

2019 -- H 5427

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO FOOD AND DRUGS -- HEALTHY BEVERAGE ACT

Introduced By: Representatives Casimiro, Alzate, Shanley, Tobon, and Mendez

Date Introduced: February 14, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 38

4 HEALTHY BEVERAGE ACT

5 **21-38-1. Short title.**

6 This act shall be known and may be cited as the "Healthy Beverage Act".

7 **21-38-2. Legislative findings.**

8 The general assembly hereby finds and declares that:

9 (1) Over the past thirty (30) years, the obesity rate in the United States has more than
10 doubled. According to the Centers for Disease Control and Prevention, two-thirds (68.5%) of
11 American adults are overweight or obese. About one-third (33.3%) of children nationwide are
12 overweight or obese. Obese children are at least twice as likely as non-obese children to become
13 obese adults.

14 (2) Obese children and adults are at greater risk for numerous adverse health
15 consequences, including type II diabetes, heart disease, stroke, high blood pressure, high
16 cholesterol, certain cancers, asthma, low self-esteem, depression, and other debilitating diseases.

17 (3) Obesity-related health conditions have serious economic costs. Annual health care
18 costs from obesity are at least one hundred and ninety billion dollars (\$190,000,000,000) or
19 twenty-one percent (21%) of total health care spending and are expected to rise substantially.

1 Roughly forty percent (40%) of these costs are paid through Medicare and Medicaid, which
2 means that taxpayers foot much of the bill. Obesity-related annual medical expenditures in Rhode
3 Island are estimated at five hundred and fifty million dollars (\$550,000,000) and more than half
4 of these expenditures are incurred by the Medicare and Medicaid programs.

5 (4) Sugary drinks play a critical role in the obesity epidemic. Sugary drinks, including
6 soda, energy and sports drinks, sweetened water and fruit drinks, provide the largest source of
7 daily calories in the diets of American children ages two (2) to eighteen (18). Each extra serving
8 of a sugary beverage consumed a day increases a child's chance of becoming obese by sixty
9 percent (60%). Sugary drinks are also linked to other health problems, including a greater risk of
10 cardiovascular disease in adolescents, higher blood pressure in adolescents, dental caries
11 (cavities), and inadequate intake of nutrients, including calcium, iron folate, magnesium, and
12 vitamin A.

13 (5) Nationwide, American children eat nineteen percent (19%) of their calories at fast-
14 food and other restaurants. Children and adolescents who eat at both fast-food and full-service
15 restaurants drink more sugary drinks and soda and less milk.

16 (6) Requiring restaurants to provide a healthy beverage as the "default" beverage
17 automatically included in children's meals is an effective way to improve the nutritional quality of
18 children's meals. The Disney Corporation moved to this practice at its worldwide resorts and, in
19 2008, reported that at its American resorts sixty-eight percent (68%) of beverage orders included
20 the default healthier option.

21 (7) By enacting this chapter, the general assembly intends to support parents' efforts to
22 feed their children healthfully by ensuring that healthy beverages are available to children in
23 restaurants.

24 **21-38-3. Definitions.**

25 As used in this chapter, unless the context clearly requires otherwise:

26 (1) "Children's meal" means a combination of food and a beverage, sold together at a
27 single price, primarily intended for consumption by children.

28 (2) "Default beverage" means a beverage automatically included or offered as part of a
29 children's meal, absent a specific request for an alternate beverage by the purchaser of the
30 children's meal.

31 (3) "Restaurant" means a food establishment that serves food to customers for
32 consumption on or off the premises, including fast-food and full-service dining establishments. It
33 includes, but is not limited to, drive through or walk-up counters, coffee shops, cafes, pizza
34 parlors, and dine-in establishments.

1 **21-38-4. Default beverages in children's meals.**

2 (a) A restaurant that sells a children's meal that includes a beverage shall include a default
3 beverage offered with the children's meal which shall be one of the following;

4 (1) Water, sparkling water, or flavored water, with no added natural or artificial
5 sweeteners;

6 (2) Nonfat or one percent milk or non-dairy milk alternative containing no more than one
7 hundred thirty (130) calories per container and/or serving as offered for sale; or

8 (3) One hundred percent (100%) fruit juice or fruit juice combined with water or
9 carbonated water, with no added sweeteners, in a serving size of no more than eight ounces
10 (8oz.).

11 (b) Nothing in this section shall prohibit a restaurant's ability to sell, or a customer's
12 ability to purchase, a substitute or alternative beverage instead of the default beverage offered
13 with a children's meal, if requested by the purchaser of the children's meal.

14 **21-38-5. Enforcement.**

15 The department of health shall implement, administer and enforce this section, and is
16 hereby authorized to issue rules and regulations consistent with this section and shall have all
17 necessary powers to carry out the purpose of this section.

18 SECTION 2. This act shall take effect on January 1, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- HEALTHY BEVERAGE ACT

1 This act would create the "Healthy Beverage Act" which would require that children's
2 meals offered by restaurants include certain healthy beverage options if the beverage is
3 automatically included in the meal.

4 This act would take effect on January 1, 2020.

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