

JAN 22 2016

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# A BILL FOR AN ACT

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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.

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



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

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

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

18       The purpose of this Act is to establish restrictions on  
19   sugar-sweetened beverages and other beverages served in child  
20   care facilities to help prevent childhood obesity and dental  
21   caries in Hawaii.



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

"346- Beverage restrictions in child care facilities.

(a) No child care facility shall:

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

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

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

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

(c) The department shall determine compliance with this section only during visits and inspections otherwise authorized pursuant to this chapter. The department shall not be required to conduct separate and independent visits for inspections solely to enforce compliance with this section.



(d) As used in this section, unless the context otherwise requires:

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

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

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

- (1) Oral nutritional therapy for persons who cannot otherwise absorb or metabolize dietary nutrients from food or beverages;
- (2) A source of necessary nutrition due to a medical condition; or
- (3) An oral electrolyte solution for infants and children to prevent dehydration due to illness.

"Milk" means natural liquid milk regardless of animal source or butterfat content; natural milk concentrate, whether or not reconstituted, regardless of animal source or butterfat content; dehydrated natural milk, whether or not reconstituted



1 and regardless of animal source or butterfat content; soy milk;  
2 or rice milk.

3 "Natural fruit juice" or "natural vegetable juice" means  
4 the original liquid resulting from the pressing of fruits or  
5 vegetables, respectively, or the liquid resulting from the  
6 dilution of dehydrated natural fruit juice or natural vegetable  
7 juice, respectively.

8 "Sugar-sweetened beverage" means any carbonated or  
9 noncarbonated beverage that is intended for human consumption  
10 and contains any added caloric sweetener. "Sugar-sweetened  
11 beverage" does not include:

- 12 (1) Beverages consisting of one-hundred per cent natural  
13 fruit juice or natural vegetable juice with no added  
14 caloric sweeteners;  
15 (2) Milk with no added caloric sweetener;  
16 (3) Dietary aids; or  
17 (4) Infant formula."

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 2017.

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S.B. NO. 2385

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# S.B. NO. 2385

**Report Title:**

Sugar-Sweetened Beverages Restriction; Child Care Facilities

**Description:**

Establishes restrictions on sugar-sweetened beverages and other beverages served in child care facilities.

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