

LC004490

IN GENERAL ASSEMBLY

RELATING TO FOOD AND DRUGS -- HEALTHY KIDS ACT

Referred To: House Health & Human Services

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 this chapter 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, 2027.

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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, 2027.

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