

SPONSOR: Rep. Minor-Brown & Rep. Bolden & Rep. Cooke & Rep. Longhurst & Rep. Michael Smith & Sen. Lockman & Sen. Sturgeon & Sen. Cloutier
Reps. Baumbach, Bentz, Chukwuocha, Hensley, Jaques, K. Johnson, Ramone, Seigfried; Sens. Delcollo, Hansen, McBride, McDowell, Paradee, Poore, Sokola, Townsend, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 79
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
HOUSE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE REGARDING DEFAULT BEVERAGES IN CHILDRENS' MEALS IN RESTAURANTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 122, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 122 Powers and duties of the Department of Health and Social Services.

The Department shall have the following general powers and duties:

(3) Adopt, promulgate, amend, and repeal regulations consistent with law, which regulations shall not extend, modify or conflict with any law of this State or the reasonable implications thereof, and which shall be enforced by all ~~state~~ State and local public health officials, ~~to:~~ to do all of the following:

u.1. Promulgate and enforce standards to regulate food establishments ~~which may include, but are not limited to~~, including restaurants, caterers, temporary food vendors, grocery stores, food vending machines, ice manufacturers and cottage industries that prepare or handle food for human consumption whenever it is determined that said food represents a hazard to the public health.

Section 2. Amend Chapter 1, Subchapter II of Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 140B Default Beverages Offered in Children's Meals.

(a) A restaurant offering children's meals for sale that include a beverage must offer as a default beverage with the children's meal 1 or more of the following:

(1) Water, sparkling water, or flavored water that has no added sugar, corn syrup, or other natural or artificial sweeteners.

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(2) Flavored or unflavored whole milk, nonfat or low-fat 1% or 2% dairy milk or no-dairy beverage that is nutritionally equivalent to fluid milk in a serving of 8 ounces or less.

(3) One hundred percent fruit juice or vegetable juice, combination of fruit juice and vegetable juice, or fruit juice or vegetable juice combined with water or carbonated water that has no added natural or artificial sweetener, in a serving size of 8 ounces or less.

(b) For purposes of this section:

(1) "Restaurant" means a commercial establishment that serves food to customers for consumption on or off the premises.

(2) "Children's Meal" means a combination of food and beverage, sold together at a single price by a restaurant, primarily intended for consumption by children.

(3) "Default Beverage" means a beverage automatically included or offered as part of a children's meal absent a specific request for a substitute or alternate beverage by the purchaser of the children's meal.

(c) The Department shall promulgate and enforce standards to regulate this section as empowered under § 122(3)u.1. of this chapter. The standards shall reflect that enforcement of this section, when considered separate from other violations, may not result in fines, fees or other monetary penalties.

(d) Nothing in this section shall prohibit a restaurant from selling, or a customer from purchasing, an alternative to the default beverage if requested by the purchaser of the children's meal.

Section 3. Section 2 of this Act shall become effective twelve (12) months after enactment into law or upon promulgation of regulations adopted under that section, whichever is the later date.