

**BILL NO. BL2019-1527** (BLALOCK) – This ordinance would require nutritional labeling of restaurant menus.

Current federal regulations promulgated under the U.S. Food & Drug Administration require restaurants and retail food establishments that are part of a chain with 20 or more locations to provide certain food nutritional labeling, including the number of calories contained in each standard menu item. 21 C.F.R. § 101.11 (2016).

This ordinance would amend Title 10 of the Metropolitan Code of Laws to create a new section regarding the nutritional labeling of restaurant menus. Effective May 1, 2020, any restaurant within the jurisdiction of the Metropolitan Government would be required to label all standard menu items with the number of calories in the item. Schools would be exempt from this labeling requirement. “Standard menu item” would include food that is routinely included on a menu, but not those items offered less than a total of 60 days per calendar year. This requirement would not apply to alcoholic beverages.

Tennessee Code Annotated § 68-14-704(3) prohibits non-elected bodies of a metropolitan government from enacting legislation pertaining to the provision of nutritional information or otherwise regulating menus at food service establishment. But this prohibition does not apply to elected bodies (*e.g.*, the Metropolitan Council, *etc.*). However, legislation currently pending before the Tennessee General Assembly (SB431/HB1021) would amend Tenn. Code Ann. §7-51-2001 to prohibit local governments from regulating the wholesale or retail sale, manufacture or distribution of any food or drink and would grant the state exclusive jurisdiction for such regulation. (This legislation would further prohibit local governments from enacting restrictions or fees on single use containers, bags, or eating implements (straws)).