

HOUSE BILL NO. 695

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health and Human Services

on _____)

(Patron Prior to Substitute—Delegate Hayes)

A BILL to amend the Code of Virginia by adding a section numbered 35.1-14.01, relating to restaurants; sodium warning label required; civil penalty.

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 35.1-14.01 as follows:****§ 35.1-14.01. Restaurants; sodium warning label required; civil penalty.**

A. All restaurants licensed pursuant to this title that are required to comply with 21 C.F.R. Part 11 and Part 101 and provide a menu to their customers shall include in a conspicuous manner a sodium warning label next to or directly under each high sodium menu item. A restaurant may indicate such warning on its menu with an asterisk or similar symbol for each individual high sodium menu item provided that such menu displays the language required pursuant to subsection B conspicuously at least once.

For the purpose of this section, a high sodium menu item is any menu item containing 2,300 milligrams (mg) or more of sodium. Each menu item that provides for variations containing fewer than 2,300 mg of sodium is a high sodium menu item if any variation contains 2,300 mg or more of sodium. Electronic menus that allow for customization of items may display the sodium warning label dynamically when the consumer makes a choice that increases the sodium content of the menu item to 2,300 mg or more of sodium. Menu items intended for sharing that consist of more than one discrete serving require a sodium warning label only if each discrete serving contains 2,300 mg or more of sodium.

B. The sodium warning label required under subsection A shall display the following language in a clear, legible, and conspicuous format: "Sodium content higher than daily recommended limit (2,300 mg). High sodium intake can increase blood pressure and risk of heart disease and stroke." If a restaurant chooses to indicate high sodium menu items by using an asterisk or similar symbol as permitted pursuant to subsection A, such restaurant shall include such asterisk or similar symbol with the language required pursuant to this subsection and shall indicate that items marked with such asterisk or similar symbol are high sodium menu items.

C. The Department shall revoke the license of any restaurant that fails to comply with the requirements of this section. However, the Department shall reinstate the license of any restaurant that demonstrates compliance with the requirements of this section to the Department after such revocation.