

2024 -- H 7233

LC004225

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO FOOD AND DRUGS -- HEALTHY KIDS ACT

Introduced By: Representatives Donovan, Speakman, Spears, Carson, Cardillo, Potter,  
Fogarty, Noret, Messier, and McEntee

Date Introduced: January 19, 2024

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings.

2 The general assembly hereby finds and declares the following:

3 (1) Thirty-five percent (35%) of Rhode Island children are overweight or obese.

4 (2) In 2022, childhood obesity rates are on the rise from pre-pandemic levels in 2019 (35%  
5 vs 31%).

6 (3) Forty percent (40%) of children in Rhode Island's core cities are overweight or obese  
7 compared to thirty-five percent (35%) of children in the remainder of the state.

8 (4) Forty-one percent (41%) of latinx and forty-one percent (41%) of black children in  
9 Rhode Island are overweight or obese compared to thirty-two percent (32%) of white children

10 (5) Food environments are associated with food choices and diet quality.

11 (6) Childhood obesity is associated with costly chronic conditions like diabetes and heart  
12 disease.

13 SECTION 2. Title 21 of the General Laws entitled "FOOD AND DRUGS" is hereby  
14 amended by adding thereto the following chapter:

15 CHAPTER 38

16 HEALTHY KIDS ACT

17 **21-38-1. Short title.**

18 This chapter shall be known and may be cited as the "Healthy Kids Act."

19 **21-38-2. Definitions.**

1 As used in this chapter, unless the context clearly requires otherwise:

2 (1) "Children's meal" means a combination of food and a beverage, offered for sale together  
3 at a single price, primarily intended for consumption by children.

4 (2) "Default beverage" means any beverage offered as part of a children's meal.

5 (3) "Restaurant" means any food service establishment that serves food to customers for  
6 consumption on or off the premises, as defined in § 21-27-1, including, but not limited to, drive-  
7 through or walk-up counters, coffee shops, cafes, pizza parlors, and dine-in establishments.

8 "Restaurant" does not include school cafeterias.

9 **21-38-3. Nutrition standards in children's meals.**

10 (a) A restaurant shall not sell any children's meal unless the restaurant offers at least two  
11 (2) children's meals, or twenty-five percent (25%) of the children's meals on the children's menu,  
12 whichever is greater, containing no more than:

13 (1) Five hundred fifty (550) calories;

14 (2) Seven hundred milligrams (700 mg) sodium;

15 (3) Fifteen grams (15 g) added sugars;

16 (4) Ten percent (10%) of calories from saturated fat; and

17 (5) Zero grams trans-fat.

18 (b)(1) A restaurant shall not sell a children's meal unless the restaurant offers at least two  
19 (2) children's meals, or twenty-five percent (25%) of the children's meals on the children's menu,  
20 whichever is greater, including servings in the specified amounts from at least two (2) of the  
21 following five (5) food groups:

22 (i) Fruit: one-half (1/2) cup or more;

23 (ii) Vegetable: one-half (1/2) cup or more;

24 (iii) Nonfat or low-fat dairy: one-half (1/2) cup or more;

25 (iv) Meat or meat alternative equaling at least:

26 (A) One ounce (1 oz) meat, poultry, or seafood;

27 (B) One egg;

28 (C) One-fourth (1/4) cup pulses (beans, peas, lentils) or soy products;

29 (D) Two (2) tablespoons nut butter; or

30 (E) One ounce (1 oz) nuts and seeds; or

31 (v) Whole grains: provides at least eight (8) grams of whole grains and meets at least one  
32 of the following criteria:

33 (A) Contains fifty percent (50%) whole grain ingredients; or

34 (B) Lists whole grains as the first ingredient.

1 (2) At least one of the two (2) food groups shall be a fruit or non-fried vegetable.

2 **21-38-4. Default beverages in children's meals.**

3 (a) A restaurant shall not sell a children's meal with a beverage unless the default beverage  
4 is one of the following:

5 (1) Water with no added natural or artificial sweeteners;

6 (2) Unflavored nonfat or low-fat milk with no added natural or artificial sweeteners; or

7 (3) Non-dairy milk alternative that is nutritionally similar to cow's milk with no added  
8 natural or artificial sweeteners.

9 (b) When taking food and beverage orders for a children's meal, restaurant employees shall  
10 offer one of the default beverages set forth in subsection (a) of this section.

11 (c) Nothing in this section prohibits a restaurant from selling, or a customer from  
12 purchasing, a beverage other than the default beverage included with a children's meal, if the  
13 customer requests the substitute or alternative beverage.

14 **21-38-5. Menus and menu boards.**

15 The children's meals and default beverages that meet the nutrition standards listed in §§  
16 21-38-3 and 21-38-4 shall be listed or displayed on a restaurant's menu and menu boards, including,  
17 without limitation, online menus and menus used by delivery-based entities.

18 **21-38-6. Enforcement.**

19 (a) The department of health shall implement, administer, and enforce this chapter, and is  
20 hereby authorized to issue rules and regulations consistent with this chapter and shall have all  
21 necessary powers to carry out the purpose of this chapter.

22 (b) Within ninety (90) days of the passage date of this chapter, or any amendments thereto,  
23 the department of health shall send a copy of the law or any such amendment, and other written  
24 informational resources created in accordance with subsection (a) of this section, to all restaurants  
25 subject to this chapter.

26 (c) The department of health shall create written informational resources and signage in  
27 English and Spanish summarizing the requirements of this chapter to help support restaurants and  
28 employees in implementation of this chapter.

29 **21-38-7. Restaurants.**

30 All restaurants shall provide a copy of this chapter and other written informational  
31 resources created in accordance with § 21-38-6 to all employees upon commencement of  
32 employment. Within thirty (30) days of receiving a copy of this chapter and other written  
33 informational resources, and on a regular basis for all new employees, while this chapter is in effect,  
34 all restaurants shall train employees on how to comply with the provisions of this chapter. All

1 [restaurants shall maintain records documenting the nutritional content of children's meal food and](#)  
2 [beverages and make such records available to the department of health on request.](#)

3 SECTION 3. This act shall take effect on January 1, 2025.

=====  
LC004225  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO FOOD AND DRUGS -- HEALTHY KIDS ACT

\*\*\*

1           This act would establish the Healthy Kids Act whereby restaurants would be required to  
2 offer at least two (2) healthy versions of children's meals, or twenty-five percent (25%) of the  
3 children's meals on its menu, whichever is greater. The restaurant would further be required to  
4 offer either water, unflavored nonfat or low-fat milk, or non-dairy milk alternative with no added  
5 natural or artificial sweeteners with each child's meal. The department of health would be required  
6 to implement rules and regulations to enforce this chapter.

7           This act would take effect on January 1, 2025.

=====  
LC004225  
=====