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

The County Council for Montgomery County, Maryland approves the following Act:
Sec 1. Section 15-15C is added as follows:

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

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

Children’s meal means a combination of food items, or a combination of food items and a beverage, that a food service facility:

(1) offers for sale as a unit; and

(2) includes on its children’s menu, or otherwise offers for consumption primarily by children.

Children’s meal does not include a combination of food items, or a combination of food items and a beverage, prepackaged and offered for sale by an entity other than a food service facility.

Default beverage means a beverage that a food service facility provides automatically with a children’s meal, unless the customer requests a different beverage.

Healthy children’s meal means a children’s meal that contains no more than:

(1) 600 calories;

(2) 700 milligrams of sodium;

(3) 35% of calories from total sugars;

(4) 35% of calories from fat;

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

(6) 0.5 grams of trans fat.

Lean protein means a serving of protein that contains 10% or less in 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. \([\frac{1}{4}]\) ¼ 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) \(\frac{1}{2}\) 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 or sparkling water, with no added natural or artificial sweeteners[I, 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]] 8 ounces or less of the following, with no added natural or artificial sweeteners:

(A) 100% fruit or vegetable juice[[, or]];

(B) a combination of 100% fruit and vegetable juice [[with no added natural or artificial sweeteners,]] or

(C) a combination of 100% fruit or vegetable juice with water or sparkling water.

(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]] Subsections (a), (d), (e), and (f) of Section 15C-5, added under Section 1 of this Act, must take effect [[6 months]] 1 year after [[it]] the Act becomes law. Subsections (b) and (c) of Section 15C-5, added under Section 1 of this Act, must take effect 18 months after the Act becomes law.
Approved:

[Signature]

3/2/2022

Gabriel Albornoz, President, County Council

Approved:

[Signature]

Marc Elrich, County Executive

This is a correct copy of Council action.

[Signature]

Selena Mendy Singleton, Esq. Clerk of the Council