H-3474.1

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**HOUSE BILL 2383**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Stonier, Gregerson, Robinson, Cody, Peterson, Hudgins, and Riccelli

AN ACT Relating to default beverages for children's meals; and adding a new section to chapter 43.20 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 43.20 RCW to read as follows:

(1) A restaurant that sells a children's meal shall make the default beverage offered with the children's meal one of the following:

(a) Water, sparkling water, or flavored water, with no added natural or artificial sweeteners;

(b) Unflavored milk; or

(c) A nondairy milk alternative that contains no more than one hundred thirty calories per container or serving.

(2) The beverage listed or displayed on a restaurant menu or advertisement for a children's meal must be one of the default beverages listed in subsection (1) of this section.

(3) This section does not prohibit a restaurant's ability to sell, or a customer's ability to purchase, an alternative beverage instead of the default beverage offered with the children's meal, if requested by the purchaser of the children's meal.

(4) The state board may adopt rules as necessary to implement this section.

(5) The local health jurisdiction shall implement, administer, and enforce this section and any rules adopted by the state board pursuant to subsection (4) of this section.

(6) A restaurant found to violate this section shall receive a written warning for the first violation. A second violation within a five-year period from the written notification is punishable by a fine of not more than two hundred fifty dollars. A third or any subsequent violations within a five-year period is punishable by a fine of not more than five hundred dollars. A restaurant may not be found to have violated this section more than once during an inspection visit.

(7) For purposes of this section:

(a) "Children's meal" means a combination of food items and a beverage, or a single food item and a beverage, sold together at a single price, primarily intended for consumption by a child.

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

(c) "Nondairy milk alternative" means a nondairy fluid milk substitute that meets the standards for the national school lunch program in 7 C.F.R. Sec. 210.10 as it existed on November 18, 2019.

(d) "Restaurant" means a retail food establishment that prepares, serves, and vends food directly to the consumer.

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