

# SENATE, No. 300

## STATE OF NEW JERSEY 220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Senator M. TERESA RUIZ**

**District 29 (Essex)**

**Co-Sponsored by:**

**Senator Turner**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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 two to four in the  
12 Special Supplemental Nutrition Program for Women, Infants, and  
13 Children are overweight or obese. It is noteworthy that obese  
14 children are at least twice as likely as non-obese children to become  
15 obese adults.

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

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

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

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

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

46

47 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  
8 P.L.1983, 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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#### 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.

**S300 VITALE, RUIZ**

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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.