

SENATE BILL REPORT

SB 6455

As Reported by Senate Committee On:
Health & Long Term Care, January 29, 2020

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

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

Sponsors: Senators Liias, King, Billig, Nguyen, Cleveland, Hunt, Saldaña, Van De Wege and Wilson, C.

Brief History:

Committee Activity: Health & Long Term Care: 1/24/20, 1/29/20 [DPS].

Brief Summary of First Substitute Bill

- Requires restaurants offering a children's meal that includes a drink to offer water, milk, or a nondairy milk alternative as the default beverage.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 6455 be substituted therefor, and the substitute bill do pass.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Conway, Dhingra, Frockt, Keiser and Van De Wege.

Staff: Greg Attanasio (786-7410)

Background: The Washington State Board of Health (BOH) is a public forum to develop public health policy. While BOH does not have any enforcement authority, it is responsible for adopting rules on issues including drinking water quality, waste disposal health hazards and nuisances, disease prevention and control, and restaurant facility regulation.

The Washington public health system consists of 35 local public health agencies or local health jurisdictions. Local health jurisdictions have authority to enforce the public health statutes of the state and rules promulgated by BOH.

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.

Summary of Bill (First Substitute): A restaurant that sells a children's meal must make one of the following the default beverage offered with the meal:

- water, sparkling water, or flavored water with no added sweeteners;
- unflavored milk; or
- a nondairy milk alternative that contains no more than 130 calories per container or serving.

A children's meal is defined as 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.

The beverages listed on the menu or offered by employees must be one of the default beverages, but the restaurant may sell an alternative beverage if requested by the purchaser.

BOH may adopt rules to implement this act and local health jurisdictions must implement and enforce the act and any rules adopted by BOH. A restaurant found in violation of the act shall receive a written warning for the first two violations. A third or subsequent violation within a year period is punishable by a fine of not more than \$200. Total fines in a one year period may not exceed \$400.

EFFECT OF CHANGES MADE BY HEALTH & LONG TERM CARE COMMITTEE (First Substitute):

- Clarifies that restaurant employees may only offer a default beverage to customers.
- Changes the penalties for violating the act. The first two violations will receive a warning and subsequent violations will be fined up to \$200. Total fines in one year may not exceed \$400.
- Adds an effective date of January 1, 2021.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: The bill does not ban the sale of any beverages, but limit what is put forward in front of a child on the menu. There is a link between sugary beverages and numerous health problems. This policy is disease prevention and will reinforce health choices.

CON: Mandating choices is expensive and restaurants should be allowed to set their own menus. Parents do not need the government to help them parent.

OTHER: The implementation date should be moved for January 1, 2021 to allow restaurants time to make changes. The list of default beverages should include 100 percent juice options.

Persons Testifying: PRO: Erin Dziedzic, Childhood Obesity Prevention Coalition; Sawyer Alston, citizen; Amy Reuter, Dietician, American Heart Association; Annie Tegan, citizen; Sophie Harrison, citizen.

CON: Dawn Land, citizen.

OTHER: Brad Boswell, Washington Beverage Association; Samantha Louderback, Washington Hospitality Association.

Persons Signed In To Testify But Not Testifying: No one.