

HOUSE No. 1494

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to foods containing artificial trans fat.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/20/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2011</i>
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>	<i>2/4/2011</i>

HOUSE No. 1494

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1494) of Kay Khan, Denise Provost and Kathi-Anne Reinstein relative to foods containing artificial trans fats. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3595 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to foods containing artificial trans fat.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after
2 section 58 the following section:-

3 Section 58A. (a) No foods containing artificial trans fat, as defined in this section, shall
4 be stored, distributed, held for service, used in preparation of any menu item or served by a
5 common victualler licensed under section 6 of chapter 140, except food that shall be served
6 directly to patrons in a manufacturer's original sealed package.

7 (b) A food shall be deemed to contain artificial trans fat if the food is labeled as, lists as
8 an ingredient, or contains any kind of partially hydrogenated vegetable oil; provided, however,
9 that a food with a nutrition facts label or other documentation from the manufacturer which lists

the trans fat content of the food as less than 0.5 grams per serving shall not be deemed to contain artificial trans fat.

(c) The department of public health and the local boards of health within their respective jurisdictions shall enforce this section. The department of public health shall adopt rules and regulations to secure proper enforcement of this section. A person who violates any rule or regulation duly adopted by the department of public health pursuant to this section shall be punished by a fine of not less than \$25 and not more \$1,000.

(d) The department of public health, in consultation with representatives of the restaurant, food supplier and food producer industries shall, subject to appropriation, implement a comprehensive education and outreach program designed to ensure compliance with this act. The department shall include the following in the outreach and education program: materials for common victuallers licensed under section 6 of chapter 140, about appropriate methods to ensure compliance with this section; information for consumers and businesses about the health risks associated with the ingestion of trans fat; guidance for consumers and businesses the incorporation of healthy alternatives to trans fats in food preparation; and any other information the department deems necessary to promote awareness of this section.

SECTION 2. This act shall take effect 12 months after the passage of this act with respect to oils, shortenings and margarines containing artificial trans fat that are used for frying or in spreads, except with regard to oils or shortenings used for deep frying of yeast dough or cake batter. This act shall take effect 18 months after the passage of this act with respect to oils or shortenings used for deep frying of yeast dough or cake batter and all other foods containing artificial trans fat.