

By: Senator(s) Smith, Sojourner

To: Public Health and Welfare

SENATE BILL NO. 2687

1 AN ACT TO RESERVE TO THE LEGISLATURE ANY REGULATION OF  
2 CONSUMER INCENTIVE ITEMS AND NUTRITION LABELING FOR FOOD THAT IS A  
3 MENU ITEM IN RESTAURANTS, FOOD ESTABLISHMENTS AND VENDING  
4 MACHINES; TO SPECIFY THAT THE ACT WOULD NOT AFFECT THE FEDERAL  
5 REGULATION OF NUTRITION LABELING UNDER EXISTING FEDERAL LAW; AND  
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** (1) As used in this act:

9 (a) "Food nutrition information" includes, but is not  
10 limited to, the caloric, fat, carbohydrate, cholesterol, fiber,  
11 sugar, potassium, protein, vitamin, mineral, sodium, and allergen  
12 content of food. "Food nutrition information" also includes the  
13 designation of food as healthy or unhealthy.

14 (b) "Political subdivision" means any county,  
15 municipality, town, district, instrumentality of the state, public  
16 corporation, body corporate, commission, board, agency, authority,  
17 public body, politic or other public entity responsible for  
18 governmental activities in geographic areas smaller than that of  
19 the state.



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

27 (2) The regulation of consumer incentive items and nutrition  
28 labeling for food and nonalcoholic beverages that are menu items  
29 in restaurants, retail food establishments, and vending machines  
30 is reserved to the Legislature and may be regulated only by  
31 legislation of statewide application enacted after the effective  
32 date of this act. The regulation of the provision of food  
33 nutrition information and consumer incentive items at food service  
34 operations and how food service operations are characterized are  
35 matters of general statewide interest that require statewide  
36 regulation, and rules adopted under this section constitute a  
37 comprehensive plan with respect to all aspects of the regulation  
38 of the provision of food nutrition information and consumer  
39 incentive items at food service operations in this state. Rules  
40 adopted under this act shall be applied uniformly throughout this  
41 state.

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

43 (a) Enact, adopt or continue in effect local  
44 legislation relating to the provision or nonprovision of food



45 nutrition information or consumer incentive items at food service  
46 operations;

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

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

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

57 (e) Where food service operations are permitted to  
58 operate, ban, prohibit, or otherwise restrict a food service  
59 operation based upon the existence or nonexistence of food-based  
60 health disparities as recognized by the department of health, the  
61 institute of health, or the centers for disease control.

62 (f) Restrict the sale, distribution, growing, raising  
63 or serving of foods and nonalcoholic beverages that are approved  
64 for sale by the USDA or other federal or state government  
65 agencies.

66 (4) This act shall not be interpreted as being more  
67 restrictive than any federal law or affecting in any manner the  
68 regulation of the nutrition labeling of food that is a menu item  
69 in restaurants, retail food establishments, and vending machines



70 pursuant to the federal Food, Drug and Cosmetic Act, 21 USC  
71 343(q) (5) (H) .

72         **SECTION 2.** This act shall take effect and be in force from  
73 and after its passage.

