

2020 Regular Session

SENATE BILL NO. 256

BY SENATOR CARTER

CHILDREN. Provides relative to beverages in children's meals. (8/1/20)

1 AN ACT

2 To enact R.S. 40:5.3.1, relative to beverages in children's meals offered in restaurants; to
3 provide for public purpose; to provide for certain menu, printed advertisement, and
4 verbal offering priorities; to provide for definitions; to provide for exceptions; to
5 provide for enforcement by the Louisiana Department of Health; to provide for
6 rulemaking; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:5.3.1 is hereby enacted to read as follows:

9 **§5.3.1. Restaurants; children's meals**

10 **A. The purpose of this Section is to support children's health by setting**
11 **nutritional standards for beverages offered in a restaurant's children's meal.**

12 **B. A restaurant that sells a children's meal shall offer one of the**
13 **following as the default beverage included in the children's meal:**

14 **(1) Water, sparkling water, or flavored water, with no added natural or**
15 **artificial sweeteners.**

16 **(2) Nonfat or one percent milk or a nondairy milk alternative that**
17 **contains no more than one hundred thirty calories per container or serving. For**

1 purposes of this Paragraph, "nondairy milk alternative" means a nondairy fluid
2 milk substitute that meets the standards for the National School Lunch
3 Program as set forth in 7 CFR 210.10.

4 (3) One hundred percent fruit juice or juice combined with water or
5 carbonated water, with no added sweeteners, in a serving of no more than eight
6 ounces.

7 C. The department shall verify compliance with the provisions of this
8 Section in the course and scope of an otherwise scheduled restaurant inspection.

9 D. A restaurant shall be in compliance with the provisions of this Section
10 if both of the following occur:

11 (1)(a) The beverage listed or displayed on a restaurant's menu or
12 advertisement of a children's meal is identified as "drink", "beverage", or one
13 of the default beverages listed in Subsection B of this Section.

14 (b) A restaurant that has a printed menu or advertisement that is not in
15 compliance with this Paragraph shall ensure that the menu or printed
16 advertisement is brought into compliance upon republication, which shall be
17 done on or before January 1, 2021.

18 (2) The representative of the restaurant during an inspection verifies that
19 each restaurant staff person that verbally offers a customer a children's meal
20 or takes an order from a customer offering a children's meal has been trained
21 to verbally offer one of the default beverages listed in Subsection B of this
22 Section.

23 E. For purposes of this Section, the following definitions shall apply:

24 (1) "Children's meal" means a combination of food items and a
25 beverage, sold together at a single price, primarily intended for consumption by
26 children.

27 (2) "Default beverage" means the beverage automatically included as
28 part of a children's meal, absent a specific request by the purchaser of the
29 children's meal for an alternative beverage.

1 **(3) "Department" means the Louisiana Department of Health.**

2 **(4) "Restaurant" means a retail food establishment that prepares, serves,**
3 **and vends food directly to the consumer.**

4 **F. Nothing in this Section shall be construed as a prohibition of a**
5 **restaurant's ability to sell, or a customer's ability to order, an alternative**
6 **beverage for a children's meal instead of the default beverage offered with the**
7 **children's meal.**

8 **G. The department shall not treat a violation of this Section as a**
9 **deficiency to be assessed against any restaurant unless the restaurant is found**
10 **to be out of compliance with the provisions of this Section during three**
11 **consecutive inspections.**

12 **H. The department shall promulgate rules and regulations as may be**
13 **necessary to implement this Section in accordance with the Administrative**
14 **Procedure Act under its retail food inspection procedures.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 256 Original

2020 Regular Session

Carter

Provides that the purpose of proposed law is to support children's health by setting nutritional standards for beverages offered in a restaurant's children's meal.

Proposed law provides that the default beverage in a children's meal shall be water, nonfat or 1% milk, a nondairy milk alternative, or 100% fruit juice or juice combined with water.

Provides that the Louisiana Department of Health (LDH) will verify compliance with proposed law during the course and scope of otherwise scheduled restaurant inspections.

Provides that a restaurant will be in compliance with proposed law if the beverage listed on the menu or advertisement is identified as "drink", "beverage", or one of the default beverages authorized by proposed law and if the restaurant staff has been trained to verbally offer the default beverage when taking a verbal order. Provides that a menu or advertisement shall be brought into compliance with proposed law on or before January 1, 2021.

Provides that nothing in proposed law shall be construed as a prohibition on a restaurant selling or a customer ordering a beverage for a children's meal that is not the default beverage.

Provides that a violation of proposed law shall not be treated as a violation unless the restaurant is found to be out of compliance during three consecutive inspections.

Proposed law provides for rulemaking by LDH.

Effective August 1, 2020.

(Adds R.S. 40:5.3.1)