

By: Representatives Turner, Crawford, Dixon

To: S.C.  
Accountblty/Efficiency/Transp  
arency; Public Health and  
Human Services

## HOUSE BILL NO. 1182

1 AN ACT TO RESERVE TO THE LEGISLATURE ANY REGULATION OF  
2 CONSUMER INCENTIVE ITEMS AND NUTRITION LABELING OF FOOD AND  
3 NONALCOHOLIC BEVERAGES THAT ARE MENU ITEMS IN RESTAURANTS, FOOD  
4 ESTABLISHMENTS, AND VENDING MACHINES; TO PROHIBIT POLITICAL  
5 SUBDIVISIONS FROM TAKING CERTAIN ACTIONS RELATING TO PROVIDING  
6 FOOD NUTRITION INFORMATION AT FOOD SERVICE OPERATIONS; TO SPECIFY  
7 THAT THIS ACT WILL NOT AFFECT THE FEDERAL REGULATION OF NUTRITION  
8 LABELING OF FOOD UNDER EXISTING FEDERAL LAW; AND FOR RELATED  
9 PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 **SECTION 1.** (1) As used in this section, the following terms  
12 shall be defined as provided in this section:

13 (a) "Food nutrition information" includes, but is not  
14 limited to, the caloric, fat, carbohydrate, cholesterol, fiber,  
15 sugar, potassium, protein, vitamin, mineral, sodium, and allergen  
16 content of food. This term also includes the designation of food  
17 as healthy or unhealthy.

18 (b) "Political subdivision" means any county,  
19 municipality, district, instrumentality of the state, public  
20 corporation, body corporate, commission, board, agency, authority,  
21 public body, politic or other public entity responsible for



22 governmental activities in geographic areas smaller than that of  
23 the state.

24 (c) "Consumer incentive item" means any licensed media  
25 character, toy, game, trading card, contest, point accumulation,  
26 club membership, admission ticket, token, code or password for  
27 digital access, coupon, voucher, incentive, crayons, coloring  
28 placemats, or other premium, prize, or consumer product that is  
29 associated with a meal served by or acquired from a food service  
30 operation.

31 (2) The regulation of consumer incentive items and nutrition  
32 labeling of food and nonalcoholic beverages that are menu items in  
33 restaurants, retail food establishments, and vending machines is  
34 reserved to the Legislature and may be regulated only by  
35 legislation of statewide application enacted after July 1, 2013.

36 The regulation of the provision of food nutrition information  
37 and consumer incentive items at food service operations and how  
38 food service operations are characterized are matters of general  
39 statewide interest that require statewide regulation.

40 (3) No political subdivision shall do any of the  
41 following:

42 (a) Enact, adopt, or continue in effect local  
43 legislation relating to the provision or nonprovision of food  
44 nutrition information or consumer incentive items at food service  
45 operations;



(b) Condition any license, permit, or regulatory approval upon the provision or nonprovision of food nutrition information or consumer incentive items at food service operations;

(c) Ban, prohibit, or otherwise restrict food at food service operations based upon the food's nutrition information or upon the provision or nonprovision of consumer incentive items;

(d) Condition any license, permit, or regulatory approval for a food service operation upon the existence or nonexistence of food-based health disparities;

(e) Where food service operations are permitted to operate, ban, prohibit, or otherwise restrict a food service operation based upon the existence or nonexistence of food-based health disparities as recognized by the Department of Health, the Institute of Health or the Centers for Disease Control; or

(f) Restrict the sale, distribution, growing, or serving of foods and nonalcoholic beverages that are approved for sale by the United States Department of Agriculture or other federal or state government agencies.

(4) This section shall not be interpreted as affecting in any manner the regulation of the nutrition labeling of food that is a menu item in restaurants, retail food establishments, and vending machines pursuant to the Federal Food, Drug, and Cosmetic Act, 21 USCS Section 343(q) (5) (H).



70           **SECTION 2.** This act shall take effect and be in force from  
71 and after July 1, 2013.

