

CORRECTED COPY

Clerk's Note: A typographical error in a citation was corrected under Section 2 of the Act, and an "A" was changed to "a" in line 38 for consistent formatting.

Bill No. 1-22
Concerning: Eating and Drinking
Establishments - Healthy Meals for
Children
Revised: 3/1/2022 Draft No. 6
Introduced: January 11, 2022
Enacted: March 1, 2022
Executive: March 14, 2022
Effective: Subsections (a), (d), (e),
and (f) of Section 15-15C, added under
Section 1 of this Act, effective 3/15/23;
subsections (b) and (c) of Section 15-
15C-15, added under Section 1 of this
Act, effective 9/15/23
Sunset Date: _____
Ch. 8, Laws of Mont. Co. 2022

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: Councilmember Rice

Co-Sponsors: Council President Albonoz and Councilmembers Jawando, Navarro, and Hucker

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.

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

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

31 (1) ~~[[1/2]]~~ 1/4 cup or more of unfried fruit or unfried vegetables,
 32 excluding juice, condiments, or spreads;

33 (2) a whole grain product that:

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

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

38 (3) a lean protein consisting of:

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

41 (B) one egg;

42 (C) 1/2 cup of nonfat or 1% milk or low-fat yogurt, or 1 ounce
 43 of reduced fat cheese; or

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

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

47 (ii) is fortified with calcium and Vitamin D.

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

51 (1) water or sparkling water, with no added natural or artificial
 52 sweeteners[[, flavors or carbonation]];

- 53 (2) 8 ounces or less of unflavored nonfat or 1% milk, or a non-dairy
- 54 equivalent with no added natural or artificial sweeteners; or
- 55 (3) [[6]] 8 ounces or less of the following, with no added natural or
- 56 artificial sweeteners:
- 57 (A) 100% fruit or vegetable juice[[, or]];
- 58 (B) a combination of 100% fruit and vegetable juice [[with no
- 59 added natural or artificial sweeteners,]]; or
- 60 (C) a combination of 100% fruit or vegetable juice with water
- 61 or sparkling water.

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

- 65 (1) is not a healthy children’s meal; or
- 66 (2) does not contain the foods or beverages listed under subsections
- 67 (c) and (d).

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

71 **Sec. 2. Effective Date.** [[This]] Subsections (a), (d), (e), and (f) of Section 15-15C,
 72 added under Section 1 of this Act, must take effect [[6 months]] 1 year after [[it]] the
 73 Act becomes law. Subsections (b) and (c) of Section 15-15C, added under Section 1
 74 of this Act, must take effect 18 months after the Act becomes law.

Approved:

/s/ _____ 3/2/2022

Gabriel Albornoz, President, County Council

Date

Approved:

/s/ _____ 3/14/2022

Marc Elrich, County Executive

Date

This is a correct copy of Council action.

/s/ _____ 3/14/2022

Selena Mendy Singleton, Esq. Clerk of the Council

Date