



Board of Health

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ARTICLE 17 **NEEDHAM BOARD OF HEALTH A REGULATION TO RESTRICT FOODS CONTAINING ARTIFICIAL TRANS FAT IN THE TOWN OF NEEDHAM**

WHEREAS, heart disease is a leading cause of death in the United States;

WHEREAS, research concludes that there is no safe level of artificial trans fat consumption and there is a clear association between an increase in the intake of trans fat and the risk of heart disease;

WHEREAS, the major source of artificial trans fat is found in partially hydrogenated vegetable oil, which is used for frying and baking and is present in many processed foods;

WHEREAS, there are food service establishments and other food vendors in the Town of Needham that prepare and serve food containing artificial trans fat for consumption by Needham residents, visitors and students;

NOW THEREFORE, the Needham Board of Health enacts the following regulation in furtherance of its mission to protect, promote and preserve the health and well-being of the citizens of Needham.

SECTION 17.1 **DEFINITIONS**

artificial trans fat: food or beverage that is manufactured through a chemical process and contains artificial fat. It is found in partially hydrogenated vegetable oil. Some of the foods that contain artificial fat include margarines, shortenings, and fry oils, as well as many baked goods, mixes and prepackaged foods.

food service establishment: any entity that stores, prepares, packages, serves, sells or otherwise provides food or beverage for consumption in the Town of Needham. Food service establishment includes, but shall not be limited to, restaurants, supermarkets, grocery stores, delis, sandwich shops, bakeries, convenience stores, ice cream shops, coffee shops, cafeterias in schools and businesses, caterers, senior-center meal programs, nursing homes, children's institutions, school kitchens, school stores, soup kitchens and permanent or temporary concession stands. Food service establishment shall not include a fraternal, charitable, social, service club or similar organization that prepares, displays and sells home-made baked goods for a "bake sale" so called.

Entity: any single individual, group of individuals, corporation, partnership, hospital, academic institution, society, association, firm, sole proprietorship or any other legal entity whether public or private.

vending machine: any machine or device designated for or used for the vending of food products or beverages upon the insertion of coins, currency, swipe cards, or any other form of payment.

mobile food vendor: any person or operation that sells food or beverage from a mobile food unit. A mobile food vendor shall include, but not be limited to, sidewalk vendors, canteen trucks, and food trailers.

servings: based on the amount of a product normally eaten in one sitting or reference amounts, determined from nationwide food consumption surveys.

SECTION 17.2 RESTRICTION ON ARTIFICIAL TRANS FAT

No food service establishment, vending machine, or mobile food vendor shall store, prepare, distribute, hold for service or serve any food or beverage containing artificial trans fat in the Town of Needham.

Food or beverage whose nutrition fact label or other suitable documentation 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.

These prohibitions shall not include the sale of any food or beverage containing artificial trans fat that is in a manufacturer's original sealed package and is required by federal and or state law to have nutrition labeling.

SECTION 17.3 LABELS REQUIRED

All food service establishments, mobile food vendors and operators of vending machines shall maintain on-site original labels or other suitable documentation listing the ingredient and nutrient content of all food products such that the Needham Health Department or its designees can determine whether they are in compliance with this regulation.

SECTION 17.4 GUIDELINES

The Needham Health Department shall issue guidelines for the implementation of this regulation, including but not limited to, definitions of terms as used in these regulations and in the guidelines. In the event of a conflict between these regulations and the guidelines, as either may be amended, the regulation shall control.

SECTION 17.5 VIOLATIONS

(1) A violator of these regulations and guidelines referred to in Section 4.00 shall be subject to a penalty for each offense as follows:

(a) In the case of a first violation a fine of one hundred dollars (\$100.00);

(b) In the case of a second violation within 24 months of the first violation a fine of five hundred dollars (\$500.00); and,

(c) In the case of a third or more violations within 24 months of the second or current violation, a fine of one thousand dollars (\$1000.00) for each violation.

(2) No provision, clause or sentence of this section of this Article shall be interpreted as prohibiting the Needham Board of Health from suspending, or revoking any license or permit issued by it, for repeated violations of this Article.

SECTION 17.6 ENFORCEMENT

(1) Authority to enforce this Article shall be held by the Needham Board of Health.

(2) Any violation of this Article may be enforced in the manner provided in M.G.L. c.111 §187, by the Needham Board of Health, or its designees.

SECTION 17.7 NON-RETALIATION

No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this Article or exercises any rights conferred by this Article.

SECTION 17.8 SEVERABILITY

If any provision, clause, sentence, paragraph or word of this Article or the application thereof to any person, entity or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this article which can be given effect without the invalid provisions or application and to this end the provisions of this Article are declared severable.

SECTION 17.9 **EFFECTIVE DATE**

This regulations contained in this Article shall take effect within 180 days from the date of adoption by the Needham Board of Health with respect to cooking oils, shortening, and margarines containing artificial trans fat and within 360 days with respect to baked goods and all other foods containing artificial trans fat.