



## FEDERAL MENU LABELING LAW PREEMPTS STATE AND LOCAL LAWS

*By Christine H. Long*

Many provisions in the recently passed Health Care Reform Act will have an effect on the food service industry. Included among those, is a new Federal rule regulating menu labeling. The Federal requirement attempts to establish a uniform approach to nutrition labeling on menus, and is intended to preempt state and local laws different from those in the Act.

However, California has not indicated that it deems the Federal regulation preemptory. According to the California Restaurant Association, the association "...has been informed that many local regulators intend to continue to enforce California menu labeling law until an authoritative agency releases clear guidance." At this juncture, following California menu labeling laws is still acceptable as of this posting. However, restaurants and businesses should constantly be checking for changes or the issuance of an administrative opinion as to whether the Federal regulation or state regulation governing menu labeling will control the requirements.

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