

ASSEMBLY, No. 1741

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 31 (Hudson)

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Assemblymen Conaway, Holley, Calabrese and Giblin

SYNOPSIS

Requires restaurants to provide healthy beverages with meals designated for children.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 5/1/2020)

1 **AN ACT** concerning children’s nutrition and supplementing Title 26
2 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. The Legislature finds and declares that:

8 a. The obesity rate in the United States has sharply climbed,
9 with about a third of children nationwide deemed overweight or
10 obese. In New Jersey, 22.7 percent of adolescents are overweight
11 or obese, while 32.5 percent of children aged 2 to 4 in the Special
12 Supplemental Nutrition Program for Women, Infants, and Children
13 are overweight or obese. It is noteworthy that obese children are at
14 least twice as likely as non-obese children to become obese adults.

15 b. Sugary drinks play a critical role in the obesity epidemic.
16 Sugary drinks, including soda, energy and sports drinks, sweetened
17 water, and fruit drinks, provide the largest source of daily calories
18 in the diets of American children ages 2 to 18. Each extra serving
19 of a sugar-sweetened beverage consumed by a child in one day
20 increases the child’s chance of becoming obese by 60 percent.

21 c. Obese children are at greater risk for numerous adverse
22 health consequences, including Type 2 diabetes, heart disease,
23 stroke, high blood pressure, high cholesterol, certain cancers,
24 asthma, low self-esteem, depression, and other debilitating diseases.
25 Sugary drinks are also linked to other health problems, including a
26 greater risk of cardiovascular disease in adolescents, higher blood
27 pressure in adolescents, dental cavities, and insufficient intake of
28 essential nutrients, including calcium, folate, iron, magnesium, and
29 vitamin A.

30 d. Families in New Jersey have limited time to obtain and
31 prepare healthy food, making dining out an appealing and often
32 necessary option. Nationwide, American children eat 19 percent of
33 their calories at fast-food and other restaurants, and children and
34 adolescents who eat at both fast-food and full-service restaurants
35 drink more sugary drinks and less milk.

36 e. Requiring restaurants to provide a healthy beverage as the
37 beverage automatically included in meals designated for children is
38 an effective way to improve the nutritional quality of these meals;
39 as an example, the Disney Corporation moved to this practice and,
40 in 2008, reported that 68 percent of beverage orders at its American
41 resorts included the healthier option.

42 f. Therefore, it is in the public’s interest to support parents’
43 efforts to nourish children with healthy options while dining in
44 restaurants.

45

46 2. As used in this act:

1 “Children’s meal” means a combination of food and a beverage,
2 sold together at a single price, primarily intended for consumption
3 by children.

4 “Default beverage” means the beverage automatically included
5 or paired with a children’s meal, absent a specific request by the
6 purchaser for an alternative beverage.

7 “Restaurant” means the same as defined in section 1 of P.L.1983,
8 c.488 (C.26:3E-1).

9
10 3. a. A restaurant shall not sell a children’s meal unless the
11 default beverage is:

12 (1) water, sparkling water, or flavored water, with no added
13 natural or artificial sweeteners;

14 (2) nonfat or one percent milk or non-dairy milk alternative
15 containing no more than 130 calories per container or serving as
16 offered for sale; or

17 (3) one hundred percent fruit juice or fruit juice combined with
18 water or carbonated water, with no added sweeteners, in a serving
19 size of no more than eight ounces.

20 b. Nothing in this section shall prohibit a restaurant from
21 selling, or offering for sale, a beverage other than the default
22 beverage included with a children’s meal.

23
24 4. The Commissioner of Health shall adopt rules and
25 regulations, pursuant to the “Administrative Procedure Act,”
26 P.L.1968, c.410 (C.52:14B-1 et seq.), to enforce the provisions of
27 this act.

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29 5. This act shall take effect on the first day of the sixth month
30 next following the date of enactment.

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33 STATEMENT

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35 This bill requires restaurants to provide a healthy beverage with
36 any meals designated for children.

37 Under the bill, a restaurant’s default beverage for a children’s
38 meal could be:

39 (1) water, sparkling water, or flavored water, with no added
40 natural or artificial sweeteners;

41 (2) nonfat or one percent milk or non-dairy milk alternative
42 containing no more than 130 calories per container or serving as
43 offered for sale; or

44 (3) one hundred percent fruit juice or fruit juice combined with
45 water or carbonated water, with no added sweeteners, in a serving
46 size of no more than eight ounces.

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- 1 The bill does not prohibit or preclude a restaurant from selling or
- 2 offering another beverage as a replacement to the default beverage
- 3 included with the children's meal.