**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑1‑110 SO AS TO REQUIRE RESTAURANTS TO PROVIDE THE TOTAL NUMBER OF CALORIES DERIVED FROM ANY SOURCE ON EACH MENU ITEM POSTED ON MENU BOARDS, MENUS, AND FOOD ITEM TAGS, TO PROVIDE SPECIFICATIONS FOR HOW TO COUNT CALORIES OF MENU ITEMS, AND TO DEFINE CERTAIN TERMS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 1, Title 39 of the 1976 Code is amended by adding:

“Section 39‑1‑110. (A) As used in this section:

(1) ‘Restaurant’ means an eating establishment that maintains ten or more operating locations within the State that are open and accessible to the public including, but not limited to, fast food enterprises, coffee shops, cafeterias, and other similar entities licensed by the Department of Health and Environmental Control.

(2) ‘Food item tag’ means a label or tag that identifies a food item displayed for sale at a restaurant.

(3) ‘Menu’ means a printed list or pictorial display of a food item or items, and their prices, that is available for sale from a restaurant, including menus distributed or provided outside of the establishment.

(4) ‘Menu board’ means a list or pictorial display of a food item or items and their prices posted in and visible within a restaurant or outside of a restaurant for the purpose of ordering from a drive-through window.

(5) ‘Menu item’ means an individual food item or combination of food items listed or displayed on a menu board or menu that are sold by a restaurant.

(B) A restaurant shall post on all menu boards and menus the total number of calories derived from any source for each menu item listed on its menu boards or menus. This information must be listed clearly and conspicuously, adjacent or in close proximity to the menu item, and must be in a font and format that is at least as prominent in size and appearance as that used to post the name and price of the menu item.

(C) Calorie content values required by this section must be based upon a verifiable analysis of the menu item, which may include the use of nutrient databases, laboratory testing, or other reliable methods of analysis, and must be rounded to the nearest ten calories for calorie content values totaling above fifty calories and to the nearest five calories for calorie content values totaling fifty calories and below.

(D) When a food item is displayed for sale with a food item tag, the tag must include the calorie content value for that food item in a font size and format at least as prominent as the font size of the name of the food item.

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

(F)(1) For menu items offered in different flavors and varieties, including, but not limited to, beverages, ice cream, pizza, and doughnuts, the range of calorie content values showing the minimum to maximum numbers of calories for all flavors and varieties of that item must be listed on menu boards and menus for each size offered for sale; provided, however, that the range does not need to be displayed if calorie content information is included on the food item tag identifying each flavor or variety of the food item displayed for sale, in accordance with subsection (D).

(2) For combinations of different food items listed or pictured as a single menu item, the range of calorie content values showing the minimum to maximum numbers of calories for all combinations of that menu item must be listed on menu boards and menus. If there is only one possible calorie total for the combination, then that total must be listed on menu boards and menus.

(G) This section applies only to menu items served in standardized portions at a restaurant. This section does not apply to menu items that are listed on a menu or menu board for less than thirty days in a calendar year.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑