

2024 -- S 2627

LC005395

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: Senators Lauria, Murray, Gu, McKenney, Britto, and Felag

Date Introduced: March 01, 2024

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Legislative findings. The general assembly hereby finds and declares all of  
2 the following:

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

4 (2) 2022 childhood obesity rates were on the rise from pre-pandemic levels in 2019 (thirty-  
5 five percent (35%) in 2022 versus thirty-one percent (31%) in 2019).

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 (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, the following words and terms shall have the following meanings  
2 unless the context shall clearly indicate another or different meaning or intent:

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

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

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

10 **21-38-3. Nutrition standards in children's meals.**

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

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

15 (2) Seven hundred (700) milligrams of sodium;

16 (3) Fifteen (15) grams of added sugars;

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

18 (5) Zero grams of trans fat.

19 (b) A restaurant shall not sell any children's meal unless the restaurant offers at least two  
20 (2) children's meals, or twenty-five percent (25%) of the children's meals on the children's menu,  
21 whichever is greater, that include servings in the specified amounts from at least two (2) of the  
22 following five (5) food groups, and at least one of the two (2) food groups shall be a fruit or non-  
23 fried vegetable:

24 (1) Fruit: one half (0.5) cup or more;

25 (2) Vegetable: one half (0.5) cup or more;

26 (3) Nonfat or low-fat dairy: one half (0.5) cup or more;

27 (4) Meat or meat alternative equaling at least:

28 (i) One ounce meat, poultry, or seafood;

29 (ii) One egg;

30 (iii) One fourth (0.25) cup pulses (beans, peas, lentils) or soy products;

31 (iv) Two (2) tablespoons nut butter; or

32 (v) One ounce nuts and seeds; or

33 (5) Whole grains: providing at least eight (8) grams of whole grains and meeting at least  
34 one of the following criteria:

1 (i) Contains fifty percent (50%) whole grain ingredients; or

2 (ii) Lists whole grains as the first ingredient.

3 **21-38-4. Default beverages in children's meals.**

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

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

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

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

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

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

15 **21-38-5. Menus and menu boards.**

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

19 **21-38-6. Enforcement.**

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

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

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

30 **21-38-7. Restaurants.**

31 (a) All restaurants shall provide the written informational resources created in accordance  
32 with § 21-38-6(c) to all employees upon commencement of employment.

33 (b) Within thirty (30) days of receiving a copy of this chapter and other written  
34 informational resources, and on a regular basis for all new employees, while this chapter is in effect,

1 all restaurants shall train employees on how to comply with the provisions of this chapter.

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

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

=====  
LC005395  
=====

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

\*\*\*

1           This act would mandate that all restaurants offering children's meals offer at least two (2)  
2 children's meals that complies with certain detailed nutritional standards set forth in the act. The  
3 act would further require that a nutritious meal contain no more than five hundred fifty (550)  
4 calories, seven hundred (700) milligrams of sodium, fifteen (15) grams added of sugars, ten percent  
5 (10%) of calories from saturated fat and zero grams of trans fat. The act would also require that the  
6 nutritious meal include at least two (2) of the five (5) food groups: fruit, vegetable, low-fat dairy,  
7 protein and whole grain.

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

=====  
LC005395  
=====