AN ACT concerning

Healthy Children’s Meals and Beverages

For the purpose of providing legislative intent and findings; defining children’s meal at a food
service facility; defining a food service facility; defining covered establishments; defining
default beverages; defining independent food service facilities; establishing nutrition
requirements for children’s meals; establishing default beverages for children’s meals; providing
for certain qualifications, enforcement and penalties as it generally relates to healthy children’s
meals and beverages.

BY adding:

SUBTITLE 12. HEALTH.

Sections 12-215, 12-216, 12-217, and 12-218

The Prince George’s County Code


SECTION 1. BE IT ENACTED by the County Council of Prince George’s County,

Maryland, that Sections 12-215, 12-216, 12-217, and 12-218 of the Prince George’s County Code

be and the same are hereby added:

SUBTITLE 12. HEALTH.

DIVISION 12. HEALTHY CHILDREN’S MEAL REQUIREMENTS.

Sec. 12-215. Legislative Purpose and Intent.

It is hereby declared by the County Council of Prince George’s County, Maryland that in
order to foster healthy environments where families live, learn, work, and play in Prince George’s County, it must engage in the promotion of healthy lifestyles through innovative approaches. The 2017 Prince George’s County Health Report found that over 30% of high school students in the county were either overweight or obese, exceeding the state’s prevalence at 26.4%. The 2020 RAND Corporation Report to the Prince George’s County Board of Health found that Latino high school students have the highest rate of overweight and obesity in the County. 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 County Council finds that consuming such drinks, including fruit drinks with added sugar, sports drinks, energy drinks, and soda pose a real health risk to children.

The American Heart Association recommends that children over the age of 2 have no more than one 8-ounce sugary drink a week. Yet children today are consuming as much as 10 times that amount with nearly two-thirds of children living in the U.S. consume at least one sugary drink daily. This equates to an average of 30 gallons of sugary drinks per year. Children in low-income families consume 2½ times more sugary drinks than their peers in higher-income families this may be due, in part, to some of the marketing initiatives by the beverage industry. People living in the U.S. consume about 34 pounds of added sugar every year just from sugary drinks. Every year, 40,000 cardiovascular deaths in the U.S. are attributed to overconsumption of sugary drinks.

The County Council finds that diet-related health conditions have serious economic costs. The medical burden of obesity in the United States is approximately $147 billion annually, or almost 10 percent of all medical spending. Roughly one-half of these costs are paid through Medicare and Medicaid, which means that taxpayers are responsible for much of the bill. Medicare and Medicaid spending would be reduced by 8.5 percent and 11.8 percent, respectively, in the absence of obesity-related spending. A 2016 study commissioned by MedChi, the Maryland State Medical Society, showed that Medicaid annual spending per enrollee with diabetes ($24,387) is more than double the spending per enrollee without diabetes ($10,880).

In 2017, The National Association of Black County Officials passed a resolution of measures in order to reduce the rising rates of chronic diseases and obesity. Nationwide,
American children eat 19 percent of their calories at fast food and other restaurants. Children eat almost twice as many calories when they eat a meal at a restaurant as they do when they eat at home.

A 2013 study that examined the nutritional quality of children’s meals sold at 18 of the most profitable fast food restaurant chains in the United States found that only three percent of the 3,494 meal combinations assessed met the expert nutrition standards for children’s meals. The beverage industry spends millions each year in targeted marketing to communities of color, such that African-American children and teens see more than twice as many television ads for sugary-drinks than their white peers, lower income neighborhoods have more outdoor ads for sugary drinks than either lower-income or higher-income white neighborhoods, and 80% of food-related ads viewed by Latino children and teens on Spanish-language TV were for sugary drinks, snacks, and candy. Many restaurants and beverage companies have taken steps to help citizens address obesity by introducing lower and no-calorie options, displaying calorie information, encouraging citizens to drink more water, removing full-calorie beverages from schools, and reducing calories from many of their products.

The Prince George’s County Council is the Legislative Branch of Prince George’s County Government and sits as the Board of Health to govern and guide County health policy. The County Council as the Board of Health is authorized to develop solutions to public health issues that can manifest in the form of legislation or policies promulgated by the County Council for the protection and promotion of public health.

The purpose of this statute is to support parents’ efforts to feed their children healthfully by ensuring healthy meals are readily available to children in restaurants and that offering healthier children’s meals will improve the overall health and well-being of children and families living in Prince George’s County.

Sec. 12-216. Definitions.

(a) Child Friendly Restaurant means any Covered Food Service Facility offering Healthy Children’s Meals.

(b) (1) Children’s Meal means a combination of food items and beverage that is:

   (A) prepared by and offered for purchase at a food service facility as a unit at a single price; and

   (B) represented to be or otherwise primarily intended for consumption by a
child.

(2) It shall not include a combination of food items that has been prepackaged by
or at a facility other than the food service facility offering the prepackaged combination for
purchase.

(c) **Covered Food Service Facility** means any food service facility as defined by
Section 12-104(a)(7) of the County Code.

(d) **Default Beverage** means the beverage automatically included as part of a children's
meal, absent a specific request by the purchaser of the children's meal for an alternative
beverage.

(e) **Default Healthy Side** means the healthiest side option available as part of a
Healthy Children’s Meal.

(f) **Healthy Children’s Meal** is a Children’s Meal that contains not more than: 550
calories; 700 milligrams of sodium; 10 percent of calories from saturated fat; 15 grams of added
sugars; and 0 grams of trans fat; that includes at least a half (½) cup of non-fried fruit or non-
fried vegetables (excluding white potatoes, juices, condiments, and spreads) including:

1. Servings in the specified amounts from at least two of the following five food
groups, at least one of the two food groups must be a fruit or vegetable:
   (A) Fruit: greater or equal to a half (½) cup (100% juice cannot be used as a
fruit substitute);
   (B) Vegetable: greater or equal to a half (½) cup;
   (C) Non/lowl-fat dairy: greater or equal to one (1) cup;
   (D) Meat or meat alternate: includes meat, poultry, seafood, eggs, legumes
(beans and peas), soy products, and nuts and seeds: greater or equal to one (1) ounce.
   (E) Whole grains: a half (½) serving must provide greater or equal to eight (8)
grams of whole grains and meet at least one of the following:
      (i) First ingredient a whole grain; or
      (ii) greater or equal to fifty percent (50%) whole grains by weight of
product; or
      (iii) fifty percent 50% whole grains by weight of grains.

(2) **Healthy Drink**; where, if a children’s meal includes a beverage, that beverage shall
be one of the following:
(A) water, sparkling water, or flavored water with no added natural or artificial sweeteners;
(B) nonfat or one percent milk or a nondairy milk alternative containing no more than 130 calories per container or serving as offered for sale; or
(C) 100 percent fruit and/or vegetable juice or fruit and/or vegetable juice combined with water or carbonated water, with no added sweeteners in a serving size of not more than eight ounces.

Sec. 12-217. Nutrition Requirements for Children’s Meals
(a) In a multi-year tiered approach, each Covered Food Service Facility that sells children’s meals shall:
(1) Offer the Healthy Drink as the default beverage as defined by Section 12-216(f)(2) in Years 1-2 and thereafter.
(2) Offer the Default Healthy Side in all Children’s Meals in Years 2-3 and thereafter.
(3) Offer at least one children’s meal that is a Healthy Children’s Meal as defined by Section 12-216(f) in Years 3-4 and thereafter.
(4) Beginning in Year 5 and thereafter, enforcement will commence.
(b) Children’s Beverage Requirement
(1) Each Covered Food Service Facility shall make the default beverage for children's meals a Healthy Drink option as defined in Section 12-216(f)(2), and the options provided there shall be displayed on menu boards.

Sec. 12-218. Qualifications, Enforcement and Penalties
(a) Nothing in this Section prohibits a Covered Food Service Facility’s ability to sell, or a customer's ability to purchase, a substitute or alternative beverage instead of the default beverage offered with a children's meal, if requested by the purchaser of the children’s meal.
(b) The Health Department, in conjunction with the Department of Permits and Inspections, and Enforcement shall administer and enforce this chapter. These departments may issue rules and regulations as necessary to carry out the purposes of this chapter consistent with existing enforcement, recordkeeping and fine structures, and the State
Regulations adopted in Subtitle 12, Subdivision 1 as amended by Subdivision 2 of the County Code in all manner of enforcement except as provided in Subsection (d)(3)(A) of this Section.

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect 6 months after it becomes law.

Adopted this 17th day of November, 2020.

COUNTY COUNCIL OF PRINCE GEORGE’S COUNTY, MARYLAND

BY: __________________________
    Todd M. Turner
    Council Chair

ATTEST:

________________________
Donna J. Brown
Clerk of the Council

APPROVED:

DATE: __________________________  BY: __________________________
    Angela D. Alsobrooks
    County Executive
KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.