



OFFICE OF THE CITY ATTORNEY
Long Beach, California

ORD-30

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November 7, 2017

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Recommendation to declare ordinance amending the Long Beach Municipal Code by adding Chapter 8.17, relating to default beverages offered with children's meals, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

DISCUSSION:

Pursuant to your request on October 17, 2017, this ordinance has been prepared and is submitted for your consideration.

SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

CHARLES PARKIN, City Attorney

By 

LINDA T. VU
Deputy City Attorney

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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

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

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