

Council Bill 17-0152

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.~~

(A) “CHILDREN’S MEAL” DEFINED.

(1) IN GENERAL.

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

(I) PREPARED BY AND OFFERED FOR PURCHASE AT A FOOD SERVICE FACILITY AS A UNIT AT A SINGLE PRICE; AND

(II) REPRESENTED TO BE OR OTHERWISE PRIMARILY INTENDED FOR CONSUMPTION BY CHILDREN.

(2) EXCEPTION FOR PREPACKAGED FOOD ITEMS.

“CHILDREN’S MEAL” DOES NOT INCLUDE A COMBINATION OF FOOD ITEMS THAT HAS BEEN PREPACKAGED BY OR AT A FACILITY OTHER THAN THE FOOD SERVICE FACILITY OFFERING THE PREPACKAGED COMBINATION FOR PURCHASE.

(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.

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1 (C) *QUALIFICATION.*

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

6 ***Subtitle 8. Penalties***

7 **§ 6-801. Enforcement by citation.**

8 (a) *In general.*

9 In addition to any other civil or criminal remedy or enforcement procedure, this title may
10 be enforced by issuance of an environmental citation as authorized by City Code Article
11 1, Subtitle 40 {“Environmental Control Board”}.

12 (b) *Process not exclusive.*

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

15 **Baltimore City Code**

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

17 **Subtitle 40. Environmental Control Board**

18 **§ 40-14. Violations to which subtitle applies.**

19 (e) *Provisions and penalties enumerated.*

20 (7) ***Health Code***

21

22 Title 6: Food Service Facilities

23 Subtitle 2: License Required

24 § 6-201. In general \$300

25 Subtitle 5: Miscellaneous Regulations

26 § 6-506. Litter and rubbish prohibited \$200

27 All other provisions \$100

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

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

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City