

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2595

As Amended by House Committee of the Whole

Brief*

HB 2595, as amended, would reserve to the Legislature the regulation of food nutrition information and consumer incentive items served with food or nonalcoholic beverages sold at restaurants, retail food establishments, or vending machines. The State and “political subdivisions,” as that term is defined by the bill, would be prohibited from establishing or enforcing policies pertaining to:

- “Food nutrition” or “consumer incentive items,” as those terms are defined by the bill;
- A license or permit issued on condition of food nutrition information or food-based health disparities;
- The restriction of food service operations based upon food nutrition information or consumer incentive items; and
- The locations where food is grown, distributed, sold, or served.

The bill would not be interpreted so as to become more restrictive than federal law or regulation affecting nutrition labeling. The food service facilities of political subdivisions would be exempt from the bill, provided the political subdivision’s policies do not restrict another entity. The bill would not be construed as limiting the zoning authority of political subdivisions. Political subdivisions would be allowed

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

to create and promulgate nutritional information in accordance with dietary guidelines established by the U.S. Department of Agriculture, provided the information would not be contained in a law or ordinance restricting any other entity.

Background

The bill was introduced by the House Committee on Appropriations.

During the hearing before the House Committee on Commerce, Labor and Economic Development, representatives from the Kansas Department of Agriculture (Department); Americans for Prosperity; Kansas Beverage Association; Kansas Chamber of Commerce; Kansas Livestock Association; Mid American Merchandising Association; and various agriculture associations testified in favor of the bill. According to the representative from the Department, the bill would encourage uniform food labeling across the state and country. Other proponents noted a trend in communities in other states to regulate the dissemination of food nutrition information.

Representatives from the American Cancer Society; American Heart Association; Kansas Association of School Boards; Kansas Farmers Union; Kansas Rural Center; League of Kansas Municipalities; Unified Government of Wyandotte County and Kansas City, Kansas; and various civic groups and foundations testified in opposition to the bill. Representatives of the local units of government expressed concern the bill would preempt local control, including zoning ordinances. Other opponents stated consumers want nutritional information in order to make healthy food choices.

The House Committee amended the bill to provide an exemption for food service facilities owned by political subdivisions.

The House Committee of the Whole amended the bill to:

- Clarify the zoning authority of political subdivisions would not be affected; and
- Allow political subdivisions to promulgate nutritional information, provided the information is not used to restrict any other entity.

According to the fiscal note prepared by the Division of the Budget on the original bill, in consultation with the Department, the Kansas Association of Counties, and the League of Kansas Municipalities, the bill would have no fiscal effect on the state or counties. It is unknown what the fiscal effect on municipalities would be.