I think it's just a matter of how do we fit all this into -- to the process of selling and to -- and working with our customers.

But we want to -- I think information is something that we certainly want to share with our customers.

REP. GENTILE: Just as a point of consideration, when we listened to some testimony regarding our restroom bill, some of the people who were

allergy sensitive testified that they, in fact, oftentimes will not leave the house because they are fearful that their allergy could kick in.

It's something to consider for sales. I mean, if you have this information readily available and these people could be guaranteed that they would not be subject to getting ill, you might see more people, you know, going to the facility.

TIM PHELAN: Well, that's a good point. That's a very good point, and I'll share that with our members.

REP. RITTER: Thank you.

Are there any other questions from the committee? Thank you very much for coming, and we'll look forward to getting that information from you. I would like to emphasize there are specific suggestions for improvements for the bill. It would be very helpful if we could get it fairly expeditiously.

TIM PHELAN: Certainly.

REP. RITTER: Thank you.

TIM PHELAN: Okay, you're welcome. Thank you.

REP. RITTER: Our next speaker will be Donn Dobson, and to be followed by Nancy Alderman.

If you could turn the microphone on.

DONN DOBSON: Sorry.

REP. RITTER: Thank you.

Testimony in favor of Proposed SB 1080

An Act Concerning Access to Health and Nutritional Information in Restaurants

March 6, 2009

Good afternoon Senator Harris, Representative Ritter and members of the Public Health Committee. My name is Lucy Nolan and I am the Executive Director of End Hunger Connecticut!, a statewide anti-hunger and food security organization with over 1,000 members. I am here today to speak in favor of Proposed SB 1080, An Act Concerning Access to Health and Nutritional Information in Restaurants.

Menu labeling is a policy whose time has come for Connecticut. This is not only an issue for those families with increased incomes but our cities host many more restaurants, fast and not, than the surrounding suburbs. Families with incomes of less that $15,000 a year eat out an average of more than 3 meals a week – compared to those of higher incomes of over $75,000 who eat out an average of 5 times a week. Families had more control over their caloric intake at home than they do at restaurants, given serving sizes, and basic knowledge of what is in a meal. Given the size of an entrée in addition to a beverage and dessert, it would not be uncommon for the meal to constitute half a day's worth of calories and in some instances, a whole day's worth.

Additionally, having menu information available to consumers will increase their knowledge of nutrition as well as letting them take responsibility for their food choices – it is very difficult to take personal responsibility for something without adequate information. Without nutrition information, it can be difficult to compare options and make informed choices at restaurants. Few people would guess that a tuna salad sandwich from a typical deli has 50 percent more calories than a roast beef with mustard; that a small milkshake has as many calories than a Big Mac; or that the BBQ ribs on a children's menu has fewer calories than the chicken nuggets. Consumers need the right tools to make informed decisions.

There are a number of people who go into those restaurants who eat the "healthy selections" without the knowledge that many of these meals are loaded with calories. An example would be that a "deluxe breakfast" at McDonald's weighs in over 1,200 calories, more than half of many people's suggested calories per day. An Egg McMuffin, hash browns and a small orange juice is 580 calories – still a lot of calories, but significantly less than the "deluxe breakfast". Do most people know that a bagel at Dunkin Donuts has more than twice the calories in it (not including the cream cheese) as a glazed donut? Menu labeling at the point of purchase can help people make decisions that affect their health. Instead of eating a whole bagel one might eat half of one, or go for the lower caloric donut choice. McDonald's is a good example of a restaurant that changed its menu to accommodate the public's need for choice with healthier foods. Creating some transparency on the food that we are buying creates changes in the restaurant industry, and the changes benefit the consumer, as well as the business.

A study conducted by the Center for Science in the Public Interest and New York University found that even well-trained nutrition professionals can't estimate the calorie content of popular restaurant meals. They consistently underestimated the number of calories and the underestimations were substantial – by 200 to 600 calories. When shown a display of a typical hamburger and onion rings from a dinner house restaurant like T.G.I. Friday's or Applebee's, the dietitians estimated that it had 865 calories, when it actually contained 1,550 calories.

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In September of 2008, Technomics Inc. did a survey on the effectiveness of the New York City menu labeling policy which was enacted in the summer of that year. The results show support for the law:

* high awareness of the NYC menu labeling policy (80%).
* very positive reaction from the public (86% think Menu Labeling in NYC is a positive move).
* 84% who have gone to a restaurant with Menu Labeling, have used the nutrition information.
* 84% have been surprised by the calorie counts (the calories are higher than expected).
* 75% think the nutrition information on menus has made an impact on their ordering.
* 83% expect more government regulation of nutrition in restaurants in the future.

I have attached to my testimony a poll that End Hunger Connecticut! conducted in the spring of 2007 that tested people's perceptions of the calories in the food they order, as well as their support for this legislation (82% in favor of menu labeling of calories).

There are a number of factors that add extra calories to our diets however there is a direct correlation between increased calorie consumption and eating out at restaurants. For example, children eat almost twice as many calories when they eat a meal at a restaurant compared to at home (770 calories versus 420 calories). Women who eat out more than 5 days a week eat about 300 calories on average each day than women who eat out less often. Added calories, added saturated fat and fewer nutrients, and increased sodium can lead to diseases such as high blood pressure, heart disease and diabetes.

Given the current practice by many families to eat out on a regular basis, the current voluntary system for nutrition labeling in restaurants is inadequate. Approximately one-half of the largest chain restaurants don't provide any nutrition information to their customers. The 50 percent of chain restaurants that do provide nutrition information do so on websites, which requires people to have computers and internet access and to log on before leaving home, or on hard-to-find brochures in their stores or on fast-food wrappers or trayliners, which people don't see until after they order. Making this information available at the point of purchase allows consumers to make informed decisions when they need to. Since this bill only affects those restaurants chains with 10 or more restaurants this bill would require the headquarters, not individual restaurants, to analyze and create the menu labeling. That is something that could be done while they are creating new tantalizing meals.

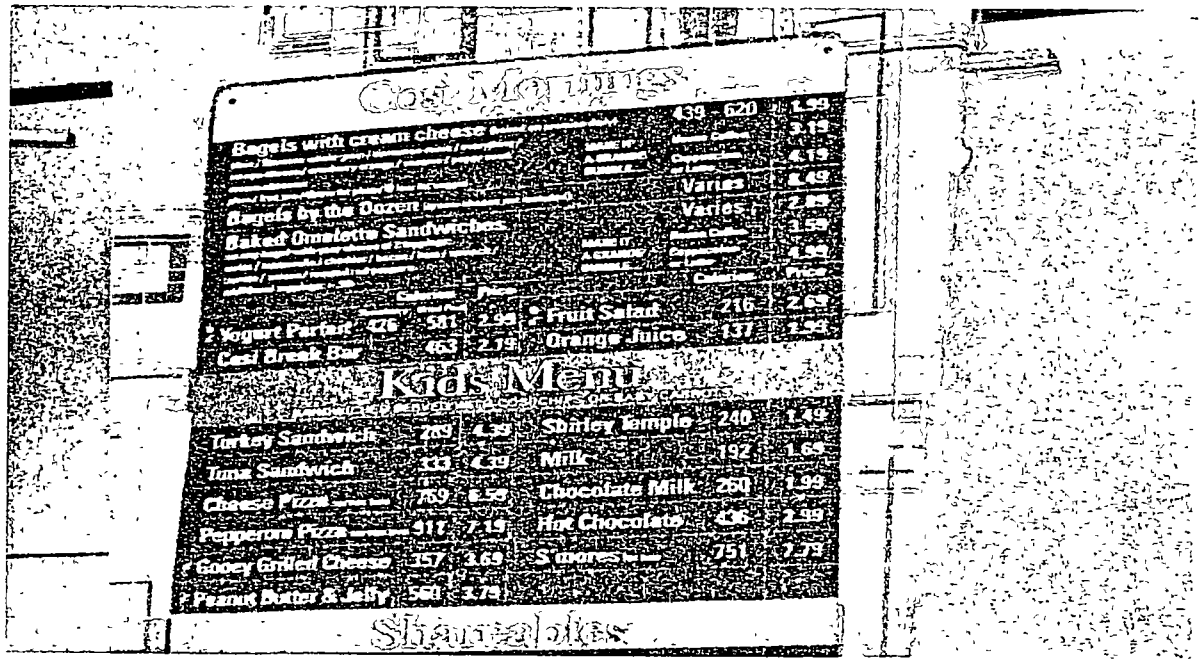
I want to reiterate that this legislation only affects those restaurants chains with 10 or more restaurants that have substantially the same menu (as opposed to some chains that have a similar name but have different menus). Additionally, daily, weekly and monthly specials are exempted. This will not affect small individually owned restaurants, mom and pop eateries, diners or roadside stands. The larger chains have the ability to analyze calorie content, as well as the budget to do so. Many will use this information to market their healthy choices – in fact more patrons may come to specific restaurants if they know that the nutrient information is readily available.

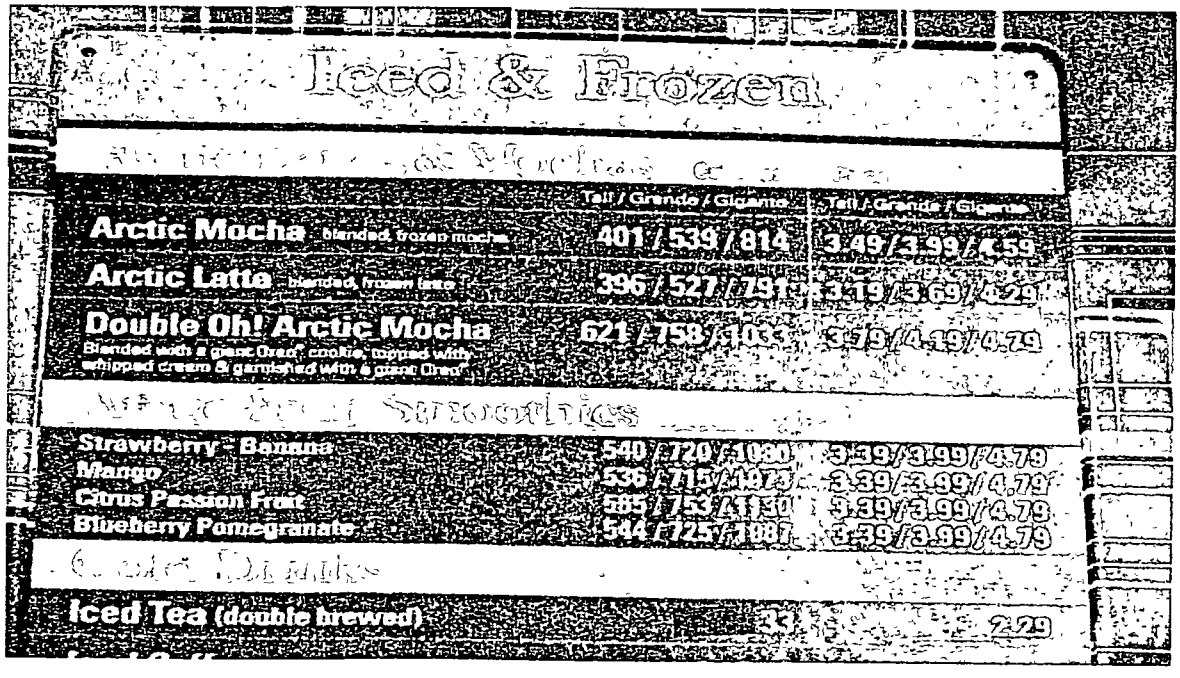
People have become accustomed to having nutrition information in supermarkets. And according to an industry-backed poll, 83 percent of Americans believe restaurants also should provide nutrition information. Three-quarters of adults report using food labels on packaged foods and almost half of consumers report that the nutrition information on food labels has caused them to change their minds about buying a food product. People who read nutrition labels are more likely to have a diet lower in fat and cholesterol and higher in vitamin C. Studies show that providing nutrition information at restaurants leads to lower calorie choices.

This legislation is good legislation as it allows consumers to make good personal choices, the ability to take responsibility for their food choices as well as creates incentives for larger chain restaurants to offer healthier selections. Additionally, Connecticut consumers will be given better ability to analyze and be better educated

about nutritional choices, thereby subtly adding nutrition education into our everyday lives. I urge the passage of Proposed SB 1080, An Act Concerning Access to Health and Nutritional Information in Restaurants.

Thank you.





End Hunger CT 2007
2007 Restaurant Menu Survey
Annotated Questionnaire

End Hunger CT commissioned the **Center for Survey Research and Analysis at the University of Connecticut** to conduct an omnibus survey of 4 questions to gather perceptions on nutritional values on restaurant menus and opinions on menu labeling in fast-food and chain restaurants. **The statewide survey fielded between April 17 and April 23, 2007. A total of 501 Connecticut residents (ages 18 years and older) were interviewed.** The sample was weighted to be representative of statewide characteristics for age, gender, and educational attainment. The results and demographic information are reported below. **Correct answers are bolded.**

Q1. Which of the following entrees that are served at Chili's restaurant do you think has the FEWEST number of calories?

	n=501
Steak and Portobello Fajitas	7%
Carolina Ribs with BBQ sauce	**3%**
Sizzle and Spice Grilled Salmon	52%
Mesquite Chicken Salad with Dressing	28%
Don't Know (vol.)	8%
Refused (vol.)	1%

Q2. Which item at Dunkin' Donuts has the FEWEST number of calories?

	n=501
Sesame bagel with cream cheese	24%
Two jelly-filled donuts	**10%**
Banana walnut muffin	38%
A medium (24 oz.) strawberry banana smoothie	20%
Don't Know (vol.)	8%
Refused (vol.)	0%

Q3. Which item at McDonalds has the MOST calories?

	n=501
A Big Mac	48%
Two Egg McMuffins	7%
A large chocolate shake	**12%**
Four regular hamburgers	27%
Don't Know (vol.)	6%
Refused (vol.)	1%

Q4. Do you support or oppose requiring fast-food and chain restaurants to display calorie content on menus or menu boards?

	n=501
Support	82%
Oppose	14%
Don't Know or refused (vol.)	4%

Testimony of Patricia Grace-Farfaglia, RD, CD-N, Adjunct Lecturer, Nutritional Sciences, University of Connecticut at Waterbury

Submitted to the Public Health Committee

Connecticut General Assembly

March 6, 2009

Good morning Senator Harris, Representative Ritter, and distinguished Members of the Public Health Committee. My name is Patricia Grace-Farfaglia. I am testifying in support of Senate Bill No. 1080.

I believe restaurants should be required to inform the public of the total calorie information and list the major food allergens used in the preparation of menu items. As a Registered Dietitian I know how important it is for the public to have this information.

I have Multiple Sclerosis and non-celiac gluten sensitivity. Although I am currently in remission, if I ingest gluten, it can trigger a relapse of my multiple sclerosis. When I eat out, I favor restaurants that have nutrition information and offer gluten-free menu items, such as Uno Chicago Grill and Carrabba's Italian Grill. For the most part, I prepare my food at home. Luckily, as a dietitian I can easily modify recipes and eat a wide variety of the foods that I like. But like many other allergy sufferers, I often have to watch others enjoy their meal at a restaurant because there are too many unknowns.

I know how frustrating it is for restaurant owners to serve safe foods for their customers. Three years ago at my favorite Thai restaurant, the owner turned to me to interpret labels so he could advise a patron with gluten sensitivity on what foods he should not eat from this menu. Since 2005 the FDA has required food manufacturers to identify on the food label of packaged foods the presence of ingredients that contain protein derived from milk, eggs, fish, crustacean shellfish, tree nuts, peanuts, wheat, or soybeans. This information should be made available to the restaurant staff and the public to in the interest of health and safety.

For people with Diabetes, knowing the calories and fat in a food is essential to controlling their weight and blood sugar. Once again, Uno Chicago Grill stands out as a chain that is proactive in giving the public nutrition information. Uno provides a kiosk to look up each entre and readily identify allergens, nutrition content, and food exchanges.

I disagree with the old idiom, what you don't know can't hurt you. People who have an allergy or a chronic illness will be harmed by lack of information. Thank you.

Bryte Johnson

Public Health Committee
March 6, 2009
American Cancer Society Testimony

SB 1080 – An Act Concerning Access To Health And Nutritional Information In Restaurants.

Senator Harris, Representative Ritter, distinguished members of the committee, good morning. My name is Connie Malave-Branyan and I am the Area Director for Health Initiatives for the American Cancer Society. We stand in strong support of **SB 1080 – An Act Concerning Access To Health And Nutritional Information In Restaurants.**

Americans are increasingly relying on restaurants to feed themselves and their families. In 1970, Americans spent just 26% of their food dollars on restaurant meals and other foods prepared outside their homes. Today, we spend almost half (46%) of our food dollars on away-from-home foods. American adults and children consume about one third of their calories from restaurants and other food-service establishments. Nearly three-quarters of total restaurant visits are at fast food and other chain restaurants, and major restaurant chains account for roughly half of total restaurant visits.

Fast food has found its way into US schools, and even pervades US hospitals. According to a 2006 survey, 42% of 234 academic-affiliated hospitals had brand name fast-food establishments on their campuses. This reliance on away-from-home food has important ramifications because most individuals significantly underestimate the caloric content of restaurant food, especially for higher-caloric foods.

The American Cancer Society believes that people need access to nutritional information to make informed choices about their diets. This information is already required on nearly all packaged foods, which encompasses most foods purchased at supermarkets and convenience stores. Food sold at restaurants is not incorporated into this requirement. However, people are eating at restaurants more frequently than they have in the past. SB 1080 addresses this trend and expands access to nutritional information by requiring restaurants with 10 or more outlets in the state to include caloric and allergen information on menus and order boards. Without this information, people can only guess about a food's nutritional content. Those guesses are often incorrect. Compounded over time, choices based on incorrect assumptions can have dire health consequences.

The American Cancer Society has nutrition, physical activity, and cancer prevention guidelines that recommend maintaining a healthful weight throughout life and consuming a healthful diet. Successful adherence to the guidelines requires informed decision-making. Informed decision-making requires access to nutritional information.

Nutritional information has been required on packaged foods since 1994. Three-quarters of adults report using these food labels, which is associated with eating a more healthful diet. Almost half of consumers report that the nutrition information on food labels has caused them to change their minds about buying a food product.

The Food and Drug Administration recommends that restaurants provide nutrition information that is easy to find and use at the point of decision-making. Half of the largest chain restaurants already collect nutritional information. However, much of the time it is posted on a website or is available on a tray liner after an order has already been placed and is not available when the diner is making his/her choice.

The American Cancer Society is a strong supporter of SB 1080 because we know that one in three cancer deaths are related to poor diet, obesity, and physical inactivity. People cannot begin to address their personal health without tools to make healthy decisions. SB 1080 ensures that they have the basic information necessary to making healthy choices when they eat out.

Thank You.

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Michael Muszynski

SB 1080: An Act Concerning Access to Health and Nutritional Information in Restaurants
Public Health Committee - March 6, 2009
Patricia J. Checko, Dr. P.H.

My name is Dr. Pat Checko. I am the Prevention Committee Co-Chair of the Connecticut Cancer Partnership, the coalition of more than 200 stakeholders in cancer prevention and control in Connecticut. We strongly support nutrition labeling in chain restaurants as an important step in the comprehensive approach to addressing obesity, the nation's fastest rising public health problem.

In 2007, 70% of Connecticut adults and 26% of our youth were overweight or obese, with 24% of adults and 12% of high students actually classified as obese. The Behavioral Risk Factor Survey (BRFSS) also noted that less than 30% of adults and high school students ate five or more fruits and vegetables per day. Poor nutrition, physical inactivity and obesity account for 30% of all cancers and also impact on the rise in other chronic diseases like heart disease and diabetes. The tobacco control experience has demonstrated that policy and environmental change are essential components of a comprehensive approach to reduce health risk and change behavior. To stop the obesity epidemic, similar purposeful public policy and community-based interventions are needed to reinforce individual efforts to achieve and maintain a healthy body weight and level of physical activity throughout life.

New York and California have led the nation with menu labeling or "calorie posting" laws, and around 20 cities and states are considering them. But the restaurant industry is fighting all the way. The 2nd U. S. Circuit Court of Appeals has rejected the preemption argument and the First Amendment claim brought by the New York State Restaurant Association. The NYC law requires all chain restaurants with 15 or more establishments nationally to show calorie content clearly on menus and menu boards.

Marian Nestle is an academic nutritionist with decades of advising on nutritional issues. Dr. Nestle noted that even she was stunned by the number of calories in fast foods. She used the example of a blueberry and pomegranate smoothie with 1,180 calories and a pizza for one with 2,000 calories. Just as a reminder, **the typical adult needs only about 2,000 calories a day.** Given that nutrition experts have difficulty choosing the healthiest options from just menu descriptions, what hope is there for the rest of us.

Because people find it difficult to estimate calories, these laws are being introduced as part of the effort to combat obesity. We must also consider the importance of eating out in the overall diet. Americans consume around one third of their calories outside the home, and nearly 75% of all restaurant visits are to fast food or other chain restaurants. A New York City survey found that a third of respondents purchased 1,000 calories or more at lunch time alone. Other research has shown that when calorie information is provided people tend to choose high calorie items less often.

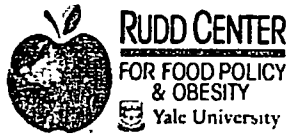
It is still early to evaluate the impact of these labeling laws, but Dr. Frieden, New York's Health Commissioner, noted that preliminary feedback suggests that consumers are becoming more aware of calories, and some outlets are also starting to change what they offer. There are reports of leading chains highlighting lower calorie options on menus and introducing healthier options.

And why not voluntary labeling? Given how hard restaurants have fought this in court it is highly unlikely that they would do it voluntarily in a meaningful way. Public health advocates are not optimistic that a voluntary approach would be effective. You would not get the same disclosure on menu boards as you do when you have mandatory legislation, and there would not be a standard for required information.

The food industry will inevitable raise the cost issues associated with this legislation. The fact is that chains, even non-fast food restaurant chains like Chili's and TGIF, have standardized menus. Many of these chains are operating in places like New York City and California that already require calorie labeling. So this requirement would not cause a hardship for them. In addition, for those fast food chains that have offer drive-thru services, there should also be a drive-thru menu board requirement.

While enacting a calorie labeling law for Connecticut restaurants is only one arrow in the quiver to address poor nutrition and obesity, it is a critical policy step that can have a population-based effect on many of our highest risk groups and help individuals achieve healthy eating and healthy weight outcomes that will reduce the personal and economic impact of chronic disease in Connecticut.

We need this and most consumers want it too. Wouldn't it be nice to know the impact of the 600 calorie cup of coffee, a 1,200 salad, a 1,400 calorie breakfast or a 2,700 calorie appetizer on your daily calorie intake before you choose it? I sure would.



Testimony of the Rudd Center for Food Policy and Obesity,
presented by Roberta Friedman
S.B. 1080
Public Health Committee
March 6, 2009

Senator Harris, Representative Ritter, and members of the Committee,
Thank you for the opportunity to present this testimony on Raised Bill No. 1080.

The Yale Rudd Center for Food Policy and Obesity seeks to improve the world's diet, prevent obesity, and reduce weight stigma. The Center establishes creative connections between science and public policy and develops targeted research to inform and empower the public and policy makers, and to maximize the impact on public health. We have written extensively about, and done research on, menu labeling as a public health measure.

In Connecticut, approximately 56% of adults are overweight or obese and 12.3% of children ages 10-17 are obese. The solutions to this epidemic must be science-based, positively alter the environment so they reach many people at once, and enable people to more easily practice healthy behavior. Menu labeling is one proposed approach. The practice has been endorsed by the U.S. Surgeon General, the Institute of Medicine, the U.S. Food and Drug Administration, and the American Medical Association.

Available scientific evidence supports the practice of menu labeling. Consider the following:

- Today, Americans spend almost one-half (47.9 percent) of their food budget and eat one-third of their calories in restaurants and from other food service vendors.
- Foods that are prepared and eaten outside the home tend to be higher in calories, saturated fat, carbohydrates, and sugar, and are nutritionally poorer than foods made at home.
- Restaurant portion sizes have increased and studies show that people eat more when served larger portions. These portions can contain as much as an entire day's worth of the daily allowance of 2,000 calories as recommended by the USDA.
- Studies show that consuming fast food is positively associated with increased risk for insulin resistance, heart disease, type 2 diabetes, and obesity.

The purpose of menu labeling is to promote informed consumer decision-making and prevent consumer confusion about calorie and nutrition content. Studies have found that 9 out of 10 people underestimate the calorie content of less-healthful items by an average of more than 600 calories (almost 50% less than the actual calorie content). Even professional nutritionists underestimated the calorie content of restaurant foods--by 220 to 680 calories. The current information gap has resulted in distorted perceptions of what are appropriate meals and portion sizes.

Consumers have a right to know this information. The federal government, through the 1990 National Labeling and Education Act, took an important first step to ensure that Americans are informed about the materials their clothing is made from, the composition of personal care and household cleaning products, and what ingredients are in the packaged foods they consume. Three of every four adults read those food labels. As more people purchase meals for consumption outside the home it is a logical next step that this information be provided at the point of purchase in fast food restaurants.

Customers are not taking advantage of information as it is currently presented. We recently conducted a study to assess whether people accessed nutrition information as it is currently presented on brochures and posters. Only 6 of the 4300 patrons observed accessed the information. These findings suggest that in order to affect customers' purchasing behavior, the nutrition information must be displayed on menus and menu boards. We also recommend including a statement such as "The average adult eats 2000 calories per day," placed prominently on the menus and boards. This information will help people make better decisions about how many calories they can afford to order at the time.

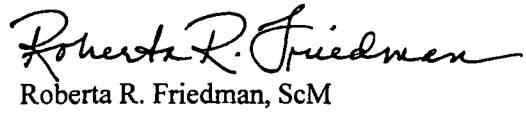
The public is in favor of menu labeling. In New York City, where menu labeling has been in effect for almost one year, a January 2009 poll found that 9 out of 10 consumers are in favor of it. More than 80% of customers surveyed said the calorie listings made an impact on what they ordered. Seventy-one percent looked for and ordered lower calorie alternatives. And three-fourths think governments should play a more active role in regulating health and nutrition concerns.

We believe the menu labeling legislation under consideration is supported by good science and has the aim of giving consumers the necessary information to make healthful food choices according to their own personal goals and circumstances.

Thank you for the opportunity to comment on this very important public health issue.

Respectfully submitted,

Kelly D. Brownell, PhD.
Director



Roberta R. Friedman, ScM
Director of Public Policy

Testimony before the Committee on Public Health
March 6, 2009
SB 1080 AAC ACCESS TO HEALTH AND NUTRITIONAL INFORMATION IN RESTAURANTS.

by
Richard Rosenthal
Max Restaurant Group
Hartford, CT

Good afternoon Senator Harris; Representative Ritter and members of the Pubic Health Committee. My name is Rich Rosenthal I am the president of the Max Restaurant Group and Chairman of the Connecticut Restaurant Association. I am here to speak on behalf of the Restaurant Association regarding their position on SB 1080. Although this bill specifically targets chain restaurants; we are in a very competitive marketplace where ultimately we all will have to respond to the same standards or we have the potential to lose market share.

Restaurants are involved in the business of hospitality. Our mission is to respond to our customers wishes regarding the food we serve. As an independent restaurant chain the Max Group's mode of operation is to be creative with specials and to allow that creativity, to an extent, to take place in the kitchen. This probably happens a great deal more in the chef owed restaurants, whose hallmark is creativity. But quite frankly a number of chain restaurants are recreating themselves in the mold of the independent restaurant where you can "have it your way". Whether it is a pasta dish at Macaroni Grill or a pizza at your favorite pizza palace; you're the boss. How many combinations will you have to account for in a Subway Sandwich Shop or a Snack Wrap at McDonalds where you can change the dressing and the way the chicken is prepared. This momentum to give the customer control is a strong and growing trend in our industry

We agree with the concept of an informed customer, after all we have less invested in what it is that the customer chooses and we are driven by whether they enjoy it. Our problem with this legislation is a concern over implementation and practicality. My menus are the single most important marketing vehicle that I produce and the dishes on it evolve with the creativity of the culinary team. To have to seek new laboratory analysis with every minor fluctuation of ingredients would be an incredible burden for all but the largest chains that operate thousands of restaurants and employee scientists alongside their chefs. You have set the number of restaurants that constitute a chain at ten…I am not yet there, maybe some day. However my restaurants operate independently and I don't ever foresee a day that my menus will be "formulated" by scientists instead of chefs.

For lack of a better description restaurants are on a continuum of sophistication. At one end is the chain restaurant where the menus are exact formulas often prepackaged with little variation. As you move further away from this version to the more entrepreneurial there is more variation in preparation, product substitution, availability, and creativity. Your interest is in public health and ours is in remaining viable in the very competitive restaurant business. Healthy lifestyles are created through educating consumers about choice and moderation. The restaurant industry provides consumers with ample choices but in the end it is up to them what and where they choose to dine.

Education is the key and it must start at the earliest ages because without it the meaning of calories, saturated and trans fat, carbohydrates and sodium per serving will mean nothing. Education is critical but that is not the role of restaurants and food stores it is the role of public health and the educational system.

Yale CANCER CENTER

STATEMENT OF
JEROLD R. MANDE
S B. No 1080
March 6, 2009

Senator Harris, Representative Ritter, and members of the Committee

Thank you for the opportunity to testify on S B. No. 1080, An Act Concerning Access to Health and Nutritional Information in Restaurants.

My name is Jerold Mande and I am associate director for public policy at the Yale Cancer Center, at the Yale University School of Medicine Prior to coming to Yale I had the honor of working on cancer policy at the White House for Vice President Al Gore, and on nutrition policy at the Food and Drug Administration (FDA) for Commissioner David Kessler. At FDA, I helped lead development of the Nutrition Facts label that is now required on virtually all packaged foods

I am here today to testify in strong support for the enactment of S B 1080 Providing Connecticut's residents with calorie information on menus and menu boards in the state's chain restaurants is probably the most important step you can take to tackle the growing obesity epidemic. I want to thank the committee for raising this bill, and commend Senators Harp on authoring similar legislation.

There are three points I would like to make today 1) we are facing an obesity epidemic that requires urgent action, 2) menu and menu board labeling would finally complete the nation's nutrition labeling program, and 3) restaurant labeling will lead restaurants to return to more sensible and healthy meals

We are in the midst of an obesity epidemic that some have predicted will make today's children the first generation of Americans to have shorter life spans than their parents Attached to my testimony are two maps of the nation produced by the Centers for Disease Control and Prevention (CDC) that graphically demonstrate how serious the problem is. As you will see, in just fifteen years we went from not having a single state with more than 15% of its population being obese to virtually every state having 20% or more of its population being obese

The likely health consequences are enormous. For example, current patterns of overweight and obesity in the United States could account for an estimated 14% of all deaths from cancer in men and 20% of those in women This would make diet and obesity second only to tobacco in our fight against cancer. Thus requiring labeling in restaurants will not only help the state tackle obesity, but it is also among the most important steps we can take to combat cancer

S.B.1080 will also help complete the nation's nutrition information program. In 1992, while at the FDA, I had the privilege of leading the graphic design of the Nutrition Facts food panel that is now required on virtually all packaged foods At that time, FDA leadership recommended to the Secretary of Health and Human Services that nutrition labeling also be required in chain restaurants Given the growing number of meals consumed outside the home we were convinced that the goals of the Nutrition Labeling and Education Act would not be reached unless our program included chain restaurants Unfortunately we lost that battle and the nation's health has suffered You now have the opportunity to help correct that mistake and I urge you to do so

Finally, restaurant labeling will lead restaurants to return to more sensible and healthy meals. As part of research I have done on obesity at Yale, I have interviewed a number of food designers Food designers work for both the packaged food and restaurant industry. These are the people that the Cheesecake Factory and Campbell's hires when they want to add a new food item

When I explained my role in designing the Nutrition Facts label, they each shared an important story on how that label changed what they do When packaged food companies come to them they almost always bring a mock food label and explain that the new product must be designed around the label numbers. For example, there must be no trans fat, saturated fat and sodium must be low, and healthy nutrients high

But when their restaurant clients are planning their new foods, there are no such restraints. In fact, as restaurants seek to provide an "eating experience" rather than a simple meal, designers have pushed the amount of calories, fat, sugar, and salt to unprecedented high levels Their goal is no longer nutrition, but to increase the body's pleasurable response to foods This unfortunately has become the standard in the design of too much restaurant fare

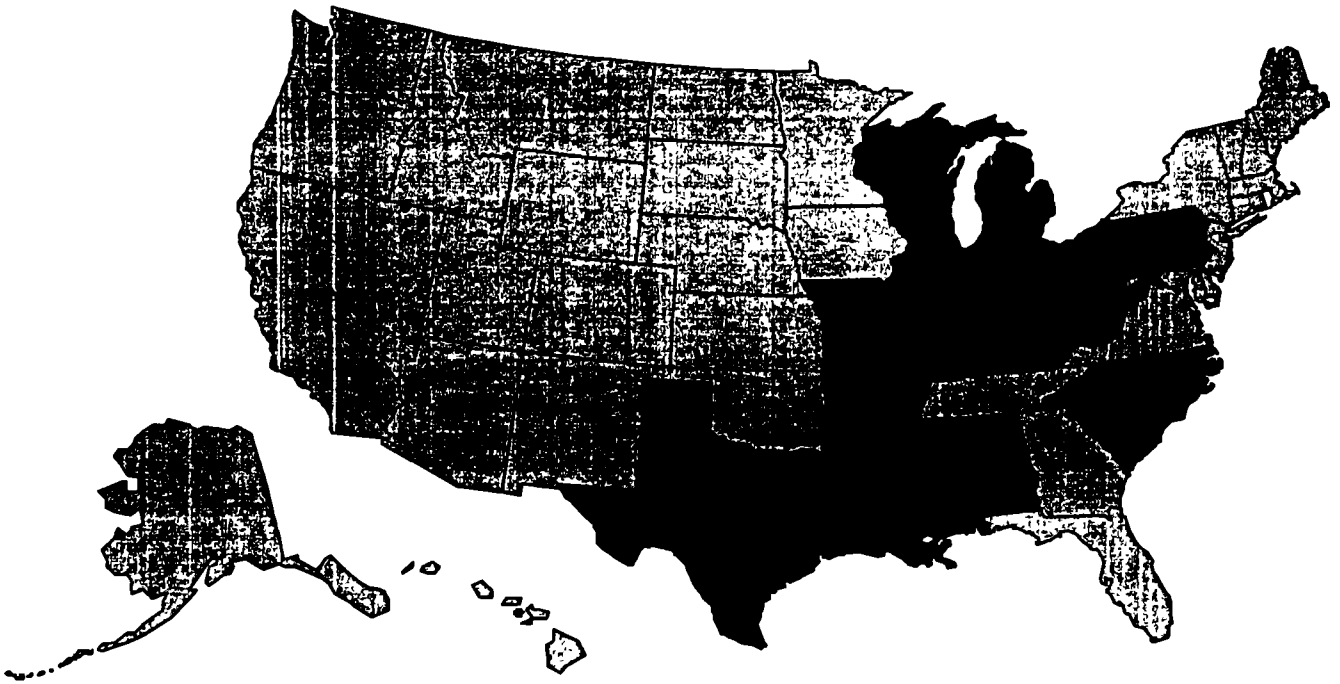
Enacting S B 1080 can help change that It will help Connecticut fight obesity and cancer, it will give consumers the information they count on in the grocery store when they spend the other half of the their food dollar in restaurants, and it will provide a much needed incentive to the food industry to limit the calories, fat, and added sugar in restaurant food.

In closing, let me also say that I support recommendations by Yale's Rudd Center for Food Policy and Obesity to include drive-thru menu boards and to add a statement to menus and menu boards that the average person should consume only 2000 calories per day to S.B 1080 These changes make good sense and are evidence-based. I urge that you favorably report S B 1080 and that it be passed into law as soon as possible

Thank you.

Obesity Trends* Among U.S. Adults
BRFSS, 1994

(*BMI ≥30, or ~ 30 lbs. overweight for 5' 4" person)



No Data | <10% | 10%–14% | 15%–19%

Source: CDC Behavioral Risk Factor Surveillance System.

CDC
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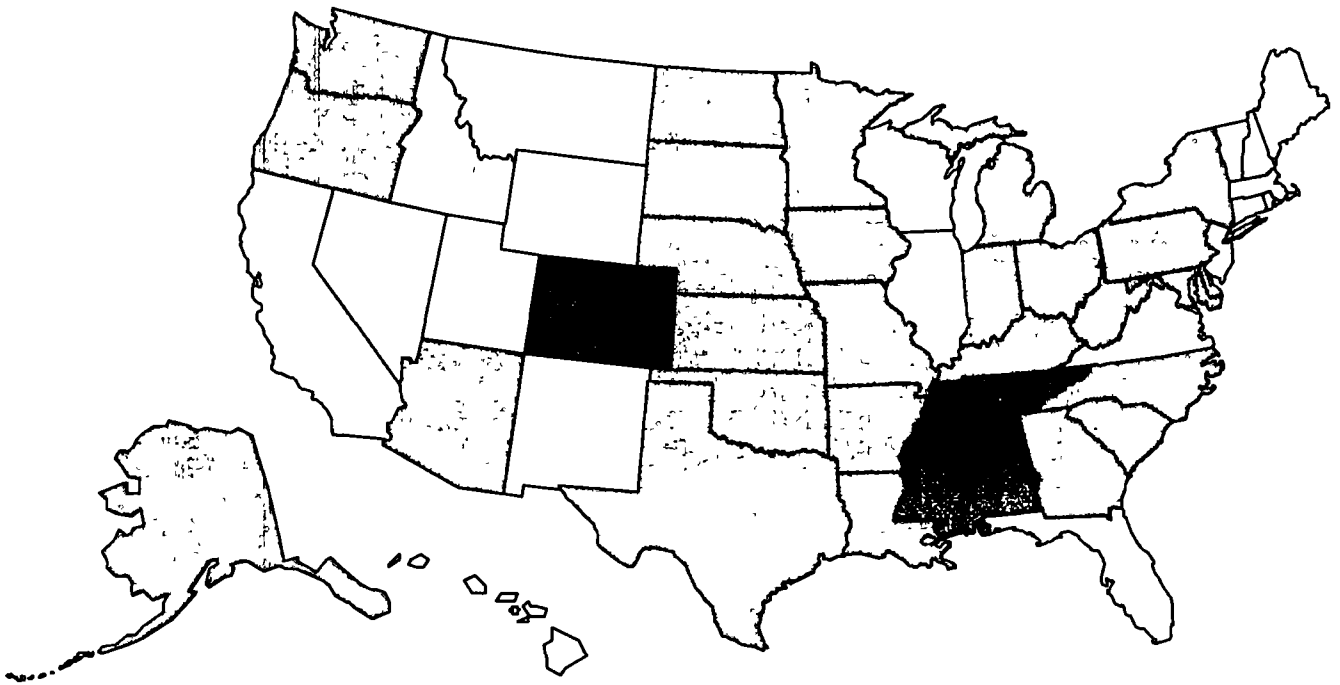
Obesity Trends* Among U.S. Adults

BRFSS, 2007

(*BMI ≥30, or ~ 30 lbs. overweight for 5′ 4″ person)



No Data | <10% | 10%–14% | 15%–19% | 20%–24% | 25%–29% | ≥30%

Source: Behavioral Risk Factor Surveillance System, CDC.

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