SENATE BILL 263

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Committee amendments withdrawn, February 18, 2022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.
(I) Sold together at a single price by a food service facility; and

(II) Primarily intended for consumption by children.

(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 the default beverage with the children’s meal:

(1) Water that is unflavored, unsweetened, and uncarbonated, water, sparkling water, or flavored water, with no artificial flavor or with no added natural or artificial sweeteners;

(2) (I) Whole, nonfat, or low fat 1% or 2% pasteurized cow milk with no added flavors or sweeteners; or

   (II) A non-dairy beverage that is nutritionally equivalent to fluid cow milk in a serving of 8 ounces or less milk or a non-dairy milk alternative; or

(3) A beverage in a serving of 6-8 ounces or less that consists of 100% fruit juice or vegetable juice or a combination of 100% fruit juice and vegetable juice combined with water or sparkling water, with no added natural or artificial sweeteners.

(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.

(D) This section may not be construed to preempt a county or municipal government from enacting and enforcing more stringent measures limiting default beverages included with children’s meals offered by a food service facility.

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