



**Committee:** HHS  
**Committee Review:** At a future date  
**Staff:** Christine Wellons, Legislative Attorney  
**Purpose:** To introduce agenda item – no vote expected  
**Keywords:** #HealthyMeals #HealthyKids

AGENDA ITEM #10A  
January 11, 2022  
**Introduction**

## SUBJECT

Bill 1-22, Eating and Drinking Establishments – Healthy Meals for Children

Lead Sponsors: Councilmember Rice

Co-Sponsors: Council President Alborno and Councilmember Jawando

## EXPECTED ATTENDEES

None

## COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

- N/A

## DESCRIPTION/ISSUE

Bill 1-22 would:

- (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.

## SUMMARY OF KEY DISCUSSION POINTS

- N/A

## **This report contains:**

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Bill 1-22	© 1
LRR	© 5

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**M E M O R A N D U M**

January 6, 2022

TO: County Council

FROM: Christine Wellons, Legislative Attorney

SUBJECT: Bill 1-22, Eating and Drinking Establishments – Healthy Meals for Children

PURPOSE: Introduction – no Council votes required

Bill 1-22, Eating and Drinking Establishments – Healthy Meals for Children sponsored by Lead Sponsor Councilmember Rice with Co-Sponsors Council President Albornoz and Councilmember Jawando, is scheduled to be introduced on January 11, 2022. A public hearing is tentatively scheduled for February 1, 2022 at 1:30 p.m.<sup>1</sup>

Bill 1-22 would:

- (1) Require children’s meals offered by food service facilities to include certain healthy food and beverage options;
- (2) Generally amend the law regarding eating and drinking establishments.

**BACKGROUND AND PURPOSE**

The lead sponsor’s office has provided the following information regarding the rationale behind Bill 1-22:

- Child obesity rates continue to rise with long-term health and quality of life consequences. The trend is concerning especially during the pandemic as obese children are more at risk of severe illness from a COVID infection.
- Obese children are at least twice as likely as nonobese children to become obese adults.
- Sugar-sweetened beverages or sugary drinks are leading sources of added sugars in the American diet and are associated with an increased risk of type 2 diabetes, heart disease, obesity and other chronic diseases.

The lead sponsor has provided the following additional background information regarding legislation and programs similar to Bill 1-22:

- Prince George’s County enacted similar kids’ meal & beverage legislation.
- Delaware and Baltimore have passed legislation on healthy default beverages.

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<sup>1</sup>#HealthyMeals; #HealthyKids

- The American Heart Association supports this legislation.
- The National Restaurant Association has launched [Kids Livewell](#) in an industry effort to help promote more healthful eating for children and incorporates similar standards as in Bill 1-22.

### **BILL DESCRIPTION**

Under Bill 1-22, any food service facility that offers for sale a children’s meal would be required to offer at least one “healthy children’s meal” as an option. The “healthy children’s meal” would consist of two or more of the following:

- ½ cup or more of unfried fruit or unfried vegetables, excluding juice, condiments, or spreads;
- a whole grain product that:
  - contains, by weight, 51% or more of whole grain ingredients; or
  - lists whole grain as the first ingredient in its ingredient list required by the U.S. Food and Drug Administration; or
- A lean protein consisting of:
  - one ounce or more of meat, seafood, nuts, seeds, beans, or peas;
  - one egg;
  - ½ cup of nonfat or 1% milk or low-fat yogurt, or 1 ounce of reduced fat cheese; or
  - a plant-based, nondairy alternative that:
    - contains the same amount of protein as, or more protein than, an item under this paragraph; and
    - is fortified with calcium and Vitamin D.

The bill also would require that any food service facility that offers for sale a children’s meal with a beverage must offer as the default beverage one or more of the following options:

- water, with no added natural or artificial sweeteners, flavors or carbonation;
- 8 ounces or less of unflavored nonfat or 1% milk, or a non-dairy equivalent with no added natural or artificial sweeteners; or
- 6 ounces or less of 100% fruit or vegetable juice, or a combination of 100% fruit and vegetable juice, with no added natural or artificial sweeteners.

The bill would preserve consumer choice; it would not prevent a customer from requesting, or a food service facility from selling, a food or beverage that does not qualify as a “healthy children’s meal” or a “default beverage”.

The requirements of the bill would be enforced by the Director of the Department of Health and Human Services. A violation of the requirements would constitute a Class A violation. The Director also would be required to create and disseminate written informational resources and signage that summarizes, in multiple languages including Spanish, the requirements of the bill.

This packet contains:	<u>Circle #</u>
Bill 1-22	1
LRR	5

Bill No. 1-22  
Concerning: Eating and Drinking  
Establishments - Healthy Meals for  
Children  
Revised: 12/17/2021 Draft No. 3  
Introduced: \_\_\_\_\_  
Expires: \_\_\_\_\_  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: \_\_\_\_\_  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Rice  
Co-Sponsors: Council President Albonoz and Councilmember Jawando

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**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

<b>Boldface</b>	<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) ½ cup or more of unfried fruit or unfried vegetables, excluding  
 32        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) ½ 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, with no added natural or artificial sweeteners, flavors or  
52           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 ounces or less of 100% fruit or vegetable juice, or a combination  
56           of 100% fruit and vegetable juice, with no added natural or  
57           artificial sweeteners.

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

61           (1) is not a healthy children’s meal; or

62           (2) does not contain the foods or beverages listed under subsections  
63           (c) and (d).

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

67       **Sec. 2. Effective Date.** This Act must take effect 6 months after it becomes law.

## LEGISLATIVE REQUEST REPORT

Bill 1-22

*Eating and Drinking Establishments – Healthy Meals for Kids*

<b>DESCRIPTION:</b>	Bill 1-22 would require children's meals offered by food services facilities to include healthy food and beverage options and would create criteria to define the healthy options.
<b>PROBLEM:</b>	
<b>GOALS AND OBJECTIVES:</b>	To improve access to healthy meals for children at food services facilities
<b>COORDINATION:</b>	
<b>FISCAL IMPACT:</b>	TBD
<b>ECONOMIC IMPACT:</b>	TBD
<b>EVALUATION:</b>	To be done.
<b>EXPERIENCE ELSEWHERE:</b>	To be researched.
<b>SOURCE OF INFORMATION:</b>	Christine Wellons, Legislative Attorney
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	Required for businesses within the County
<b>PENALTIES:</b>	Class A violation

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