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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

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A N A C T

RELATING TO FOOD AND DRUGS -- HEALTHY BEVERAGE ACT

Introduced By: Senators Gallo, Sosnowski, Lombardo, and Miller

Date Introduced: February 18, 2021

Referred To: Senate Special Legislation and Veterans Affairs

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. Definitions.**

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

9 (1) "Children's meal" means a combination of food and a beverage, offered for sale together
10 at a single price, primarily intended for consumption by children.

11 (2) "Default beverage" means any beverage offered as part of a children's meal.

12 (3) "Food service establishment" means any establishment that serves food to customers
13 for consumption on or off the premises, as defined in § 21-27-1. It includes, but is not limited to,
14 drive-through or walk-up counters, coffee shops, cafes, pizza parlors, and dine-in establishments.

15 Food service establishment does not include school cafeterias.

16 **21-38-3. Default beverages in children's meals.**

17 (a) A food service establishment that offers a children's meal shall include a default
18 beverage with the children's meal which shall be one of the following:

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

1 (2) Flavored or unflavored nonfat or one percent dairy milk or non-dairy beverage that is
2 nutritionally equivalent to fluid milk in a serving size of no more than eight ounces (8oz.); or

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

6 (b) Nothing in this section shall prohibit a food service establishment from providing upon
7 request a beverage other than the default beverage offered with a children's meal.

8 **21-38-4. Enforcement.**

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

12 SECTION 2. This act shall take effect January 1, 2021.

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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 beverage is automatically
3 included in the meal.

4 This act would take effect January 1, 2021.

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