

ORDINANCE NO. BL2019-1527

An ordinance to amend Title 10 of the Metropolitan Code of Laws to require nutritional labeling of restaurant menus.

WHEREAS, federal regulations promulgated under the U.S. Food & Drug Administration provide that restaurants and similar retail food establishments that are part of a chain with 20 or more locations, doing business under the same name, must provide food nutrition labelling, including the number of calories contained in each standard menu item listed on the menu or menu board, as usually prepared and offered for sale (*See*, 21 C.F.R. § 101.11 (2016)); and

WHEREAS, Tennessee Code Annotated §68-14-704(3) prohibits non-elected bodies of any metropolitan government from enacting legislation pertaining to the provision of nutritional information or otherwise regulating menus at food service establishments. No such preclusion applies to elected bodies of metropolitan governments; and

WHEREAS, Tennessee Code Annotated §68-14-704(3) further provides that the Tennessee Department of Health shall be primarily -- but not exclusively -- responsible for the implementation and supervision of federal requirements regarding the provision of food nutritional information at food service establishments; and

WHEREAS, federal requirements regarding nutrition labeling have significantly benefited millions of Americans, enabling them to make healthy and safe dietary and nutritional choices. Davidson County residents have an equal interest in deriving similar benefits from all restaurants located within Nashville.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 10 of the Metropolitan Code of Laws be amended by adding a new Chapter 10.46 titled "Nutritional Labeling of Menus" as follows:

Chapter 10.46 – Nutritional Labeling of Menus

10.46.010 – Nutritional Labeling of Menus

- A. Effective May 1, 2020, any restaurant within the jurisdiction of the metropolitan government shall label all standard menu items with the number of calories contained in such standard menu item. This shall include items listed on a menu or menu board. The number of calories shall be listed in a conspicuous location on the menu or menu board.
- B. For the purposes of this section, restaurant means a retail establishment that offers for sale restaurant-type food, including full-service, fast-food, and take-out restaurants, but does not include a school. For the purposes of this section "standard menu item" means food that is routinely included on a menu or menu board or routinely offered as a self-service food or food on display and does not mean a food offered for less than a total of 60 days per calendar year.
- C. This requirement shall not apply to alcoholic beverages.

Section 2. This ordinance shall take effect from and after its passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Davette Blalock
Member of Council