

**CITY OF BALTIMORE
COUNCIL BILL 17-0152
(First Reader)**

Introduced by: Councilmembers Scott, Costello, Dorsey, Burnett, Clarke, Henry

Introduced and read first time: October 16, 2017

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Baltimore
Development Corporation, Environmental Control Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Food Service Facilities – Healthy Beverages for Children’s Meals**

3 FOR the purpose of requiring food service facilities that offer beverages as part of a children’s
4 meal to limit the beverage options being offered; defining “children’s meal”; providing for a
5 special effective date; and generally relating to healthy food options for children.

6 BY adding

7 Article - Health

8 Section 6-508

9 Baltimore City Revised Code

10 (Edition 2000)

11 BY repealing and reordaining, without amendments

12 Article - Health

13 Section 6-801

14 Baltimore City Revised Code

15 (Edition 2000)

16 BY repealing and reordaining, without amendments

17 Article 1. Mayor, City Council, and Municipal Agencies

18 Section 40-14(e)(7)(Title 6)

19 Baltimore City Code

20 (Edition 2000)

21 **Preamble**

22 **WHEREAS**, The Mayor and City Council of Baltimore desires to promote healthy options for
23 children and their families to build a healthier community for all.

24 **WHEREAS**, An important goal of the Mayor and City Council of Baltimore is to promote
25 healthy lifestyles through innovative approaches that foster healthy environments where families
26 live, work, and play.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 **WHEREAS**, Families in Baltimore City often have limited time and options to shop for and
2 prepare healthy food, making dining out an appealing and sometimes necessary option.

3 **WHEREAS**, Sugary drinks are the single leading source of added sugars in the American diet
4 and are associated with an increased risk of type 2 diabetes, heart disease, and other chronic
5 diseases.

6 **WHEREAS**, Consuming sugary drinks – fruit drinks with added sugar, sports drinks, energy
7 drinks, and soda – poses a real health risk to children.

8 **WHEREAS**, The American Heart Association recommends that children over the age of 2
9 have no more than one 8-ounce sugary drink a week. Yet children today are consuming as much
10 as 10 times that amount.

11 **WHEREAS**, Children in low-income families consume 2½ times more sugary drinks than their
12 peers in higher-income families, in part due to aggressive marketing tactics by the beverage
13 industry.

14 **WHEREAS**, People living in the U.S. consume about 34 pounds of added sugar every year just
15 from sugary drinks.

16 **WHEREAS**, Nearly two-thirds of children living in the U.S. consume at least one sugary drink
17 daily.

18 **WHEREAS**, Every year, 40,000 cardiovascular deaths in the U.S. are attributed to over
19 consumption of sugary drinks.

20 **WHEREAS**, Diet-related health conditions have serious economic costs, with a 2016 study
21 commissioned by MedChi, the Maryland State Medical Society, showing that Medicaid annual
22 spending per enrollee with diabetes (\$24,387) is more than double the spending per enrollee
23 without diabetes (\$10,880), and that, in 2014, HealthChoice spent more than \$471 million
24 treating people with diabetes for hospitalizations, doctor visits, and prescriptions.

25 **WHEREAS**, More than 31% of HealthChoice patients with diabetes are from Baltimore City.

26 **WHEREAS**, The National Association of Black County Officials passed a resolution in 2017
27 to support the reduction of sugary drinks consumption through decisive public health policy
28 measures in order to reduce the rising rates of chronic diseases and obesity.

29 **WHEREAS**, The Mayor and City Council of Baltimore believes that offering healthier drinks
30 with children's meals will improve the overall health and well-being of children and families
31 living in Baltimore City.

32 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
33 Laws of Baltimore City read as follows:

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Baltimore City Revised Code

Article – Health

Title 6. Food Service Facilities

Subtitle 5. Miscellaneous Regulations

§ 6-508. CHILDREN’S MEALS.

(A) “CHILDREN’S MEAL” DEFINED.

IN THIS SECTION, “CHILDREN’S MEAL” MEANS A COMBINATION OF FOOD ITEMS THAT IS:

- (1) OFFERED FOR PURCHASE AS A UNIT AT A SINGLE PRICE; AND
- (2) REPRESENTED TO BE OR OTHERWISE PRIMARILY INTENDED FOR CONSUMPTION BY CHILDREN.

(B) *BEVERAGE LIMITATION.*

NO FOOD SERVICE FACILITY MAY OFFER A CHILDREN’S MEAL THAT INCLUDES A BEVERAGE UNLESS THAT BEVERAGE IS:

- (1) WATER, SPARKLING WATER, OR FLAVORED WATER, WITH NO ADDED NATURAL OR ARTIFICIAL SWEETENERS;
- (2) MILK OR A NON-DAIRY MILK ALTERNATIVE; OR
- (3) 100% FRUIT JUICE OR FRUIT JUICE COMBINED WITH WATER OR SPARKLING WATER, WITH NO ADDED NATURAL OR ARTIFICIAL SWEETENERS, IN A SERVING SIZE OF NO MORE THAN 8 OUNCES.

(C) *QUALIFICATION.*

NOTHING IN THIS SECTION PRECLUDES A FOOD SERVICE FACILITY FROM PROVIDING, IF SPECIFICALLY REQUESTED BY THE PURCHASER OF THE CHILDREN’S MEAL, ANY LAWFUL BEVERAGE AS A SUBSTITUTE OR ALTERNATIVE FOR THE BEVERAGES BEING OFFERED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

Subtitle 8. Penalties

§ 6-801. Enforcement by citation.

(a) *In general.*

In addition to any other civil or criminal remedy or enforcement procedure, this title may be enforced by issuance of an environmental citation as authorized by City Code Article 1, Subtitle 40 {“Environmental Control Board”}.

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1 (b) *Process not exclusive.*

2 The issuance of an environmental citation to enforce this title does not preclude pursuing
3 any other civil or criminal remedy or enforcement action authorized by law.

4 **Baltimore City Code**

5 **Article 1. Mayor, City Council, and Municipal Agencies**

6 **Subtitle 40. Environmental Control Board**

7 **§ 40-14. Violations to which subtitle applies.**

8 (e) *Provisions and penalties enumerated.*

9 (7) **Health Code**

10
11 Title 6: Food Service Facilities

12 Subtitle 2: License Required

13 § 6-201. In general \$300

14 Subtitle 5: Miscellaneous Regulations

15 § 6-506. Litter and rubbish prohibited \$200

16 All other provisions \$100

17

18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
19 are not law and may not be considered to have been enacted as a part of this or any prior
20 Ordinance.

21 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 90th day
22 after the date it is enacted.