


MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: November 28, 2017

SUBJECT: City Council Bill No. 17-0152
Food Service Facilities – Healthy Beverages for Children’s Meals

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 17-0152 for the purpose of requiring food service facilities that offer beverages as part of a children’s meal to limit the beverage options being offered; defining “children’s meal”; providing special effective date; and generally relating to healthy food options for children.

As a partner agency in the Baltimore Food Policy Initiative, BDC actively works to increase healthy food access for all residents through our economic development efforts. According to the most recent food environment assessment conducted by the Johns Hopkins Center for a Livable Future, we know that Baltimore children are disproportionately affected by lack of healthy food access. Thirty percent of children live in healthy food priority areas (formerly referred to as food deserts), compared to 25% of Baltimore adults.

Bill 17-0152 allows businesses to choose among beverage options to offer with a children’s meal, some of which are cost neutral to what may currently be offered with a meal. Additionally, the bill allows for businesses to provide a substitute beverage to what is included in the children’s meal if specifically requested by the consumer. As such, Bill 17-0152 does not appear to present an undue burden on businesses in order to comply, while still providing consumer choice.

As currently written, it is unclear whether pre-packaged meals for kids that include a drink produced by a manufacturer would be included in the requirement. Additionally, the bill does not specify enforcement action, such as how long food service facilities would have to comply with the new requirement, whether there would be a warning before a citation was issued, and how much a penalty to the food service facility would cost.

BDC is concerned that this lack of specificity will create confusion among affected businesses; however, has no objection to Bill No. 17-0152 as currently written.

cc: Kyron Banks

**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.

Council Bill 17-0152

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”}.