

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember Mary Cheh introduced the following bill, which was referred to the Committee on _____.

To prohibit the use of artificial trans fats in restaurants and other food service establishments; requiring a restaurant or food service establishment to maintain on-site the original label for certain food under certain circumstances; and providing for the applicability of this Act to certain penalties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Trans Free DC Act of 2007”.

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) “Food Containing Artificial Trans Fat” means any food that is labeled as, lists as an ingredient, contains or is any kind of partially hydrogenated vegetable oil or vegetable shortening; provided that, any food whose nutrition facts label or other documentation from the manufacturer lists the trans fat content of the food as less than 0.5 grams per serving, shall not be a food containing artificial trans fat.

(2) “Food Service Establishment” means any place where food or drink is prepared or served for consumption, sale, or service either on the premises or elsewhere, including such establishments as restaurants, grills, diners, sandwich shops, dining rooms of hotels and motels, coffee shops, cafeterias, taverns, market stalls, vending carts, vending vehicles, and any other place where food is served to or provided for the public

1 with or without charge. "Food Service Establishment" shall not include a kitchen in a
2 private home where food is prepared at no charge for guests in the home, for guests at a
3 social gathering, or for service to unemployed, homeless or other disadvantaged
4 populations.

5 (3) "Restaurant" means any facility or part thereof in which food is
6 prepared and provided or served for consumption on the premises, but shall not include
7 any temporary food establishment which operates at a fixed location for a limited period
8 of time in connection with a fair, carnival, public exhibition or similar transitory
9 gathering or charitable fund raising event.

10 Sec. 3. Prohibition.

11 (a) Except as provided in subsection (b) of this section, no foods containing
12 artificial trans fat, shall be stored, distributed, held for service, used in preparation of any
13 menu item or served in any restaurant or food service establishment, or by any food
14 business.

15 (b) This prohibition does not apply to food that is served directly to patrons in the
16 original sealed package of the manufacturer.

17 (c) This prohibition shall take effect on January 1, 2008.

18 Sec. 4. Labeling.

19 (a) All restaurants and food service establishments shall maintain, on site, the
20 original labels for all food products:

21 (1) That contain, fats, oils, or shortenings;

22 (2) That are, when purchased by such restaurants and food service
23 establishments, required by federal and local law to have a label; and

1 (3) That are currently being stored, distributed, held for service
2 establishments, used in preparation of any menu items, or served by the restaurant or food
3 service establishment.

4 (b) Documentation acceptable to the District of Columbia Department of Health,
5 from the manufacturers of such food products, indicating whether the food products
6 contain any kind of partially hydrogenated vegetable oil, vegetable shortening, or
7 indicating trans fat content may be maintained instead of original labels.

8 (c) If any food products restricted pursuant to Section 3 of this act that contain
9 fats, oils or shortenings, are not required to be labeled when purchased, the restaurant or
10 food service establishments shall obtain and maintain documentation from the
11 manufacturers of the food products, indicating whether the food products contain
12 vegetable shortening or any kind of partially hydrogenated vegetable oil, and indicating
13 the trans fat content.

14 Sec. 5. Penalties.

15 (a) Any person or entity that violates any provision of this act, or any rule or
16 regulation adopted there from:

17 (1) Is liable for a civil penalty not exceeding \$1,500 per offense; and

18 (2) May be enjoined from continuing the violation.

19 (b) Each day on which a violation occurs is a separate violation under this act.

20 Sec. 6. Fiscal impact statement.

21 The Council adopts the fiscal impact statement in the committee report as the
22 fiscal impact statement required by section 602(c) (3) of the District of Columbia Home

1 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02
2 (c)(3)).

3 Sec. 7. Effective date.

4 This act shall take effect following approval by the Mayor (or in the event of a
5 veto by the Mayor, action by the Council to override the veto), a 30-day period of
6 Congressional review as provided in section 602(c) (1) of the District of Columbia Home
7 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)
8 (1)), and publication in the District of Columbia Register.