

Senate Bill 987

Sponsored by Senator BATES; Senators CARTER, DEVLIN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits restaurants and mobile units from storing, using, preparing, distributing or offering food containing artificial trans fat. Specifies exception. Requires restaurants and mobile units to maintain labels or documentation for food that contains fats, oils or shortening.

Punishes violation by civil penalty, not to exceed \$1,000.

Applies to margarine, cooking oils and shortening on or after July 1, 2008, and to other food on or after January 1, 2009.

A BILL FOR AN ACT

1
2 Relating to artificial trans fat.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Mobile unit" has the meaning given that term in ORS 624.310.**

6 (b) **"Restaurant" has the meaning given that term in ORS 624.010.**

7 (2) **Except as provided in this subsection, a restaurant or mobile unit may not store, use,**
8 **prepare, distribute or offer food containing artificial trans fat. A restaurant or mobile unit**
9 **may distribute or offer to distribute food containing artificial trans fat if the food is dis-**
10 **tributed or offered for distribution in the manufacturer's original sealed packaging.**

11 (3) **For purposes of subsection (2) of this section:**

12 (a) **Except as provided in paragraph (b) of this subsection, if a food contains vegetable**
13 **shortening or a form of partially hydrogenated vegetable oil, the food is conclusively pre-**
14 **sumed to contain artificial trans fat.**

15 (b) **If label nutritional information or other documentation supplied by the manufacturer**
16 **states that a food has less than 0.5 grams of trans fat per serving, the food is conclusively**
17 **presumed not to contain trans fat.**

18 (4) **Except as provided in subsection (5) of this section, a restaurant or mobile unit shall**
19 **keep on site the original labels for all food that:**

20 (a) **Is being stored, used, prepared, distributed or offered by the restaurant or mobile**
21 **unit;**

22 (b) **Contains fats, oils or shortening; and**

23 (c) **At the time of purchase by the restaurant or mobile unit, was required under federal**
24 **or state law to have labels.**

25 (5) **Instead of retaining labels as described under subsection (4) of this section, a res-**
26 **taurant or mobile unit may keep on site food manufacturer documentation acceptable to the**
27 **Department of Human Services that states whether the food contains vegetable shortening**
28 **or partially hydrogenated vegetable oil or that discloses the trans fat content of the food.**

29 (6) **If a restaurant or mobile unit stores, uses, prepares, distributes or offers food that**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 contains fats, oils or shortenings and that at the time of purchase by the restaurant or
2 mobile unit was not required under federal or state law to have labels, the restaurant or
3 mobile unit shall keep on site food manufacturer documentation acceptable to the depart-
4 ment that states whether the food contains vegetable shortening or partially hydrogenated
5 vegetable oil or that discloses the trans fat content of the food.

6 **SECTION 2.** The Department of Human Services may impose a civil penalty not exceeding
7 \$1,000 for a violation of section 1 of this 2007 Act.

8 **SECTION 3.** (1) Sections 1 and 2 of this 2007 Act apply to margarine, cooking oils and
9 shortening stored, used, prepared, distributed or offered by a restaurant or mobile unit on
10 or after July 1, 2008.

11 (2) Except as provided in subsection (1) of this section, sections 1 and 2 of this 2007 Act
12 apply to food stored, used, prepared, distributed or offered by a restaurant or mobile unit
13 on or after January 1, 2009.

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