

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2023 Legislative Session

Bill 2023-09

HEALTHY MEALS FOR CHILDREN

Introduced by Charles County Commissioners

For the purpose of requiring a healthy meal and beverage is included as an option for children at eating and drinking establishments that offer a children's menu or otherwise offer meals primarily for consumption by children. BY adding: Chapter 35 Health and Wellness; Section 35-1 Healthy Meals for Children.

Date introduced: 09/12/2023

Public Hearing: 10/24/2023 Virtual and In-Person @ 6:00 p.m.

Commissioners Action: 01/09/2024

Commissioner Votes: RBC: Y, GB: Y, TC: Y, AS: Y, RP: Y

Pass/Fail: Pass

Effective Date: 02/23/2024

Subsection D of this Act shall take effect 12 months after it becomes Law, and
Subsection C of this Act shall take effect 18 Months after it becomes Law

Remarks: _____

NOTE: CAPITALS indicate matter added to existing text.
[Brackets] indicate matter deleted from existing law.

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COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2023 Legislative Session

Bill No. 2023-09
Chapter. No. 35
Introduced by Charles County Commissioners
Date of Introduction September 12, 2023

BILL

AN ACT concerning

HEALTHY MEALS FOR CHILDREN

FOR THE PURPOSE OF REQUIRING A HEALTHY MEAL IS INCLUDED AS AN OPTION FOR CHILDREN AT EATING AND DRINKING ESTABLISHMENTS THAT OFFER A CHILDREN’S MENU OR OTHERWISE OFFER MEALS PRIMARILY FOR CONSUMPTION BY CHILDREN.

BY adding:

Chapter 35 – Health and Wellness
Section 35-1 Healthy Meals for Children
Code of Charles County, Maryland
(2022 Edition)

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:

Chapter 35 – Health and Wellness

§35-1 Healthy Meals for Children

A. DEFINITIONS. IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

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CHILDREN’S MEAL
A COMBINATION OF FOOD ITEMS, OR A COMBINATION OF FOOD ITEMS AND
A BEVERAGE, THAT AN EATING AND DRINKING ESTABLISHMENT:

- A. OFFERS FOR SALE AS A UNIT; AND
- B. INCLUDES ON ITS CHILDREN’S MENU, OR OTHERWISE OFFERS FOR
CONSUMPTION PRIMARILY BY CHILDREN.

CHILDREN’S MEAL DOES NOT INCLUDE A COMBINATION OF FOOD ITEMS, OR
A COMBINATION OF FOOD ITEMS AND A BEVERAGE, PREPACKAGED AND
OFFERED FOR SALE BY AN ENTITY OTHER THAN AN EATING AND DRINKING
ESTABLISHMENT.

DEFAULT BEVERAGE
A BEVERAGE THAT AN EATING AND DRINKING ESTABLISHMENT PROVIDES
AUTOMATICALLY WITH A
CHILDREN’S MEAL, UNLESS THE CUSTOMER REQUESTS A DIFFERENT
BEVERAGE.

DEPARTMENT
THE CHARLES COUNTY DEPARTMENT OF HEALTH.

EATING AND DRINKING ESTABLISHMENT
HAS THE MEANING FOUND IN § 127-8 OF THIS CODE.

HEALTHY CHILDREN’S MEAL
A CHILDREN’S MEAL THAT CONTAINS NO MORE THAN:

- A. 600 CALORIES;
- B. 700 MILLIGRAMS OF SODIUM;
- C. 35% OF CALORIES FROM TOTAL SUGARS;
- D. 35% OF CALORIES FROM FAT;
- E. 10% OF CALORIES FROM SATURATED FAT; AND
- F. 0.5 GRAMS OF TRANS FAT.

LEAN PROTEIN
A SERVING OF PROTEIN THAT CONTAINS 10% OR LESS OF SATURATED FAT.

B. HEALTHY OPTION REQUIRED. AN EATING AND DRINKING
ESTABLISHMENT THAT OFFERS FOR SALE A CHILDREN’S MEAL MUST OFFER
FOR SALE AT LEAST ONE HEALTHY CHILDREN’S MEAL.

1 **C. OPTIONS FOR HEALTHY CHILDREN'S MEALS. THE HEALTHY**
2 **CHILDREN'S MEAL REQUIRED UNDER SUBSECTION B MUST INCLUDE TWO**
3 **OR MORE OF THE**
4 **FOLLOWING OPTIONS:**

5
6 1. A 1/4CUP OR MORE SERVING OF UNFRIED FRUIT OR UNFRIED
7 VEGETABLES, EXCLUDING JUICE, CONDIMENTS, OR SPREADS;

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9 2. A WHOLE GRAIN PRODUCT THAT:

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11 (A)CONTAINS, BY WEIGHT, 51% OF MORE OF WHOLE GRAIN INGREDIENTS; OR

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13 (B) LISTS WHOLE GRAIN AS THE FIRST INGREDIENT IN ITS U.S. FOOD AND DRUG
14 ADMINISTRATION-REQUIRED INGREDIENT LIST; OR

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16 3. A LEAN PROTEIN CONSISTING OF:

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18 (A)ONE OUNCE OR MORE OF MEAT, SEAFOOD, NUTS, SEEDS, BEANS, OR PEAS;

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20 (B) ONE EGG;

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22 (C) ½ CUP OF NONFAT OR 1% MILK OR LOW-FAT YOGURT, OR 1 OUNCE OF
23 REDUCED FAT CHEESE; OR

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25 (D)A PLANT-BASED, NONDAIRY ALTERNATIVE THAT:

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27 (1) CONTAINS THE SAME AMOUNT OF PROTEIN AS, OR MORE PROTEIN
28 THAN, AN ITEM UNDER PART 3(C); AND

29
30 (2) IS FORTIFIED WITH CALCIUM AND VITAMIN D.

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32 **D. CHILDREN'S BEVERAGES – HEALTHY DEFAULT BEVERAGE REQUIRED.**

33 AN EATING AND DRINKING ESTABLISHMENT THAT OFFERS FOR SALE A
34 CHILDREN'S MEAL WITH A BEVERAGE MUST INCLUDE AS THE DEFAULT
35 BEVERAGE ONE OR MORE OF THE FOLLOWING OPTIONS:

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37 1. WATER, SPARKLING WATER, OR FLAVORED WATER, WITH NO ADDED
38 NATURAL OR ARTIFICIAL SWEETENERS,;

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40 2. 8 OUNCES OR LESS OF UNFLAVORED NONFAT OR 1% MILK, OR A NON-
41 DAIRY EQUIVALENT WITH NO ADDED NATURAL OR ARTIFICIAL
42 SWEETENERS; OR

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44 3. 8 OUNCES OR LESS OF THE FOLLOWING, WITH NO ADDED NATURAL OR
45 ARTIFICIAL SWEETENERS:

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47 (A) 100% FRUIT OR VEGETABLE JUICE;

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(B) A COMBINATION OF 100% FRUIT AND VEGETABLE JUICES WITH NO ADDED NATURAL OR ARTIFICIAL SWEETENERS; OR

(C) A COMBINATION OF 100% FRUIT AND VEGETABLE JUICE WITH WATER OR SPARKLING WATER.

E. PRESERVATION OF CONSUMER CHOICE. THIS SECTION MUST NOT BE CONSTRUED TO PROHIBIT CUSTOMERS FROM PURCHASING, OR AN EATING AND DRINKING ESTABLISHMENT FROM SELLING, A CHILDREN’S MEAL THAT:

- 1. IS NOT A HEALTHY CHILDREN’S MEAL; OR
- 2. DOES NOT CONTAIN THE FOODS OR BEVERAGES LISTED UNDER SUBSECTION C AND SUBSECTION D.

F. EDUCATIONAL OUTREACH.

- 1. THE DEPARTMENT MUST CREATE AND DISSEMINATE WRITTEN INFORMATIONAL RESOURCES AND SIGNAGE THAT SUMMARIZES IN MULTIPLE LANGUAGES, INCLUDING SPANISH, THE REQUIREMENTS OF THIS SECTION.
- 2. THE DEPARTMENT SHALL DEVELOP DECALS THAT HIGHLIGHT MENU ITEMS IN COMPLIANCE WITH THIS SECTION AND SHALL DISTRIBUTE SUCH DECALS TO EATING AND DRINKING ESTABLISHMENTS IN COMPLIANCE WITH THIS SECTION. SUCH EATING AND DRINKING ESTABLISHMENTS MAY DISPLAY SUCH DECALS NEXT TO MENU ITEMS COMPLYING WITH THE REQUIREMENTS OF THIS CHAPTER.

G. ENFORCEMENT.

- 1. THIS SECTION SHALL BE ENFORCED BY THE DEPARTMENT AND THE DEPARTMENT IS HEREBY AUTHORIZED TO ISSUE CIVIL INFRACTIONS FOR VIOLATIONS OF THIS SECTION.
- 2. THE DEPARTMENT SHALL MAKE AVAILABLE A PROCESS BY WHICH THE PUBLIC MAY SUBMIT COMPLAINTS REGARDING NONCOMPLIANCE WITH THIS SECTION.
- 3. THE DEPARTMENT SHALL DEVELOP A SELF-CERTIFICATION FORM WHICH SHALL DOCUMENT COMPLIANCE WITH THIS SECTION. THE DEPARTMENT SHALL DISSEMINATE SAID FORM TO EATING AND DRINKING ESTABLISHMENTS.
- 4. EATING AND DRINKING ESTABLISHMENTS SHALL SUBMIT THE SELF-CERTIFICATION FORM TO THE DEPARTMENT ONCE ANNUALLY WHEN APPLYING FOR LICENSE RENEWAL.

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5. ANY EATING AND DRINKING ESTABLISHMENT THAT VIOLATES ANY PROVISION OF THIS SECTION SHALL BE GUILTY OF A CIVIL INFRACTION AND MAY BE PUNISHED AS FOLLOWS:

- (A) FOR THE FIRST VIOLATION, THE DEPARTMENT SHALL PROVIDE INFORMATION CONCERNING THE REQUIREMENTS OF THIS SECTION AND ISSUE A WRITTEN WARNING REQUIRING THE EATING AND DRINKING ESTABLISHMENT TO COMPLY WITH THIS SECTION WITHIN 60 CALENDAR DAYS OR A TIME PERIOD ACCEPTABLE TO THE DEPARTMENT.
- (B) IF A VIOLATION IS NOT DISPOSED OF PURSUANT TO SUBSECTION G(5)(A), THE DEPARTMENT SHALL ISSUE A VIOLATION NOTICE REQUIRING SUBMISSION OF A CORRECTIVE ACTION PLAN WITHIN 30 CALENDAR DAYS OF THE RECEIPT OF THE NOTICE. THE TIME PERIOD FOR CORRECTIVE ACTION SHALL NOT EXCEED AN ADDITIONAL 30 CALENDAR DAYS. IF A VIOLATION IS DISPOSED OF PURSUANT TO THIS SUBSECTION, A SUBSEQUENT VIOLATION SHALL BE TREATED AS A FIRST OFFENSE.
- (C) ALL VIOLATIONS OTHER THAN THOSE DISPOSED OF PURSUANT TO SUBSECTIONS G(5)(A) AND G(5)(B) MAY BE PUNISHED BY A CIVIL FINE OF \$500.

H. SEVERABILITY. IN THE EVENT THAT ANY PROVISION OF THIS SECTION IS HELD UNCONSTITUTIONAL, INVALID, OR UNENFORCEABLE BY ANY COURT OF COMPETENT JURISDICTION, SUCH HOLDING SHALL NOT INVALIDATE OR RENDER UNENFORCEABLE ANY OTHER PROVISION HEREOF.

SECTION 2. *AND BE IT FURTHER ENACTED,* THAT SUBSECTION D OF THIS ACT SHALL TAKE EFFECT 12 MONTHS AFTER IT BECOMES LAW, AND SUBSECTION C OF THIS ACT SHALL TAKE EFFECT 18 MONTHS AFTER IT BECOMES LAW.

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ADOPTED this 9th day of January, 2024.

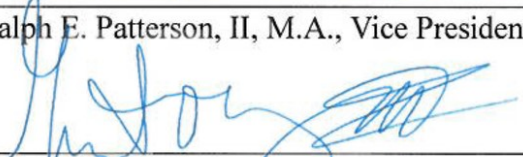
**COUNTY COMMISSIONERS
CHARLES COUNTY, MARYLAND**



Reuben B. Collins, II, Esq., President



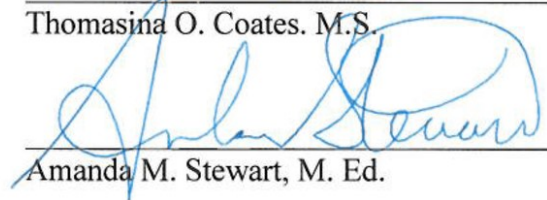
Ralph E. Patterson, II, M.A., Vice President



Gilbert O. Bowling, III



Thomasina O. Coates, M.S.



Amanda M. Stewart, M. Ed.

ATTEST:



Carol A. DeSoto, Clerk to the Commissioners