



Signature Report

July 23, 2007

R&R

Proposed No. BOH07-02.2

1 An amendment for the protection of the public health
2 through the regulation of foods containing artificial trans
3 fat; adding new sections to the Code of the King County
4 Board of Health, BOH Chapter 5.10; enacted pursuant to
5 RCW 70.05.060, including the latest amendments or
6 revisions thereto.

7

8 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

9 NEW SECTION. SECTION 1. There is hereby added to BOH Chapter 5.10 a
10 new section to read as follows:

11 **Artificial trans fat restricted.** A. Foods deemed to contain artificial trans fat as
12 set forth in this chapter shall not be distributed, held for service, used in preparation of
13 any menu item or served in any food establishment operating under permit issued by the
14 health officer. This restriction on artificial trans fat does not apply to food served
15 directly to patrons in a manufacturer's original sealed package, or any food served in a
16 school.

17 B. The King County Board of Health intends, in consultation with the health
18 officer, school representatives, and other interested parties, to identify strategies
19 supporting healthy food choices in schools.

20 NEW SECTION. SECTION 2. There is hereby added a new section to BOH
21 chapter 5.10 to read as follows:

22 **Foods deemed to contain artificial trans fat.** For the purposes of this chapter,
23 a food shall be deemed to contain artificial trans fat if the food is labeled as, lists as an
24 ingredient, or has vegetable shortening, margarine or any kind of partially hydrogenated
25 vegetable oil. However, a food whose nutrition facts label or other documentation from
26 the manufacturer lists the trans fat content of the food as less than 0.5 grams per serving,
27 shall not be deemed to contain artificial trans fat.

28 NEW SECTION. SECTION 3. There is hereby added a new section to BOH
29 chapter 5.10 to read as follows:

30 **Maintaining product labels or other documentation.** A. Original labels.
31 Except as otherwise provided in this section, food establishments shall maintain on site
32 the original labels for all food products:

- 33 1. That are, or that contain, fats, oils or shortenings,
34 2. That are, when purchased by such food establishments, required by WAC
35 246-215-051(3), as amended, to have labels, and
36 3. That are currently being distributed, held for service, used in preparation of
37 any menu items or served by the food establishment.

38 B. Documentation instead of labels. Documentation from the manufacturers of
39 such food products, indicating whether the food products contain vegetable shortening,

40 margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat
41 content, may be maintained instead of original labels.

42 C. Documentation required when food products are not labeled. If baked goods,
43 or other food products restricted pursuant to this chapter, that are or that contain fats, oils
44 or shortenings, are not required to be labeled when purchased, food establishments
45 dispensing such food products shall obtain and maintain documentation, from the
46 manufacturers of the food products, indicating whether the food products contain
47 vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil, or
48 indicating trans fat content.

49 NEW SECTION. SECTION 4. There is hereby added a new section to BOH
50 chapter 5.10 to read as follows:

51 **Enforcement – Artificial trans fat.** The director of the Seattle-King County
52 Department of Public Health or his or her authorized representative is authorized to
53 enforce the artificial trans fat restrictions and requirements of this chapter in accordance
54 with the food establishment inspection and other enforcement provisions of chapters
55 5.02 and 5.60 of this title.

56 SECTION 5. Severability. If any provision of this rule or its application to any
57 person or circumstance is held invalid, the remainder of the rule or the application of the
58 provision to other persons or circumstances is not affected.

59 SECTION 6. Effective date. This rule takes effect May 1, 2008, with respect to
60 oils and shortenings containing artificial trans fat that are used for frying or in spreads,
61 and February 1, 2009, with regard to margarines, oils or shortenings used for deep frying
62 of yeast dough or cake batter, and all other foods containing artificial trans fat.

63 SECTION 7. Product availability and compliance assessment. The King
64 County Board of Health requests that, by October 1, 2008, the Seattle-King County
65 Department of Public Health conduct an assessment of the availability of alternative
66 products not containing artificial trans fat and food establishments' progress toward
67 compliance with this rule and regulation.
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R&R was introduced on 7/19/2007 and passed by the Board of Health on 7/19/2007, by the following vote:

Yes: 10 - Ms. Lambert, Ms. Patterson, Mr. Conlin, Ms. Clark, Mr. Rasmussen, Ms. Frisinger, Dr. Nicola, Dr. Counts, Mr. Phillips and Mr. Gossett
No: 1 - Mr. Ferguson
Excused: 4 - Mr. von Reichbauer, Mr. Dunn, Mr. Hutchinson and Ms. Manning

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Julia Patterson, Chair

ATTEST:

Anne Noris, Clerk of the Board

Attachments None