

PUBLIC CHAPTER NO. *%{**SENATE BILL NO. 1092****By Stanley, Black**

Substituted for: House Bill No. 950

By Lynn

AN ACT to amend Tennessee Code Annotated, Section 68-14-303, relative to the regulation of food service establishments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-14-303, is amended by deleting subdivision (3) in its entirety and by substituting instead the following:

(3) Prescribe rules and regulations governing the alteration, construction, sanitation, safety and operation of hotels, food service establishments and public swimming pools, as may be necessary to protect the health and safety of the public, and require every hotel, food service establishment and public swimming pool to comply with these rules and regulations and grant variances and waivers for public swimming pools from the requirements of this part or applicable rules and regulations; provided, that such variance or waiver shall not constitute a health or safety hazard as determined by the commissioner. A non-elected body of any municipality, county, or metropolitan government shall not enact any ordinance or issue any rule or regulation pertaining to the provision of food nutritional information or otherwise regulate menus at food service establishments. If, subsequent to the effective date of this act, the federal government takes action regarding the provision of food nutritional information at food service establishments, and the federal action specifically authorizes state departments to enforce such action, then the Department of Health shall be the department that is primarily responsible for the implementation and supervision of any new requirements and shall have the authority to promulgate rules and regulations, pursuant to the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, as are necessary to effectuate the purposes of such requirements. The rules or regulations prohibiting live animals in the presence of dining facilities shall be waived if an adequately engineered forced air exhaust system is installed for the permitted facility. The rules or regulations requiring that food be obtained from sources that comply with all laws relating to food and food labeling shall be waived for churches, temples, synagogues or other religious institutions, civic, fraternal or veteran's organizations, if the food is served only to the homeless and the food is prepared in a church, temple, synagogue or other religious institution, civic, fraternal, or veteran's organization or in a private home or homes by persons who have successfully completed a training course of at least two (2) hours, conducted by the department, and the consumer is informed by a clearly visible placard, readily understandable to the average person, stating that the food may have been prepared in a facility that is not subject to regulation

or inspection by the department. The commissioner shall not prescribe any such rules and regulations in conflict with the minimum statewide building construction standards established by the state fire marshal pursuant to § 68-120-101;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: June 16, 2009



RON RAMSEY
SPEAKER OF THE SENATE



KENT WILLIAMS, SPEAKER
HOUSE OF REPRESENTATIVES

*Vetoed by Governor 07/01/2009.

** Senate passed over veto 01/28/2010. House passed over veto 02/08/2010.



1 July 2009

The Honorable Ron Ramsey
Speaker of the Senate
1 Legislative Plaza
Nashville, TN 37243

RE: Senate Bill 1092

Dear Speaker Ramsey:

I am vetoing Senate Bill 1092.

Tennessee faces an epidemic of obesity that continues to grow at an alarming rate. The destructive effects of this epidemic include not only serious and sometimes life-threatening health complications for individuals, but also contribute directly to the uncontrolled explosion of health care costs and lost labor time in our state.

Unfortunately, this is an area in which Tennessee is a national leader. Just today, the non-profit, non-partisan Trust for America's Health released a report on obesity in the United States that paints a dismal picture of Tennessee in this area. The report found that 30% of Tennessee's adult population is obese—this is the fourth highest percentage in the country. Even more disturbingly, this study found that almost 37% of our children are obese—this is the fifth highest percentage of obese children. These levels of obesity have directly resulted in exceptionally high rates of obesity-related ailments—Tennessee has the third highest level of adult diabetes and the fourth highest level of hypertension in the nation.

This is a health and safety issue that we must begin to address. Providing consumers with accurate, easy to understand nutritional information about the content of the food they are purchasing is a common-sense measure that could help Tennessee address its obesity epidemic. SB 1092, by seeking to prohibit Tennessee counties and municipalities from requiring restaurants to provide nutritional information to their customers would irresponsibly limit our state's ability to fight this epidemic.

I cannot sign such an unwise limitation into law, and I encourage the General Assembly to reconsider this issue during next year's legislative session.

Respectfully,

A handwritten signature in black ink, appearing to read "Phil Bredesen".

Phil Bredesen



Public Chapter No. 614

RON RAMSEY
SPEAKER OF THE SENATE

RUSSELL A. HUMPHREY
CHIEF CLERK

Senate Chamber
State of Tennessee

OFFICE OF THE CHIEF CLERK

2nd FLOOR, STATE CAPITOL
TENNESSEE GENERAL ASSEMBLY
NASHVILLE, TENNESSEE 37243
PHONE (615) 741-2730
FAX (615) 741-7100

February 9, 2010

The Honorable Tre Hargett
Secretary of State
1st Floor, State Capitol
Nashville, TN 37243

Dear Mr. Secretary:

Pursuant to Tennessee Code Annotated 3-2-105, I am herewith transmitting Senate Bill 1092.

On July 1, 2009, Governor Bredesen vetoed Senate Bill 1092. Attached is a copy of the veto message of Governor Bredesen.

On January 28, 2010, the Senate, by a majority of the members elected to the Senate, re-passed Senate Bill 1092, notwithstanding the objections of the Governor. Senate Bill 1092 was transmitted to the House of Representatives.

On February 8, 2010, the House of Representatives transmitted a message indicating that the House of Representatives had re-passed, by a majority vote of all members elected to the House of Representatives, notwithstanding the objections of the Governor, Senate Bill 1092 on said date.

Sincerely,

Russell A. Humphrey
Chief Clerk
The Senate

cc.: Lieutenant Governor Ronald Ramsey
Speaker Kent Williams
Senator Diane Black
Representative Susan Lynn