

# HOUSE BILL 661

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CF SB 263

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By: **Delegates Fennell and D. Barnes**

Introduced and read first time: January 31, 2022

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

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

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

6 BY adding to

7 Article – Health – General

8 Section 21–330.3

9 Annotated Code of Maryland

10 (2019 Replacement Volume and 2021 Supplement)

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

13 **Article – Health – General**

14 **21–330.3.**

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

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

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

21 **(II) PRIMARILY INTENDED FOR CONSUMPTION BY CHILDREN.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(3) “DEFAULT BEVERAGE” MEANS A BEVERAGE AUTOMATICALLY**  
2 **INCLUDED OR OFFERED AS PART OF A CHILDREN’S MEAL ABSENT A SPECIFIC**  
3 **REQUEST FOR A SUBSTITUTE OR ALTERNATE BEVERAGE BY THE PURCHASER OF THE**  
4 **CHILDREN’S MEAL.**

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

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

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

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

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

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

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

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

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