
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . CALORIE INFORMATION**

5 **§321-A Definitions.** As used in this part:

6 "Food service establishment":

7 (1) Means, but is not limited to, restaurants and food
8 concessions within the State that:

9 (A) Operate under common ownership or control with at
10 least fifteen other food service establishments
11 doing business nationally; or

12 (B) Operate as a franchised outlet of a parent
13 business or under the same name as at least
14 fifteen other food service establishments doing
15 business nationally; and



1 offer for sale substantially the same menu items in
2 servings that are standardized for portion size and
3 content.

4 (2) Does not include farmers markets, commissaries,
5 licensed health care facilities, public and private
6 school cafeterias, and vending machines.

7 "Food item tag" means a label or tag that identifies food
8 items displayed for sale at a food service establishment and
9 their prices.

10 "Menu" means a list or pictorial display of food items and
11 prices.

12 "Menu board" means a list or pictorial display of food
13 items and prices posted in and visible within a food service
14 establishment or outside of a food service establishment for the
15 purpose of ordering from a drive-through window.

16 "Standard menu item" means individual food items or
17 combinations of food items listed or displayed on a menu or menu
18 board that are sold in servings that are standardized for
19 portion size and content.

20 **§321-B Calorie information for menu items.** (a) All menus
21 and menu boards at a food service establishment shall provide



1 the total number of calories for each standard menu item listed.
2 The calorie information shall be displayed clearly and
3 conspicuously, adjacent or in close proximity to the menu item,
4 and in a font or format that is at least as prominent in size
5 and appearance as that used to post the name and price of the
6 menu item. The calorie information shall be visible at or prior
7 to the point of ordering.

8 (b) Standard menu items displayed for sale with a food
9 item tag shall provide the calorie information on the food item
10 tag in a font size and format at least as prominent as the font
11 size of the name and price of the food item.

12 (c) Calorie content values at drive-through windows shall
13 be displayed on either the drive through menu board, or on an
14 adjacent stanchion visible at or prior to the point of ordering,
15 so long as the calorie content values are as clearly and
16 conspicuously posted on the stanchion adjacent to their
17 respective menu item names, as the price or menu item is on the
18 drive through menu board.

19 (d) This section shall not apply to standard menu items
20 offered for sale for less than thirty days in a calendar year.



1 **§321-C Calculation of calories.** (a) Calorie content
2 values shall be based upon a verifiable analysis of the standard
3 menu item that may include the use of nutrient databases,
4 laboratory testing, or other reliable methods of analysis, and
5 shall be rounded to the nearest ten calories for calorie content
6 values above fifty calories and to the nearest five calories for
7 calorie content values fifty calories and below.

8 (b) For standard menu items offered in different flavors
9 and varieties, including but not limited to beverages, ice
10 cream, pizza, and doughnuts, the range of calorie content values
11 showing the minimum to maximum number of calories for all
12 flavors and varieties of that item shall be listed on menu
13 boards and menus for each size offered for sale; provided that
14 the range need not be displayed if the calorie information is
15 included on the food item tag identifying each flavor or variety
16 of the food item displayed for sale, in accordance with section
17 321-B.

18 (c) For combinations of different food items listed or
19 pictured as a single menu item, the range of calorie content
20 values showing the minimum to maximum number of calories for all
21 combinations of that menu item shall be listed on menu boards



1 and menus. If there is only one possible calorie total for the
2 combination, then that total shall be listed on menu boards and
3 menus."

4 SECTION 2. In codifying the new sections added by section
5 1 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Food Service Establishments; Calorie Information

Description:

Requires owners and operators of fifteen or more food service establishments to provide calorie information for menu items.
(HB138 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

