
A BILL FOR AN ACT

RELATING TO BEVERAGES FOR CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that in Hawaii more than
2 one in four kindergarteners is overweight or obese. Obesity-
3 related medical expenditures in Hawaii exceed \$470,000,000
4 annually. As a result of health risks and complications related
5 to obesity, this generation of children may be the first
6 generation not to outlive their parents.

7 Research shows that taste preferences and healthy habits
8 are formed in early childhood years. Currently, children and
9 adults consume an average of one hundred seventy-two and one
10 hundred seventy-five calories, respectively, from sugar-
11 sweetened beverages a day. For children, each additional
12 twelve-ounce soft drink consumed per day increases the
13 likelihood of becoming obese by sixty per cent during one and
14 one half years of followup.

15 Refined sugars promote tooth decay, also known as dental
16 caries. Sugar-sweetened beverages promote dental caries because
17 they bathe the teeth of frequent consumers in sugar water for



1 long periods of time. Prolonged exposure of the teeth to the
2 sugars in juice is also a major contributing factor to dental
3 caries. In Hawaii, the average number of decayed teeth among
4 children five to nine years of age is 3.9, which is double the
5 national average of 1.9.

6 The serving of healthy beverages in child care facilities
7 would result in significantly healthier outcomes for children.
8 More than eleven million children under the age of six in the
9 United States spend an average of thirty hours per week in non-
10 parental child care facilities. In 2014, close to sixty-five
11 thousand children in Hawaii under the age of six were in need of
12 child care.

13 Many states, including California and Maryland, already
14 require child care facilities to serve children healthier
15 beverages rather than sugar-sweetened beverages or large amounts
16 of fruit juice. It is in the best interest of Hawaii's children
17 to set standards that ensure healthy beverages are served in
18 child care facilities.

19 The purpose of this Act is to establish restrictions on
20 sugar-sweetened beverages and other beverages served in child



1 care facilities to help prevent childhood obesity and dental
2 caries in Hawaii.

3 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
4 amended by adding a new section to part VIII to be appropriately
5 designated and to read as follows:

6 "346- Beverage restrictions in child care facilities.

7 (a) No child care facility shall:

8 (1) Serve sugar-sweetened beverages to any child to whom
9 the facility provides care;

10 (2) Serve natural fruit juice or natural vegetable juice
11 to children under one year of age; or

12 (3) Serve more than four ounces per day of natural fruit
13 juice or natural vegetable juice to children one year
14 of age or older.

15 (b) The prohibitions in subsection (a) shall not apply to
16 any child who has a medical necessity documented by a physician
17 for sugar-sweetened beverages, natural fruit juice, or natural
18 vegetable juice.

19 (c) The department shall determine compliance with this
20 section only during visits and inspections otherwise authorized
21 pursuant to this chapter. The department shall not be required



1 to conduct separate and independent visits for inspections
2 solely to enforce compliance with this section.

3 (d) This section shall not apply to any beverage provided
4 by a parent or guardian for the parent or guardian's child at a
5 child care facility.

6 (e) This section shall apply only to child care facilities
7 licensed by the department and in existence as of the effective
8 date of Act , Session Laws of Hawaii 2016.

9 (f) As used in this section, unless the context otherwise
10 requires:

11 "Caloric sweetener" means any substance, including sucrose,
12 fructose, glucose, other sugars, and fruit juice concentrates,
13 that:

- 14 (1) Is suitable for human consumption;
- 15 (2) Is perceived by humans as sweet; and
- 16 (3) Has a measurable caloric content.

17 "Dietary aids" means liquid products manufactured for use
18 as:

- 19 (1) Oral nutritional therapy for persons who cannot
20 otherwise absorb or metabolize dietary nutrients from
21 food or beverages;



- 1 (2) A source of necessary nutrition due to a medical
- 2 condition; or
- 3 (3) An oral electrolyte solution for infants and children
- 4 to prevent dehydration due to illness.

5 "Milk" means natural liquid milk regardless of animal
6 source or butterfat content; natural milk concentrate, whether
7 or not reconstituted, regardless of animal source or butterfat
8 content; dehydrated natural milk, whether or not reconstituted
9 and regardless of animal source or butterfat content; soy milk;
10 or rice milk.

11 "Natural fruit juice" or "natural vegetable juice" means
12 the original liquid resulting from the pressing of fruits or
13 vegetables, respectively, or the liquid resulting from the
14 dilution of dehydrated natural fruit juice or natural vegetable
15 juice, respectively.

16 "Sugar-sweetened beverage" means any carbonated or
17 noncarbonated beverage that is intended for human consumption
18 and contains any added caloric sweetener. "Sugar-sweetened
19 beverage" does not include:



1 (1) Beverages consisting of one hundred per cent natural
2 fruit juice or natural vegetable juice with no added
3 caloric sweeteners;

4 (2) Milk with no added caloric sweetener;

5 (3) Dietary aids; or

6 (4) Infant formula."

7 SECTION 3. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2070.



Report Title:

Sugar-Sweetened Beverages Restriction; Child Care Facilities

Description:

Establishes restrictions on sugar-sweetened beverages and other beverages served in child care facilities licensed by the Department of Human Services and in existence as of the effective date of this measure. (HB1674 HD1)

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