

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY ADDING CHAPTER 8.17 RELATING TO DEFAULT BEVERAGES OFFERED WITH CHILDREN'S MEALS

WHEREAS, the City Council desires to promote healthy meal options for children and families and contribute to building a healthier community; and

WHEREAS, families in the City of Long Beach often have limited time to obtain and prepare healthy food, making dining out an appealing and sometimes necessary option; and

WHEREAS, a 2013 study of the most profitable fast food restaurant chains in the U.S. found that only three percent (3%) of the assessed meal combinations met the expert nutrition standards for children's meals; and

WHEREAS, a study in 2017 of the U.S. fast food and full service restaurant chains that offered children's meals found that nearly eighty percent (80%) of drink choices offered in kids' meals were sugar-sweetened beverages and that there has been an increase in calories coming from beverages in kids' meals between 2012 and 2015; and

WHEREAS, sugar-sweetened beverages alone make up to nine percent (9%) of the calories children consume daily, and evidence suggests sugar-sweetened beverages are linked to obesity; and

WHEREAS, obesity-related health conditions include type 2 diabetes, heart disease, stroke, high blood pressure, high cholesterol, certain cancers, asthma, low self-esteem, and depression, according to the U.S. Department of Health and Human Services and the Centers for Disease Control and Prevention; and

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
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1 WHEREAS, in Long Beach, nearly forty-one percent (41%) of children are  
2 overweight or obese and forty-four percent (44%) of Long Beach fifth graders are obese;  
3 these rates are higher than both LA County and the State of California; and

4 WHEREAS, the City Council of the City of Long Beach believes that limiting  
5 the sugary beverages offered with children's meals will contribute to the overall health  
6 and well-being of the City of Long Beach.

7  
8 NOW, THEREFORE, the City Council of the City of Long Beach ordains as  
9 follows:

10  
11 Section 1. Chapter 8.17 is added to the Long Beach Municipal Code to  
12 read as follows:

13 Chapter 8.17  
14 CHILDREN'S MEALS

15  
16 8.17.010 Purpose.

17 Recognizing the dangers of childhood obesity and the connection  
18 between this epidemic and sugar-sweetened beverages, the purpose of this  
19 Chapter is to promote healthy lifestyles in the children and youth of the City  
20 of Long Beach and to combat the childhood obesity epidemic by limiting the  
21 beverages offered in meals for children and youth to healthy choices.

22 8.17.020 Definitions.

23 A. "Children's meal" means a combination of food items, or food  
24 item(s) and a beverage, sold together as a single price, primarily intended  
25 for consumption by children.

26 B. "Restaurant" means a food establishment that serves food to  
27 customers for consumption on or off premises, including fast-food and full-  
28 service dining establishments. It includes, but is not limited to, drive-

1 through or walk-up counters, coffee shops, cafes, pizza parlors, and dine-in  
2 establishments. A restaurant, for purposes of this Chapter, may provide  
3 alcoholic beverage sales for drinking on premises provided that such sales  
4 are ancillary to food service.

5 C. "Default beverage" means the beverage automatically  
6 included or offered as part of a children's meal, absent a specific request by  
7 the purchaser of the children's meal for an alternative beverage.

8 8.17.030 Default beverages in children's meals.

9 A. A restaurant that sells a children's meal that includes a  
10 beverage shall make the default beverage offered with the children's meal  
11 one of the following:

- 12 1. Water, sparkling water, or flavored water, with no  
13 artificial sweeteners or additives;
- 14 2. Milk or non-dairy milk alternatives; or
- 15 3. One hundred percent (100%) juice, with no artificial  
16 sweeteners or additives, that is under forty (40) calories per serving.

17 B. Nothing in this Section prohibits a restaurant's ability to sell, or  
18 a customer's ability to purchase, a substitute or alternative beverage  
19 instead of the default beverage offered with a children's meal, if requested  
20 by the purchaser of the children's meal.

21 8.17.040 Inspection.

22 All restaurants shall be subject to inspections conducted on a  
23 periodic basis pursuant to Chapter 8.44 of this Code and any other  
24 applicable laws to determine whether they comply with the requirements of  
25 this Chapter.

26 8.17.050 Enforcement.

27 In addition to all other available remedies at law, this Chapter shall be  
28 enforceable through the use of the administrative citation procedures set

1           forth in Chapter 9.65 of this Code.

2           8.17.060     Construction.

3                   This Chapter shall be construed so as not to conflict with applicable  
4           federal or state laws, rules, or regulations. Nothing in this Chapter  
5           authorizes any City agency to impose any duties or obligations in conflict  
6           with limitations on municipal authority established by federal or state law.

7           8.17.070     Severability.

8                   If any provisions of this Chapter, or the application thereof to any  
9           person or circumstance, is held invalid, that invalidity shall not affect any  
10          other provision or application of this Chapter that can be given effect without  
11          the invalid provision or application; and to this end, the provisions or  
12          applications of this Chapter are severable.

13  
14                   Section 2.     The City Clerk shall certify to the passage of this ordinance by  
15          the City Council and cause it to be posted in three (3) conspicuous places in the City of  
16          Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the  
17          Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2017, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor