

2019 -- S 0179

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO FOOD AND DRUGS -- HEALTHY BEVERAGE ACT

Introduced By: Senators Gallo, Sosnowski, Sheehan, Lombardo, and Ciccone

Date Introduced: January 24, 2019

Referred To: Senate Special Legislation and Veterans Affairs

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 38

4 HEALTHY BEVERAGE ACT

5 **21-38-1. Short title.**

6 This act shall be known and may be cited as the "Healthy Beverage Act".

7 **21-38-2. Definitions.**

8 As used in this chapter, unless the context clearly requires otherwise:

9 (1) "Children's meal" means a combination of food and a beverage, sold together at a
10 single price, primarily intended for consumption by children.

11 (2) "Default beverage" means a beverage automatically included or offered as part of a
12 children's meal, absent a specific request for an alternate beverage by the purchaser of the
13 children's meal.

14 (3) "Restaurant" means a food establishment that serves food to customers for
15 consumption on or off the premises, including fast-food and full-service dining establishments. It
16 includes, but is not limited to, drive through or walk-up counters, coffee shops, cafes, pizza
17 parlors, and dine-in establishments.

18 **21-38-3. Default beverages in children's meals.**

19 (a) A restaurant that sells a children's meal that includes a beverage shall include a default

1 beverage offered with the children's meal which shall be one of the following:

2 (1) Water, sparkling water, or flavored water, with no added natural or artificial
3 sweeteners;

4 (2) Nonfat or one percent milk or non-dairy milk alternative containing no more than one
5 hundred thirty (130) calories per container and/or serving as offered for sale; or

6 (3) One hundred percent (100%) fruit juice or fruit juice combined with water or
7 carbonated water, with no added sweeteners, in a serving size of no more than eight ounces
8 (8oz.).

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

12 **21-38-4. Enforcement.**

13 The department of health shall implement, administer and enforce this section, and is
14 hereby authorized to issue rules and regulations consistent with this section and shall have all
15 necessary powers to carry out the purpose of this section.

16 SECTION 2. This act shall take effect on January 1, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO FOOD AND DRUGS -- HEALTHY BEVERAGE ACT

1 This act would create the "Healthy Beverage Act" which would require that children's
2 meals offered by restaurants include certain healthy beverage options if the beverage is
3 automatically included in the meal.

4 This act would take effect on January 1, 2020.

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