SENATE DOCKET, NO. 868 FILED ON: 1/20/2011

SENATE . . . . . No. 1164

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to foods containing artificial trans fat.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael F. Rush	*Suffolk and Norfolk*

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SENATE . . . . . No. 1164

By Mr. Rush, a petition (accompanied by bill, Senate, No. 1164) of Michael F. Rush for legislation relative to foods containing artificial trans fats. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3595* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act relative to foods containing artificial trans fat.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 94 of the General Laws is hereby amended by inserting after section 58 the following section:-

Section 58A. (a) No foods containing artificial trans fat, as defined in this section, shall be stored, distributed, held for service, used in preparation of any menu item or served by a common victualler licensed under section 6 of chapter 140, except food that shall be served directly to patrons in a manufacturer's original sealed package.

(b) A food shall be deemed to contain artificial trans fat if the food is labeled as, lists as an ingredient, or contains any kind of partially hydrogenated vegetable oil; provided, however, that a food with a nutrition facts label or other documentation from the manufacturer which lists the trans fat content of the food as less than 0.5 grams per serving shall not be deemed to contain artificial trans fat.

(c) The department of public health and the local boards of health within their respective jurisdictions shall enforce this section. The department of public health shall adopt rules and regulations to secure proper enforcement of this section. A person who violates any rule or regulation duly adopted by the department of public health pursuant to this section shall be punished by a fine of not less than $25 and not more $1,000.

17 (d) The department of public health, in consultation with representatives of the
18 restaurant, food supplier and food producer industries shall, subject to appropriation, implement
19 a comprehensive education and outreach program designed to ensure compliance with this act.
20 The department shall include the following in the outreach and education program: materials for
21 common victuallers licensed under section 6 of chapter 140, about appropriate methods to ensure
22 compliance with this section; information for consumers and businesses about the health risks
23 associated with the ingestion of trans fat; guidance for consumers and businesses the
24 incorporation of healthy alternatives to trans fats in food preparation; and any other information
25 the department deems necessary to promote awareness of this section.

26 SECTION 2. This act shall take effect 12 months after the passage of this act with
27 respect to oils, shortenings and margarines containing artificial trans fat that are used for frying
28 or in spreads, except with regard to oils or shortenings used for deep frying of yeast dough or
29 cake batter. This act shall take effect 18 months after the passage of this act with respect to oils
30 or shortenings used for deep frying of yeast dough or cake batter and all other foods containing
31 artificial trans fat.