



Committee: HHS
Committee Review: At a future date
Staff: Christine Wellons, Legislative Attorney
Purpose: To introduce agenda item – no vote expected
Keywords: #HealthyMeals #HealthyKids

AGENDA ITEM #10A
January 11, 2022
Introduction

SUBJECT

Bill 1-22, Eating and Drinking Establishments – Healthy Meals for Children

Lead Sponsors: Councilmember Rice

Co-Sponsors: Council President Alborno and Councilmember Jawando

EXPECTED ATTENDEES

None

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

DESCRIPTION/ISSUE

Bill 1-22 would:

- (1) require children's meals offered by food service facilities to include certain healthy food and beverage options; and
- (2) generally amend the law regarding eating and drinking establishments.

SUMMARY OF KEY DISCUSSION POINTS

- N/A

This report contains:

Staff Report
Bill 1-22
LRR

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M E M O R A N D U M

January 6, 2022

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 1-22, Eating and Drinking Establishments – Healthy Meals for Children

PURPOSE: Introduction – no Council votes required

Bill 1-22, Eating and Drinking Establishments – Healthy Meals for Children sponsored by Lead Sponsor Councilmember Rice with Co-Sponsors Council President Albornoz and Councilmember Jawando, is scheduled to be introduced on January 11, 2022. A public hearing is tentatively scheduled for February 1, 2022 at 1:30 p.m.¹

Bill 1-22 would:

- (1) Require children's meals offered by food service facilities to include certain healthy food and beverage options;
- (2) Generally amend the law regarding eating and drinking establishments.

BACKGROUND AND PURPOSE

The lead sponsor's office has provided the following information regarding the rationale behind Bill 1-22:

- Child obesity rates continue to rise with long-term health and quality of life consequences. The trend is concerning especially during the pandemic as obese children are more at risk of severe illness from a COVID infection.
- Obese children are at least twice as likely as nonobese children to become obese adults.
- Sugar-sweetened beverages or sugary drinks are leading sources of added sugars in the American diet and are associated with an increased risk of type 2 diabetes, heart disease, obesity and other chronic diseases.

The lead sponsor has provided the following additional background information regarding legislation and programs similar to Bill 1-22:

- Prince George's County enacted similar kids' meal & beverage legislation.
- Delaware and Baltimore have passed legislation on healthy default beverages.

¹#HealthyMeals; #HealthyKids

- The American Heart Association supports this legislation.
- The National Restaurant Association has launched [Kids Livewell](#) in an industry effort to help promote more healthful eating for children and incorporates similar standards as in Bill 1-22.

BILL DESCRIPTION

Under Bill 1-22, any food service facility that offers for sale a children’s meal would be required to offer at least one “healthy children’s meal” as an option. The “healthy children’s meal” would consist of two or more of the following:

- ½ cup or more of unfried fruit or unfried vegetables, excluding juice, condiments, or spreads;
- a whole grain product that:
 - contains, by weight, 51% or more of whole grain ingredients; or
 - lists whole grain as the first ingredient in its ingredient list required by the U.S. Food and Drug Administration; or
- A lean protein consisting of:
 - one ounce or more of meat, seafood, nuts, seeds, beans, or peas;
 - one egg;
 - ½ cup of nonfat or 1% milk or low-fat yogurt, or 1 ounce of reduced fat cheese; or
 - a plant-based, nondairy alternative that:
 - contains the same amount of protein as, or more protein than, an item under this paragraph; and
 - is fortified with calcium and Vitamin D.

The bill also would require that any food service facility that offers for sale a children’s meal with a beverage must offer as the default beverage one or more of the following options:

- water, with no added natural or artificial sweeteners, flavors or carbonation;
- 8 ounces or less of unflavored nonfat or 1% milk, or a non-dairy equivalent with no added natural or artificial sweeteners; or
- 6 ounces or less of 100% fruit or vegetable juice, or a combination of 100% fruit and vegetable juice, with no added natural or artificial sweeteners.

The bill would preserve consumer choice; it would not prevent a customer from requesting, or a food service facility from selling, a food or beverage that does not qualify as a “healthy children’s meal” or a “default beverage”.

The requirements of the bill would be enforced by the Director of the Department of Health and Human Services. A violation of the requirements would constitute a Class A violation. The Director also would be required to create and disseminate written informational resources and signage that summarizes, in multiple languages including Spanish, the requirements of the bill.

This packet contains:	<u>Circle #</u>
Bill 1-22	1
LRR	5

Bill No. 1-22
Concerning: Eating and Drinking
Establishments - Healthy Meals for
Children
Revised: 12/17/2021 Draft No. 3
Introduced: _____
Expires: _____
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: _____
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Rice
Co-Sponsors: Council President Albonoz and Councilmember Jawando

AN ACT to:

- (1) require children's meals offered by food service facilities to include certain healthy food and beverage options; and
- (2) generally amend the law regarding eating and drinking establishments.

By adding

Montgomery County Code
Chapter 15, Eating and Drinking Establishments
Section 15-15C

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec 1. Section 15-15C is added as follows:**

2 **Sec. 15-15C. Healthy Meals for Children.**

3 (a) Definitions. In this Section, the following terms have the meanings

4 indicated.

5 Children's meal means a combination of food items, or a combination of

6 food items and a beverage, that a food service facility:

7 (1) offers for sale as a unit; and

8 (2) includes on its children's menu, or otherwise offers for

9 consumption primarily by children.

10 Children's meal does not include a combination of food items, or a

11 combination of food items and a beverage, prepackaged and offered for

12 sale by an entity other than a food service facility.

13 Default beverage means a beverage that a food service facility provides

14 automatically with a children's meal, unless the customer requests a

15 different beverage.

16 Healthy children's meal means a children's meal that contains no more

17 than:

18 (1) 600 calories;

19 (2) 700 milligrams of sodium;

20 (3) 35% of calories from total sugars;

21 (4) 35% of calories from fat;

22 (5) 10% of calories from saturated fat; and

23 (6) 0.5 grams of trans fat.

24 Lean protein means a serving of protein that contains 10% or less in

25 saturated fat.

(b) Children's meals – healthy option required. A food service facility that offers for sale a children's meal must offer for sale at least one healthy children's meal.

(c) Healthy children's meals – options. The healthy children's meal required under subsection (b) must include two or more of the following options:

(1) ½ cup or more of unfried fruit or unfried vegetables, excluding juice, condiments, or spreads;

(2) a whole grain product that:

(A) contains, by weight, 51% or more of whole grain ingredients; or

(B) lists whole grain as the first ingredient in its ingredient list required by the U.S. Food and Drug Administration; or

(3) A lean protein consisting of:

(A) one ounce or more of meat, seafood, nuts, seeds, beans, or peas;

(B) one egg;

(C) ½ cup of nonfat or 1% milk or low-fat yogurt, or 1 ounce of reduced fat cheese; or

(D) a plant-based, nondairy alternative that:

(i) contains the same amount of protein as, or more protein than, an item under this paragraph; and

(ii) is fortified with calcium and Vitamin D.

(d) Children's beverages – healthy default beverage required. A food service facility that offers for sale a children's meal with a beverage must include as the default beverage one or more of the following options:

(1) water, with no added natural or artificial sweeteners, flavors or carbonation;

(2) 8 ounces or less of unflavored nonfat or 1% milk, or a non-dairy equivalent with no added natural or artificial sweeteners; or

(3) 6 ounces or less of 100% fruit or vegetable juice, or a combination of 100% fruit and vegetable juice, with no added natural or artificial sweeteners.

(e) Preservation of consumer choice. This Section must not be construed to prohibit a customer from purchasing, or a food service facility from selling, a children's meal that:

(1) is not a healthy children's meal; or

(2) does not contain the foods or beverages listed under subsections (c) and (d).

(f) Educational outreach. The Director must create and disseminate written informational resources and signage that summarizes, in multiple languages including Spanish, the requirements of this Section.

Sec. 2. Effective Date. This Act must take effect 6 months after it becomes law.

LEGISLATIVE REQUEST REPORT

Bill 1-22

Eating and Drinking Establishments – Healthy Meals for Kids

DESCRIPTION:	Bill 1-22 would require children's meals offered by food services facilities to include healthy food and beverage options and would create criteria to define the healthy options.
PROBLEM:	
GOALS AND OBJECTIVES:	To improve access to healthy meals for children at food services facilities
COORDINATION:	
FISCAL IMPACT:	TBD
ECONOMIC IMPACT:	TBD
EVALUATION:	To be done.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Christine Wellons, Legislative Attorney
APPLICATION WITHIN MUNICIPALITIES:	Required for businesses within the County
PENALTIES:	Class A violation

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