



1 establishments as that term is defined in this section to post  
2 caloric information at the point of purchase. The program shall be  
3 designed to address the problems affecting overweight and obese  
4 individuals, and encourage and promote healthy lifestyles.

5 (b) As used in this section the following words and phrases  
6 have the following meanings:

7 (1) "Covered food service establishment" means a food service  
8 establishment doing business in West Virginia and that has greater  
9 than fifteen locations nationally doing business under the same  
10 trade name, regardless of the type of ownership of the individual  
11 restaurant locations, offering for sale substantially similar menu  
12 items, in servings that are standardized for portion size and  
13 content and that operate under common ownership or control, or as  
14 franchised outlets of a parent business, or do business under the  
15 same name.

16 (2) "Menu" means a printed list or pictorial display of a food  
17 item or items, and their price or prices that are available for  
18 sale from a covered food service establishment and shall include  
19 menus distributed or provided outside of the establishment.

20 (3) "Menu board" means any list or pictorial display of a food  
21 item or items and their price or prices, visibly posted at the  
22 point of purchase within a covered food service establishment or  
23 outside of a covered food service establishment for the purpose of  
24 ordering from a drive-through window.

1       (4) "Menu item" means any individual food item, or combination  
2 of food items, listed or displayed on a menu board or menu that are  
3 sold by a covered food service establishment.

4       (5) "Food item tag" means a label or tag that identifies any  
5 food item displayed for sale at a covered food service  
6 establishment.

7       (c) This section applies to menu items served in portions the  
8 size and content of which are standardized at a covered food  
9 service establishment. This section does not apply to menu items  
10 that are listed on a menu or menu board for less than thirty days  
11 in a calendar year or for condiments and other items placed on a  
12 table or counter for general use without charge.

13       (d) The Governor's Office of Health Enhancement and Lifestyle  
14 shall propose rules for legislative approval in accordance with the  
15 provisions of article three, chapter twenty-nine-a of this code to  
16 effectuate the provisions of this section. These rules shall  
17 provide:

18       (1) The posting of calorie information for menu items that  
19 bear the total number of calories derived from any source for each  
20 menu item they list. This post shall be at the point of purchase;

21       (2) A means of calculating calories content values using  
22 analytic methods and express nutrient content based upon a  
23 verifiable analysis of the menu item;

1       (3) Standardized formatting for food item tags including font  
2 size and format. The size and typeface must be of equal prominence  
3 to the price or name of the item;

4       (4) Specific drive-through window requirements including the  
5 manner in which the caloric content of menu items must be displayed  
6 at or near the drive-through menu board;

7       (5) Specific requirements for salad bars, buffet lines,  
8 cafeteria services or other arrangement where food is on display  
9 that provide caloric content per standard service per item next to  
10 where the item is offered in a size and typeface that is prominent  
11 and legible from where customers are choosing those items;

12       (6) A means to account for the range of calorie content values  
13 for different flavors, varieties and food item combinations listed  
14 as a single menu item; and

15       (7) Anything additional the Governor's Office of Health  
16 Enhancement and Lifestyle finds necessary to effectuate the  
17 provisions of this section.

18       (e) Once the program begins operation, marketing shall take  
19 place through all state agencies. The West Virginia Public  
20 Employees Insurance Agency, the Bureau for Medical Services and the  
21 West Virginia Insurance Commission must aggressively market this  
22 program to their members for the purposes of health promotion among  
23 their members.

NOTE: The purpose of this bill is to initiate the Healthy Lifestyles Restaurant Calorie Posting Program, to require restaurants to participate in this program and will benefit from the marketing of this program through state agencies.

This section is new; therefore, it has been completely underscored.