By: Representatives Mayhall, Read, Shows

To: Public Health and Human Services; Judiciary B

HOUSE BILL NO. 282

AN ACT TO PROHIBIT CERTAIN FOOD ESTABLISHMENTS FROM SERVING 1 2 FOOD TO ANY PERSON WHO IS OBESE, BASED ON CRITERIA PRESCRIBED BY 3 THE STATE DEPARTMENT OF HEALTH; TO DIRECT THE DEPARTMENT TO PREPARE WRITTEN MATERIALS THAT DESCRIBE AND EXPLAIN THE CRITERIA 4 FOR DETERMINING WHETHER A PERSON IS OBESE AND TO PROVIDE THOSE 5 6 MATERIALS TO THE FOOD ESTABLISHMENTS; TO DIRECT THE DEPARTMENT TO 7 MONITOR THE FOOD ESTABLISHMENTS FOR COMPLIANCE WITH THE PROVISIONS 8 OF THIS ACT; AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI: 10 <u>SECTION 1.</u> (1) The provisions of this section shall apply 11 to any food establishment that is required to obtain a permit from 12 the State Department of Health under Section 41-3-15(4)(f), that 13 operates primarily in an enclosed facility and that has five (5) 14 or more seats for customers.

(2) Any food establishment to which this section applies 15 shall not be allowed to serve food to any person who is obese, 16 based on criteria prescribed by the State Department of Health 17 18 after consultation with the Mississippi Council on Obesity Prevention and Management established under Section 41-101-1 or 19 its successor. The State Department of Health shall prepare 20 21 written materials that describe and explain the criteria for 22 determining whether a person is obese, and shall provide those 23 materials to all food establishments to which this section applies. A food establishment shall be entitled to rely on the 24 25 criteria for obesity in those written materials when determining whether or not it is allowed to serve food to any person. 26

(3) The State Department of Health shall monitor the food
establishments to which this section applies for compliance with
the provisions of this section, and may revoke the permit of any

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30 food establishment that repeatedly violates the provisions of this 31 section.

32 SECTION 2. This act shall take effect and be in force from 33 and after July 1, 2008.