



Legislation Details (With Text)

**File #:** 17-0152      **Version:** 0      **Name:** Food Service Facilities - Healthy Beverages for Children's Meals

**Type:** Ordinance      **Status:** Enacted

**File created:** 10/16/2017      **In control:** City Council

**On agenda:**      **Final action:** 4/19/2018

**Enactment date:**      **Enactment #:** 18-126

**Title:** Food Service Facilities - Healthy Beverages for Children's Meals  
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.

**Sponsors:** Brandon M. Scott, Eric T. Costello, Ryan Dorsey, Kristerfer Burnett, Mary Pat Clarke, Bill Henry

**Indexes:** Beverage, Children, Facilities, Food Service, Health

**Code sections:**

**Attachments:** 1. 17-0152~1st Reader, 2. ECB 17-0152, 3. BDC 17-0152, 4. Law 17-0152, 5. Health 17-0152, 6. 2nd Reader Amendments 17-0152, 7. 17-0152~3rd Reader, 8. Completed File\_17-0152

Date	Ver.	Action By	Action	Result
4/23/2018	0	Mayor	Signed by Mayor	
3/12/2018	0	City Council	Approved and Sent to the Mayor	
2/26/2018	0	City Council	3rd Reader, for final passage	
2/26/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
2/13/2018	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
2/1/2018	0	Judiciary and Legislative Investigations	Worksession	
1/30/2018	0	Judiciary and Legislative Investigations	Conducted Public Hearing	
1/8/2018	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
10/19/2017	0	The City Council	Refer to Environmental Control Board	
10/19/2017	0	The City Council	Refer to City Solicitor	
10/19/2017	0	The City Council	Refer to Dept. of Health	
10/19/2017	0	The City Council	Refer to Baltimore Development Corporation	
10/16/2017	0	City Council	Assigned	
10/16/2017	0	City Council	Introduced	

**Explanation:** Capitals indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

\* **Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

**Introductory\***

## City of Baltimore Council Bill

Introduced by: Councilmember Scott

A Bill Entitled

An Ordinance concerning

### **Food Service Facilities - Healthy Beverages for Children's Meals**

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.

By adding

Article - Health  
Section 6-508  
Baltimore City Revised Code  
(Edition 2000)

By repealing and reordaining, without amendments

Article - Health  
Section 6-801  
Baltimore City Revised Code  
(Edition 2000)

By repealing and reordaining, without amendments

Article 1. Mayor, City Council, and Municipal Agencies  
Section 40-14(e)(7)(Title 6)  
Baltimore City Code  
(Edition 2000)

### Preamble

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

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

**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.

**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.

**Whereas**, Consuming sugary drinks - fruit drinks with added sugar, sports drinks, energy drinks, and soda - poses a real health risk to children.

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

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.*

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

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

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

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.

Whereas, More than 31% of HealthChoice patients with diabetes are from Baltimore City.

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.

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.

**Now, Therefore:**

**Section 1. Be it ordained by the Mayor and City Council of Baltimore,** That the Laws of Baltimore City read as follows:

**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”}.

(b) *Process not exclusive.*

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.

**Baltimore City Code**

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

**Subtitle 40. Environmental Control Board**

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

(e) *Provisions and penalties enumerated.*

(7) ***Health Code***

...  
Title 6: Food Service Facilities

Subtitle 2: License Required

§ 6-201. In general

\$300

Subtitle 5: Miscellaneous Regulations

§ 6-506. Litter and rubbish prohibited

\$200

All other provisions

\$100

.....

**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.

**Section 3. And be it further ordained,** That this Ordinance takes effect on the 90<sup>th</sup> day after the date it is enacted.