

JAN 18 2018

A BILL FOR AN ACT

RELATING TO HEALTH.

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

1 SECTION 1. Hawaii families have busy schedules and face
2 tough choices when shopping for and preparing healthy food,
3 making dining out an appealing and sometimes necessary option.

4 The legislature finds that a 2013 study of the most
5 profitable fast food restaurant chains in the United States
6 found that only three per cent of the assessed meal combinations
7 met the expert nutrition standards for children's meals.

8 Sugar-sweetened beverages alone make up to nine per cent of
9 the calories children consume daily and medical evidence
10 suggests sugar-sweetened beverages are linked to obesity.

11 Obesity-related health conditions include type 2 diabetes,
12 heart disease, stroke, high blood pressure, high cholesterol,
13 certain cancers, asthma, low self-esteem, and depression
14 according to the United States Department of Health and Human
15 Services and the Centers for Disease Control and Prevention.



1 Obesity-related health conditions have serious economic
2 costs. According to a 2013 report, the State spends an
3 estimated \$470,000,000 on obesity-related medical costs.

4 The purpose of this Act is to promote healthy meal options
5 for children and their families and build a healthier community
6 by limiting sugar-sweetened beverages offered with children's
7 meals by restaurants.

8 SECTION 2. Chapter 321, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 **"PART . DEFAULT BEVERAGES OFFERED WITH CHILDREN'S MEALS**

12 **§321-A Definitions.** As used in this part, unless the
13 context clearly requires otherwise:

14 "Children's meal" means a combination of food and a
15 beverage, sold together at a single price, primarily intended
16 for consumption by children.

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



1 "Restaurant" means a food establishment that serves food to
2 customers for consumption on or off the premises, including
3 fast-food and full-service dining establishments. It includes,
4 but is not limited to, drive through or walk-up counters, coffee
5 shops, cafes, pizza parlors, and dine-in establishments. A
6 restaurant, for purposes of this part, may provide alcoholic
7 beverage sales for drinking on premises provided that such sales
8 are ancillary to food service.

9 **§321-B Default beverages in children's meals.** (a) A
10 restaurant that sells a children's meal that includes a beverage
11 shall make the default beverage offered with the children's meal
12 one of the following:

- 13 (1) Water, sparkling water, or flavored water, with no
14 added natural or artificial sweeteners; or
15 (2) Milk or non-dairy milk alternatives.

16 (b) Nothing in this section shall prohibit a restaurant's
17 ability to sell, or a customer's ability to purchase, a
18 substitute or alternative beverage instead of the default
19 beverage offered with a children's meal, if requested by the
20 purchaser of the children's meal.



(c) All restaurants shall complete an initial self-certification certifying whether they offer children's meals, and if so, certifying that they comply with the provisions of this section. Restaurants that sell children's meals shall complete an annual self-certification, certifying that they comply with the provisions of this section.

§321-C Enforcement. Any violation of section 321-B shall constitute a violation and shall be enforceable by the department of health. The fine for this violation shall be not less than \$ nor more than \$ for each separate offense."

SECTION 3. This Act shall be liberally construed to accomplish the purpose set forth in section 1 of this Act.

SECTION 4. All laws and parts of laws heretofore enacted that are in conflict with the provisions of this Act are hereby amended to conform herewith.

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 6. This Act shall take effect on July 1, 2018.
4

INTRODUCED BY:

Ronald H. Baker

Clarence Michien

Spencer H. Hanger

Bruce H. Hanger

B

Karl Nhooh

Michelle Sidani

4. Kani C. C. C.

Will Zoro

Becky

Eraine R. Brown

Mike Galt

Ron E. Brown



S.B. NO. 2056

Report Title:

Health; Default Beverages; Children's Meals

Description:

Requires restaurants that sell children's meals that include a beverage for a single price to make the default beverage a healthy beverage.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

