

SB2228

Measure Title: RELATING TO BEVERAGES.
Report Title: Keiki Caucus Package; Preschool Students; Beverages
Description: Restricts the types of beverages that public schools and private schools with state funding may sell to preschool students.
Companion:
Package: Keiki Caucus
Current Referral: EDU/CPH, WAM
Introducer(s): CHUN OAKLAND, Ruderman, L. Thielen



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 02/02/2016

Time: 09:45 AM

Location: 229

Committee: Senate Commerce and
Consumer Protection

Department: Education

Person Testifying: Kathryn S. Matayoshi, Superintendent of Education

Title of Bill: SB 2228 RELATING TO BEVERAGES.

Purpose of Bill:

Department's Position:

The Department of Education (DOE) supports this measure, as it is closely aligned with the DOE Wellness Policy.

In 2010, Congress passed the Healthy, Hunger-Free Kids Act of 2010 (Sec. 204 of Public Law 111-296), and added new provisions for local school Wellness Policies related to implementation, evaluation, and publicly reporting on progress of local school Wellness Policies.

The current beverage standards in the DOE Wellness Policy:

All beverages sold or served to students at school or at school sponsored functions must comply with the current Institute of Medicine (IOM) guidelines.

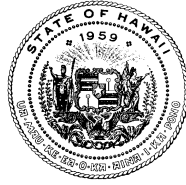
- Water without flavoring, additives, or carbonation
- Low-fat (1-percent) and nonfat milk in 8-oz. portions
 - Lactose-free and soy beverages are included
 - Flavored milk with no more than 22g of total sugar per 8oz. portion
- 100 percent fruit juice
 - 4-oz. portion for elementary/middle school
 - 8-oz. (two portions) for high school
- Caffeine-free, with the exception of trace amounts of naturally occurring caffeine substances (e.g., chocolate milk)

Beverages for high school students (after school only):

- Non-caffeinated, non-fortified beverages with less than 5 calories per portion as packaged (with or without non-nutritive sweeteners, carbonation, or flavoring)
- Sports drinks for student athletes participating in sport programs involving vigorous activity of more than one hour's duration.

The department recommends adding the caffeine-free bulleted item.

Thank you for this opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on SB2228
RELATING TO BEVERAGES**

SENATOR ROSALYN H. BAKER, CHAIR
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

SENATOR MICHELLE N. KIDANI, CHAIR
SENATE COMMITTEE ON EDUCATION

Hearing Date: February 2, 2016 Room Number: 229

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Human
2 Services on the fiscal implications, recognizing that this measure may add to their regulatory
3 requirements and potentially necessitate resources above current levels.

4 **Department Testimony:** The Department of Health offers comments on SB2228. The purpose
5 of this bill is to prohibit the sale of sugar-sweetened beverages (SSBs) to preschool students
6 during school hours.

7 The consumption of SSBs by young children is an important public health concern due to
8 the prevalence of overweight, obesity, and dental caries (cavities) in Hawaii's youth. The
9 Department appreciates the intent of SB2228 and efforts to reduce exposure of SSBs to
10 preschool aged children. However, as written, many aspects of the bill fall short of national
11 recommendations for reducing the consumption of SSBs in child care settings. According to
12 current national recommendations, *Caring for Our Children: National Health and Safety*
13 *Performance Standards*, early care and education programs should avoid serving all sodas,
14 sweetened drinks, fruit nectars, and flavored milk, and should not serve fruit juice to children
15 younger than 12 months. The Department finds that SB2385 and HB1674 reflect the
16 comprehensive standards for beverages served in child care settings.

1 Today in Hawaii, more than one in four kindergarteners are overweight or obese and
2 have one of the highest rates of dental caries in the nation.¹ There is a strong correlation between
3 weight and the consumption of SSBs like soda. In children each 12-ounce soft drink consumed
4 daily, increases their odds of becoming obese by 60%.² The average number of decayed teeth
5 among 5-9 year olds in Hawaii at 3.9 is double the national average of 1.9.³ According to one
6 study, among young children, aged 1 through 5 years, consumption of SSBs was associated with
7 an 80-100% increased risk of dental caries.⁴ Fruit juice has been shown among children aged 2
8 to 4 years, to contribute roughly 100 calories to a daily diet,⁵ and drinking too much juice may be
9 associated with obesity, diarrhea and tooth decay.⁶

10 Thank you for the opportunity to provide comments.

11 **Offered Amendments:** None.

¹ Hau`Oli Mau Loa Foundation. Strategic Directions for the Children of Hawaii. Available at: <http://hauolimauloa.org/wp-content/uploads/2013/09/HML-StrategicDirections.pdf>

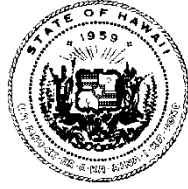
² Ludwig DS, Peterson KE, Gortmaker SL. Relation between consumption of sugar-sweetened drinks and childhood obesity: a prospective, observational analysis. *Lancet*. 2001;357:505-8.

³ Hau`Oli Mau Loa Foundation. Strategic Directions for the Children of Hawaii. Available at: <http://hauolimauloa.org/wp-content/uploads/2013/09/HML-StrategicDirections.pdf>

⁴ Marshall TA, Levy SM, Broffitt B, Warren JJ, Eichenberger-Gilmore JM, Burns TL, Stumbo PJ. Dental caries and beverage consumption in young children. *Pediatrics*. 2003;112 (3 Pt 1):e184-e191.

⁵ Marshall TA, Levy SM, Broffitt B, Warren JJ, Eichenberger-Gilmore JM, Burns TL, Stumbo PJ. Dental caries and beverage consumption in young children. *Pediatrics*. 2003;112 (3 Pt 1):e184-e191.

⁶ Wojcicki JM, Heyman MB. Reducing Childhood Obesity by Eliminating 100% Fruit Juice. *American Journal of Public Health*: September 2012, Vol. 102, No. 9, pp. 1630-1633.



STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 1, 2016

MEMORANDUM

TO: The Honorable Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

The Honorable Michelle N. Kidani, Chair
Senate Committee on Education

FROM: Rachael Wong, DrPH, Director

SUBJECT: **SB 2228 – RELATING TO BEVERAGES**

Hearing: Tuesday, February 2, 2016; 9:45 a.m.
Conference Room 229, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this bill to address childhood obesity and dental caries, and defers to the Department of Education, the Hawaii State Public Charter School Commission, and the Executive Office on Early Learning. The DHS also provides comments for consideration.

PURPOSE: The purpose of this measure is to establish additional restrictions on sugar-sweetened beverages and other beverages that are allowed to be sold to preschool children at public schools and private schools receiving public funds.

The Department is committed to investing in early childhood development for long-term health and well-being and promoting healthy choices, and asks the Committee to consider deleting Section 2 of this measure as private schools operating preschools must be licensed by DHS and follow established regulations. Regulations for licensed and registered child care homes and facilities already require that for those programs that provide meals and snacks, the programs must comply with the requirements of the United States Department of Agriculture

(USDA) Child and Adult Care Food Program (CACFP), even if the programs are not participating in the USDA CACFP reimbursements. In the current USDA CACFP requirements, milk and 100% fruit or vegetable juice are the only allowable fluids to be served to children in care. Any other type of beverage is not served to children in care by a licensed or registered child care home or facility. This session there are additional measures HB 1674 and SB 2385 that similarly address sugar-sweetened beverages served to children in licensed child care facilities and registered family child care homes by, amongst other things, proposing additional regulations on served beverages. Therefore, such private preschools would be subject to the proposed measures under HB 1674 and SB 2385 making the proposed Section 2 somewhat redundant. DHS does not regulate public preschools.

Committee members may also wish to consider increasing prevention outreach and education efforts—through the public schools to parents, their communities, and support networks—on beverage choices to promote and reinforce the establishment of practices of healthy living in early childhood.

Thank you for the opportunity to provide comments on this bill.



STATE OF HAWAII
Executive Office on Early Learning
1390 Miller Street, Room 303
HONOLULU, HAWAII 96813

February 1, 2016

TO: Rosalyn H. Baker, Chair
Senate Committee on Commerce, Consumer Protection, and Health

Michelle N. Kidani, Chair
Senate Committee on Education

FROM: Lauren Moriguchi, Director

SUBJECT: SB 2228 – RELATING TO BEVERAGES
Hearing Date: Tuesday, February 2, 2016
Time: 9:45 a.m.
Location: Conference Room 229

Purpose of Bill: Restricts the types of beverages that public schools and private schools with state funding may sell to preschool students

DEPARTMENT'S POSITION: The Executive Office on Early Learning (EOEL) supports SB 2228 as it includes initiatives which directly impact health and nutrition by placing restrictions on the types of beverages sold to preschool students. Students attending the EOEL Pre-Kindergarten Program participate in the Department of Education's (DOE) food service program, whose Wellness Policy and beverage standards are closely aligned to this measure.

Thank you for the opportunity to testify on this bill.



Date: February 1, 2016

To: The Honorable Michelle N. Kidani, Chair
The Honorable Breene Harimoto, Vice Chair
Members of the Senate Committee on Education

The Honorable Rosalyn H. Baker, Chair
The Honorable Michelle N. Kidani, Vice Chair
Members of the Senate Committee on Commerce, Consumer Protection, and Health

From: Jessica Yamauchi, Executive Director, Hawai'i Public Health Institute

Re: **Comments and recommendation for SB 2228, Relating to Beverages**

Hrg: February 2, 2016 at 9:45 am at Capitol Room 229

Thank you for the opportunity to offer comments on SB 2228, Relating to Beverages.

The Hawai'i Public Health Institute (HIPHI) supports and promotes policy efforts to create a healthy Hawai'i. HIPHI weaves silos into working relationships as an effective network, ensuring that we come together across sectors to advance collaboration and innovation in public health and work towards making Hawai'i the healthiest place on earth.

HIPHI appreciates the intent of SB 2228, however prefers the language in SB2385, Relating to Beverages for Children. The current bill addresses beverages sold in childcare facilities, whereas SB 2385 establishes restrictions on sugar-sweetened beverages and other beverages in child care facilities.

Thank you for the opportunity to provide comments on this bill.

A handwritten signature in black ink that reads 'Jessica Yamauchi'.

Jessica Yamauchi, MA
Executive Director

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
Cc:
Subject: *Submitted testimony for SB2228 on Feb 2, 2016 09:45AM*
Date: Tuesday, January 26, 2016 2:48:48 PM

SB2228

Submitted on: 1/26/2016

Testimony for EDU/CPH on Feb 2, 2016 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB2228

Submitted on: 1/26/2016

Testimony for EDU/CPH on Feb 2, 2016 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Hairgrove	Individual	Support	No

Comments:

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SB2228

Submitted on: 1/26/2016

Testimony for EDU/CPH on Feb 2, 2016 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Clayton Silva	Individual	Oppose	No

Comments:

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Subject: *Submitted testimony for SB2228 on Feb 2, 2016 09:45AM*
Date: Wednesday, January 27, 2016 6:57:59 PM

SB2228

Submitted on: 1/27/2016

Testimony for EDU/CPH on Feb 2, 2016 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	Support	No

Comments:

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To: Committee on Commerce and Consumer Protection
Committee on Education

Date: January 29, 2016

Time: 1:30pm

Greetings,

My name is Sean Cho and I am in support of SB 2228 relating to the Restriction on the types of beverages that public schools and private schools with state funding may sell to preschool students. Currently, I am a Master's of Social Work student with the Myron B Thompson School of Social Work at the University of Hawai'i at Manoa.

Recently, the WHO made several recommendations for limiting the intake of sugars for children. In addition, the FDA released their limits of the amount of sugar Americans should eat and drink each day. The US Department of Agriculture and Department of Health and Human Services additionally set strict limits on the amount of sugar we should eat and drink each day.

The new guidelines, which the USDA and HHS puts out every five years, have been decades in the making, and cap sugar to only 10% of daily calories. The WHO recommends a reduced intake of free sugars throughout the life course in both adults and children and the WHO recommends reducing the intake of free sugars to less than 10% of total energy intake. WHO suggests a further reduction of the intake of free sugars to below 5% of total energy intake.

There is an amazing amount of research and evidence that supports the benefits of a lower sugar intake. Free sugars include monosaccharides and disaccharides added to foods and beverages by the manufacturer, cook or consumer, and sugars naturally present in honey, syrups, fruit juices and fruit juice concentrates.

Since children cannot be held accountable to make decisions and be held accountable for their food and drink intake, due to their age and mental capacities, we as a responsible society should support SB2228 to ensure their proper and healthy upbringing.

Additionally, measures SB1256 imposes a fee for such sugary beverages to ensure the health and well-being of the other age ranges. This measure is one that I support as well.

Thank you for your consideration and responsibilities to our community.

Respectfully yours,
Sean Cho

From: mailinglist@capitol.hawaii.gov
To: [EDU Testimony](#)
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Subject: Submitted testimony for SB2228 on Feb 2, 2016 09:45AM
Date: Monday, February 01, 2016 10:58:47 AM

SB2228

Submitted on: 2/1/2016

Testimony for EDU/CPH on Feb 2, 2016 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Comments Only	No

Comments: While I support the idea of providing nutritious drinks to all children, will exceptions be made for those with dietary or other needs? Is this for just events where they sell foods or daily lunch and snacks? Regulations sometimes lock schools into areas that make it very hard for the school personnel to regulate.

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Date: Thursday, January 28, 2016 11:19:40 AM

SB2228

Submitted on: 1/28/2016

Testimony for EDU/CPH on Feb 2, 2016 09:45AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

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