HOUSE BILL 661

By: Delegates Fennell and D. Barnes
Introduced and read first time: January 31, 2022
Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Health – Food Service Facilities – Beverage Options With Children’s Meals

FOR the purpose of requiring a food service facility that offers children’s meals to offer certain beverages as the default beverages included with the meal; and generally relating to food service facilities and children’s meals.

BY adding to

Article – Health – General
Section 21–330.3
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health – General

21–330.3.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “CHILDREN’S MEAL” MEANS A COMBINATION OF FOOD AND BEVERAGE:

(I) SOLD TOGETHER AT A SINGLE PRICE BY A FOOD SERVICE FACILITY; AND

(II) PRIMARILY INTENDED FOR CONSUMPTION BY CHILDREN.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(3) “DEFAULT BEVERAGE” MEANS A BEVERAGE AUTOMATICALLY INCLUDED OR OFFERED AS PART OF A CHILDREN’S MEAL ABSENT A SPECIFIC REQUEST FOR A SUBSTITUTE OR ALTERNATE BEVERAGE BY THE PURCHASER OF THE CHILDREN’S MEAL.

(B) A FOOD SERVICE FACILITY OFFERING CHILDREN’S MEALS FOR SALE SHALL OFFER AS A DEFAULT BEVERAGE WITH THE CHILDREN’S MEAL:

(1) WATER THAT IS UNFLAVORED, UNSWEETENED, AND UNCARBONATED;

(2) (I) WHOLE, NONFAT, OR LOW FAT 1% OR 2% PASTEURIZED COW MILK WITH NO ADDED FLAVORS OR SWEETENERS; OR

       (II) A NONDAIRY BEVERAGE THAT IS NUTRITIONALLY EQUIVALENT TO FLUID COW MILK IN A SERVING OF 8 OUNCES OR LESS; OR

(3) A BEVERAGE IN A SERVING OF 6 OUNCES OR LESS THAT CONSISTS OF:

       (I) 100% FRUIT JUICE OR VEGETABLE JUICE OR A COMBINATION OF 100% FRUIT JUICE AND VEGETABLE JUICE; OR

       (II) FRUIT JUICE OR VEGETABLE JUICE COMBINED WITH WATER OR CARBONATED WATER THAT HAS NO ADDED NATURAL OR ARTIFICIAL SWEETENER.

(C) THIS SECTION DOES NOT PRECLUDE A FOOD SERVICE FACILITY FROM PROVIDING, ON A PURCHASER’S REQUEST, ANY LAWFUL BEVERAGE AS A SUBSTITUTE OR ALTERNATIVE FOR THE DEFAULT BEVERAGE OFFERED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.