CITY OF BALTIMORE ORDINANCE _____ Council Bill 17-0152

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

Introduced and read first time: October 16, 2017

Assigned to: Judiciary and Legislative Investigations Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: February 26, 2018

AN ORDINANCE CONCERNING

1	Food Service Facilities – Healthy Beverages for Children's Meals		
2 3 4	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 for a special effective date; and generally relating to healthy food options for children.		
5	By adding		
6	Article - Health		
7	Section 6-508 Baltimore City Revised Code		
8 9	(Edition 2000)		
10	By repealing and reordaining, without amendments		
11	Article - Health		
12	Section 6-801		
13	Baltimore City Revised Code		
14	(Edition 2000)		
15	By repealing and reordaining, without amendments		
16	Article 1. Mayor, City Council, and Municipal Agencies		
17	Section 40-14(e)(7)(Title 6)		
18	Baltimore City Code		
19	(Edition 2000)		
20	Preamble		
21	WHEREAS, The Mayor and City Council of Baltimore desires to promote healthy options for		
22	children and their families to build a healthier community for all.		
23	WHEREAS, An important goal of the Mayor and City Council of Baltimore is to promote		
24	healthy lifestyles through innovative approaches that foster healthy environments where families		
25	live, work, and play.		

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

Underlining indicates matter added to the bill by amendment.

Strike out indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

1 2	WHEREAS, Families in Baltimore City often have limited time and options to shop for and prepare healthy food, making dining out an appealing and sometimes necessary option.		
3 4 5	WHEREAS, Sugary drinks are the single leading source of added sugars in the American diet and are associated with an increased risk of type 2 diabetes, heart disease, and other chronic diseases.		
6 7	WHEREAS, Consuming sugary drinks — fruit drinks with added sugar, sports drinks, energy drinks, and soda — poses a real health risk to children.		
8 9 10	have no more than one 8-ounce sugary drink a week. Yet children today are consuming as much		
11 12 13	WHEREAS, Children in low-income families consume 2½ times more sugary drinks than their peers in higher-income families, in part due to aggressive marketing tactics by the beverage industry.		
14 15	WHEREAS, People living in the U.S. consume about 34 pounds of added sugar every year just from sugary drinks.		
16 17	WHEREAS, Nearly two-thirds of children living in the U.S. consume at least one sugary drink daily.		
18 19	WHEREAS, Every year, 40,000 cardiovascular deaths in the U.S. are attributed to over consumption of sugary drinks.		
20 21 22 23 24	WHEREAS, Diet-related health conditions have serious economic costs, with a 2016 study commissioned by MedChi, the Maryland State Medical Society, showing that Medicaid annual spending per enrollee with diabetes (\$24,387) is more than double the spending per enrollee without diabetes (\$10,880), and that, in 2014, HealthChoice spent more than \$471 million 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 27 28	WHEREAS, The National Association of Black County Officials passed a resolution in 2017 to support the reduction of sugary drinks consumption through decisive public health policy measures in order to reduce the rising rates of chronic diseases and obesity.		
29 30 31	WHEREAS, The Mayor and City Council of Baltimore believes that offering healthier drinks with children's meals will improve the overall health and well-being of children and families living in Baltimore City.		
32 33	SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Laws of Baltimore City read as follows:		

1	Baltimore City Revised Code
2	Article – Health
3	Title 6. Food Service Facilities
4	Subtitle 5. Miscellaneous Regulations
5	§ 6-508. CHILDREN'S MEALS.
6	(A) "CHILDREN'S MEAL" DEFINED.
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7	IN THIS SECTION, "CHILDREN'S MEAL" MEANS A COMBINATION OF FOOD ITEMS THAT IS:
8	(1) OFFERED FOR PURCHASE AS A UNIT AT A SINGLE PRICE; AND
9 10	(2) REPRESENTED TO BE OR OTHERWISE PRIMARILY INTENDED FOR CONSUMPTION BY CHILDREN.
11	(A) "CHILDREN'S MEAL" DEFINED.
12	(1) IN GENERAL.
13	IN THIS SECTION, "CHILDREN'S MEAL" MEANS A COMBINATION OF FOOD ITEMS THAT IS
14	(I) PREPARED BY AND OFFERED FOR PURCHASE AT A FOOD SERVICE FACILITY AS A UNIT AT A SINGLE PRICE; AND
16 17	(II) REPRESENTED TO BE OR OTHERWISE PRIMARILY INTENDED FOR CONSUMPTION BY CHILDREN.
18	(2) EXCEPTION FOR PREPACKAGED FOOD ITEMS.
19 20 21	"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.
22	(B) BEVERAGE LIMITATION.
23 24	NO FOOD SERVICE FACILITY MAY OFFER A CHILDREN'S MEAL THAT INCLUDES A BEVERAGE UNLESS THAT BEVERAGE IS:
25 26	(1) WATER, SPARKLING WATER, OR FLAVORED WATER, WITH NO ADDED NATURAL OR ARTIFICIAL SWEETENERS;
27	(2) MILK OR A NON-DAIRY MILK ALTERNATIVE; OR
28 29	(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
30	MORE THAN 8 OUNCES.

1	(C) QUALIFICATION.			
2 3 4 5	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.			
6	Subtitle 8. Penalties			
7	§ 6-801. Enforcement by citation.			
8	(a) In general.			
9 10 11	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"}.			
12	(b) Process not exclusive.			
13 14	The issuance of an environmental citation to enforce this title does not preclude pursuing 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 21	(7) Health Code			
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 28	All other provisions \$100			

2	SECTION 2. AND BE IT FURTHER ORDAINED , That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.		
ļ 5	SECTION 3. AND BE IT FURTHER ORDAINED , The after the date it is enacted.	at this Ordinance takes effect on the 90 th day	
	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		
	_	Mayor, Baltimore City	