

ACT 138

S.B. NO. 549

A Bill for an Act Relating to Healthy Beverages for Children.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that over the past thirty years, Hawaii has experienced an unprecedented increase in obesity and chronic conditions like type 2 diabetes, heart disease, liver disease, and tooth decay. The legislature also finds that obesity-related health conditions have serious economic costs. In 2013, Hawaii spent an estimated \$470,000,000 on obesity-related medical costs.

The legislature further finds that soda and other sugary drinks are the single largest source of excess sugar in the American diet, accounting for nearly half of the added sugars consumed. A top source of calories in children's diets, sugary beverages contribute to the obesity epidemic and typically do not provide any nutritional benefit.

The purpose of this Act is to promote healthy meal options for children and support parents' efforts to feed their children nutritious food by ensuring that healthy beverages are the default option in children's meals purchased at restaurants in the State.

SECTION 2. Chapter 321, Hawaii Revised Statutes, is amended by adding a new section to Part I, to be appropriately designated and to read as follows:

**"§321- Default beverages offered with children's meals.** (a) A restaurant that offers for sale a children's meal that includes a beverage shall offer with the children's meal as a default beverage one or more of the following:

- (1) Water, sparkling water, or flavored water, with no added sugar, corn syrup, or other natural or artificial sweeteners;
- (2) Unflavored nonfat or low-fat (one per cent) dairy milk or non-dairy beverage that is nutritionally equivalent to fluid milk in a serving size of eight ounces or less; or
- (3) One hundred per cent fruit juice or vegetable juice, or fruit juice or vegetable juice combined with water or carbonated water, with no added natural or artificial sweetener, in a serving size of eight ounces or less.

(b) Nothing in this section shall prohibit a restaurant from selling, or a customer from purchasing, an alternative to the default beverage if requested by the purchaser of the children's meal.

(c) The department of health shall adopt rules pursuant to chapter 91 to implement this section.

(d) As used in this section, unless the context clearly indicates otherwise: "Children's meal" means a combination of food and a beverage, sold together at a single price by a restaurant, primarily intended for consumption by children.

"Default beverage" means a beverage automatically included or offered as part of a children's meal, absent a specific request for a substitute or alternate beverage by the purchaser of the children's meal.

"One hundred per cent fruit juice or vegetable juice" means any liquid consisting of one hundred per cent fruit juice or vegetable juice with no added sugar, corn syrup, or caloric sweetener.

"Restaurant" means a food establishment that serves food to customers for consumption on or off the premises, including fast-food and full-service dining establishments. "Restaurant" includes but is not limited to drive-through or walk-up counters, coffee shops, cafes, pizza parlors, food stands, movie theater concession stands, and dine-in establishments. For purposes of this definition, a restaurant may provide alcoholic beverage sales for drinking on premises; provided that such sales are ancillary to food service."

SECTION 3. New statutory material is underscored.<sup>1</sup>

SECTION 4. This Act shall take effect on January 1, 2020.

(Approved June 25, 2019.)

#### Note

1. Edited pursuant to HRS §23G-16.5.