

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6025
BILL NUMBER: HB 1207

NOTE PREPARED: Feb 25, 2009
BILL AMENDED: Feb 2, 2009

SUBJECT: Nutritional Information at Food Establishments.

FIRST AUTHOR: Rep. Brown C
FIRST SPONSOR: Sen. Miller

BILL STATUS: As Passed House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires a food establishment with 20 or more locations in Indiana to make certain nutritional information available to customers for each item or unit of food.

The bill establishes civil penalties for violations.

Effective Date: July 1, 2009.

Explanation of State Expenditures: (Revised) This bill requires that chain restaurants with 20 or more locations in the state, make specified nutritional information available to customers in a manner that allows them to consider the nutritional information when selecting an item for consumption.

The bill specifies that the Indiana State Department of Health (ISDH), the Health and Hospital Corporation of Marion County, and local health departments are allowed, but not required, to enforce the provisions of the bill.

The ISDH would need to promulgate rules to implement the bill.

Background Information: SB 1420-2008 was signed into law in California in October 2008. This bill requires restaurants with 20 or more locations in the state to post calorie information on their menus and on indoor menu boards by January 1, 2011. Beginning July 1, 2009, brochures containing either calorie information and/or other nutritional labeling for items such as saturated fat or sodium content will be required at the point of sale or at drive-through windows for consumers. The California law creates a new infraction for the

violation of these provisions and requires local health departments to enforce the statute.

Explanation of State Revenues: (Revised) The bill provides that violations are subject to a civil penalty not to exceed \$1,000 for each violation per day. Civil penalties collected are to be deposited in the state General Fund if the ISDH instituted the enforcement action. State revenues, if any, would depend on actions taken by the ISDH.

Explanation of Local Expenditures: (Revised) It is not known if local health departments have sufficient manpower to add additional enforcement activities to their duties. However, local health departments are not required to enforce the provisions of the bill, but may do so if they choose.

Explanation of Local Revenues: (Revised) Civil penalties collected are to be deposited in the general fund of the county if the Health & Hospital Corporation of Marion County or a local health department institutes the enforcement action.

State Agencies Affected: ISDH.

Local Agencies Affected: Local health departments and the Health & Hospital Corporation of Marion County.

Information Sources: ISDH, California SB 1420-2008 at:
http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_1401-1450/sb_1420_bill_20080903_enrolled.pdf.

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