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

BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

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

Artificial trans fat restricted. A. Foods deemed to contain artificial trans fat as set forth in this chapter shall not be distributed, held for service, used in preparation of any menu item or served in any food establishment operating under permit issued by the health officer. This restriction on artificial trans fat does not apply to food served directly to patrons in a manufacturer's original sealed package, or any food served in a school.
B. The King County Board of Health intends, in consultation with the health officer, school representatives, and other interested parties, to identify strategies supporting healthy food choices in schools.

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

**Foods deemed to contain artificial trans fat.** For the purposes of this chapter, a food shall be deemed to contain artificial trans fat if the food is labeled as, lists as an ingredient, or has vegetable shortening, margarine or any kind of partially hydrogenated vegetable oil. However, a food whose nutrition facts label or other documentation from the manufacturer 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.

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

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

1. That are, or that contain, fats, oils or shortenings,

2. That are, when purchased by such food establishments, required by WAC 246-215-051(3), as amended, to have labels, and

3. That are currently being distributed, held for service, used in preparation of any menu items or served by the food establishment.

B. Documentation instead of labels. Documentation from the manufacturers of such food products, indicating whether the food products contain vegetable shortening,
margarine or any kind of partially hydrogenated vegetable oil, or indicating trans fat content, may be maintained instead of original labels.

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

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

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

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

SECTION 6. Effective date. This rule takes effect May 1, 2008, with respect to oils and shortenings containing artificial trans fat that are used for frying or in spreads, and February 1, 2009, with regard to margarines, oils or shortenings used for deep frying of yeast dough or cake batter, and all other foods containing artificial trans fat.
SECTION 7. **Product availability and compliance assessment.** The King County Board of Health requests that, by October 1, 2008, the Seattle-King County Department of Public Health conduct an assessment of the availability of alternative products not containing artificial trans fat and food establishments' progress toward compliance with this rule and regulation.

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