

HOUSE BILL REPORT

HB 2383

As Reported by House Committee On:
Local Government

Title: An act relating to default beverages for children's meals.

Brief Description: Requiring default beverages for children's meals.

Sponsors: Representatives Stonier, Gregerson, Robinson, Cody, Peterson, Hudgins and Riccelli.

Brief History:

Committee Activity:

Local Government: 1/29/20, 1/31/20 [DPS].

Brief Summary of Substitute Bill

- Requires that restaurants that sell children's meals offer water, unflavored milk, or a milk alternative as the default beverage option with the meal.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Pollet, Chair; Duerr, Vice Chair; Appleton and Senn.

Minority Report: Do not pass. Signed by 2 members: Representatives Kraft, Ranking Minority Member; Goehner.

Staff: Kellen Wright (786-7134).

Background:

The State Board of Health (Board) is a forum for the development of public health policy in Washington. The Board is required to adopt rules regulating public health related to, among other things, environmental conditions, including standards for food service establishments. State employees, including all local health boards and officials, are required to enforce the rules adopted by the Department of Health.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Local government boards of health enforce both the regulations adopted by the Board, as well as rules adopted locally.

Summary of Substitute Bill:

A children's meal is defined as a meal served by a restaurant in which a combination of food and a beverage are sold together at a single price, and intended for consumption by a child. In such meals, the default beverage offered on the menu must only include water (including sparkling water or flavored water with no added sweeteners), unflavored milk, or a nondairy milk alternative that contains 130 or fewer calories per serving. Beverages listed or displayed on a restaurant's menu or in advertisements must be one of the default beverages. Restaurants may serve an alternative beverage instead of a default beverage with a children's meal at the specific request of the person purchasing the meal.

The State Board of Health (Board) may adopt rules necessary to implement the default beverage requirement. Local health departments must implement and enforce the default beverage requirement, as well as any rules adopted by the Board. Violations of the default beverage requirements are subject to penalties: a first or second violation is subject to a written warning; a third or subsequent violation within two years is subject to a monetary penalty of up to \$200 per violation. No more than \$400 in penalties may be imposed on a restaurant each year.

Substitute Bill Compared to Original Bill:

The substitute bill:

- changes the penalties imposed for violations of the default beverage rules to a written warning for the first and second violations within a five-year period, and a monetary penalty of up to \$200 for each subsequent violation within a five-year period;
 - limits the total penalties that can be imposed on a restaurant for violations to \$400 per year; and
 - adds an effective date of January 1, 2021.
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Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 31, 2020.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2021.

Staff Summary of Public Testimony:

(In support) Young people are facing an obesity epidemic. One-third of children are overweight or obese; this is a public health crisis that must be curtailed to have a healthy Washington in the future. One way to do this is to offer healthier alternatives in restaurants. Healthy drinks should be the default option. If there are soft drinks on the menu, children

may want to order it and make unhealthy choices. Soft drinks contain an incredible amount of sugar, which is a large part of the obesity problem. Sugar adds calories and excessive consumption is linked with negative health issues, such as dental problems, heart disease, and diabetes. Sugary drinks are the primary source of added sugars in the American diet, and a single sugary drink contains more sugar than a child should have in an entire day. Seemingly small daily choices about what we eat and drink matter, as they add up over time. Children's food and beverage tastes develop at a young age, and healthy options should be the default for them. This change is a common sense one, as prevention is the best solution to the obesity epidemic, and one of the best ways to minimize sugary drink consumption is to not make that the first thing a child sees. Restaurants should partner with parents to help make it easier to prevent kids from drinking sugary drinks. Many restaurants have already changed their beverage options, as restaurants know that these are healthier options. Parents are still central, and this bill still does not remove the ability to get another beverage; it allows parents to choose beverages other than the default beverages if they would like to do so. It may be possible to amend the bill to take into account stakeholder feedback that has been received about enforcement.

(Opposed) None.

(Other) The intent of the legislation is good, but there should be other options, such as 100 percent juice drinks and flavored milks, added to the list of default beverages. There are currently issues with how enforcement works in the bill. Restaurants should have more time to prepare for changes, and implementation should be pushed back to 2021.

Persons Testifying: (In support) Representative Stonier, prime sponsor; Sophie Harrison; Caroline Hogan, Washington Chapter of the American Academy of Pediatrics; Victor Colman, Childhood Obesity Prevention Coalition; Miranda Davis; and Mary Ann Bauman, American Heart Association.

(Other) Brad Boswell, Washington Beverage Association; and Samantha Louderback, Washington Hospitality Association.

Persons Signed In To Testify But Not Testifying: None.