

SENATE BILL 263

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2lr0822
CF HB 661

By: **Senator Beidle**

Introduced and read first time: January 14, 2022

Assigned to: Finance

Committee Report: Favorable with amendments

Committee amendments withdrawn, February 18, 2022

Senate action: Adopted with floor amendments

Read second time: February 18, 2022

CHAPTER _____

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:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 (II) PRIMARILY INTENDED FOR CONSUMPTION BY CHILDREN.

4 (3) "DEFAULT BEVERAGE" MEANS A BEVERAGE AUTOMATICALLY
5 INCLUDED OR OFFERED AS PART OF A CHILDREN'S MEAL ABSENT A SPECIFIC
6 REQUEST FOR A SUBSTITUTE OR ALTERNATE BEVERAGE BY THE PURCHASER OF THE
7 CHILDREN'S MEAL.

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

10 (1) ~~WATER THAT IS UNFLAVORED, UNSWEETENED, AND~~
11 ~~UNCARBONATED WATER, SPARKLING WATER, OR FLAVORED WATER, WITH NO~~
12 ~~ARTIFICIAL FLAVOR OR WITH NO ADDED NATURAL OR ARTIFICIAL SWEETENERS;~~

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

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

18 (3) A BEVERAGE IN A SERVING OF ~~6~~ 8 OUNCES OR LESS THAT
19 CONSISTS OF 100% FRUIT JUICE OR VEGETABLE JUICE ~~OR A COMBINATION OF 100%~~
20 ~~FRUIT JUICE AND VEGETABLE JUICE~~ COMBINED WITH WATER OR SPARKLING
21 WATER, WITH NO ADDED NATURAL OR ARTIFICIAL SWEETENERS.

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

26 (D) THIS SECTION MAY NOT BE CONSTRUED TO PREEMPT A COUNTY OR
27 MUNICIPAL GOVERNMENT FROM ENACTING AND ENFORCING MORE STRINGENT
28 MEASURES LIMITING DEFAULT BEVERAGES INCLUDED WITH CHILDREN'S MEALS
29 OFFERED BY A FOOD SERVICE FACILITY.

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