

Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 13

Bill No. 45-2023

Introduced by: Liz Walsh

AN ACT requiring a restaurant that offers children's meals for sale to offer a certain number of healthy children's meal for sale; specifying the options required for a certain children's meal; requiring a restaurant that offers for sale a children's meal with a beverage to include a certain default beverage; preserving a consumer's choice to purchase and a restaurant's right to sell a children's meal other than a healthy children's meal; requiring the Howard County Department of Health to create and disseminate certain written informational resources; providing for the enforcement of this Act; providing for the severability of certain provisions of this Act; and generally relating to healthy meals for children.

*Expired 1-16-2024 Michelle Harrod*

Introduced and read first time Nov 6, 2023. Ordered posted and hearing scheduled.  
By order Michelle Harrod  
Michelle R. Harrod, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on Nov 20, 2023.  
By order Michelle Harrod  
Michelle R. Harrod, Administrator

This Bill was read the third time on \_\_\_\_\_, 2023 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.  
By order \_\_\_\_\_  
Michelle R. Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2023 at \_\_\_\_ a.m./p.m.  
By order \_\_\_\_\_  
Michelle R. Harrod, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2023  
\_\_\_\_\_  
Calvin Ball, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; Text in small capitals indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.  
*Tabled 12-4-2023 Michelle Harrod 1-24-2024 Not Renewed From Table MP&T*

1 **Section 1. Be it enacted** by the County Council of Howard County, Maryland, that the Howard County  
2 Code is hereby amended as follows:

3 *By adding:*

4 *Title 12. Health and Social Services.*

5 *Subtitle 24. Healthy Meals for Children.*

6 *Section 12.2400. Definitions.*

7 *Section 12.2401. Children's Meals – Healthy Options Required.*

8 *Section 12.2402. Healthy Children's Meals – Options.*

9 *Section 12.2403. Children's Beverages – Healthy Default Beverage Required.*

10 *Section 12.2404. Preservation of Consumer Choice.*

11 *Section 12.2405. Educational Outreach.*

12 *Section 12.2406. Enforcement.*

13 *Section 12.2407. Severability.*

14

15 **Title 12. Health and Social Services**

16 **Subtitle 24. Healthy Meals for Children**

17

18 **SEC. 12.2400. - DEFINITIONS.**

19 IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

20 (1) *CHILDREN'S MEAL* MEANS A COMBINATION OF FOOD ITEMS, OR A COMBINATION OF FOOD  
21 ITEMS AND A BEVERAGE, THAT A RESTAURANT:

22 (I) OFFERS FOR SALE AS A UNIT; AND

23 (II) INCLUDES ON ITS CHILDREN'S MENU OR OTHERWISE OFFERS FOR CONSUMPTION  
24 PRIMARILY BY CHILDREN.

25 CHILDREN'S MEAL DOES NOT INCLUDE A COMBINATION OF FOOD ITEMS, OR A  
26 COMBINATION OF FOOD ITEMS AND A BEVERAGE, PREPACKAGED AND OFFERED FOR  
27 SALE BY AN ENTITY OTHER THAN A RESTAURANT.

28 (2) *DEFAULT BEVERAGE* MEANS A BEVERAGE THAT A RESTAURANT PROVIDES  
29 AUTOMATICALLY WITH A CHILDREN'S MEAL, UNLESS THE CUSTOMER REQUESTS A  
30 DIFFERENT BEVERAGE.

1 (3) *DEPARTMENT* MEANS THE HOWARD COUNTY DEPARTMENT OF HEALTH.

2 (4) *HEALTHY CHILDREN'S MEAL* MEANS A CHILDREN'S MEAL THAT CONTAINS NO MORE  
3 THAN:

4 (I) 600 CALORIES;

5 (II) 700 MILLIGRAMS OF SODIUM;

6 (III) 35% OF CALORIES FROM TOTAL SUGARS;

7 (IV) 35% OF CALORIES FROM FAT;

8 (V) 10% OF CALORIES FROM SATURATED FAT; AND

9 (VI) 0.5 GRAMS OF TRANS FAT.

10 (5) *LEAN PROTEIN* MEANS A SERVING OF PROTEIN THAT CONTAINS 10% OR LESS OF  
11 SATURATED FAT.

12 (6) *RESTAURANT* MEANS A FOOD SERVICE FACILITY AS DEFINED IN § 12.107 OF THIS TITLE  
13 THAT PREPARES, SERVES, AND VENDS FOOD DIRECTLY TO THE CUSTOMER.

14 **SEC. 12.2401. CHILDREN'S MEALS – HEALTHY OPTION REQUIRED.**

15 BEGINNING ON JULY 1, 2025, A RESTAURANT THAT OFFERS FOR SALE A CHILDREN'S MEAL  
16 SHALL OFFER FOR SALE AT LEAST TWO HEALTHY CHILDREN'S MEALS.

17 **SEC. 12.2402. HEALTHY CHILDREN'S MEALS – OPTIONS.**

18 (A) *HEALTHY CHILDREN'S MEALS – OPTIONS.* BEGINNING ON JULY 1, 2025, THE HEALTHY  
19 CHILDREN'S MEAL REQUIRED UNDER SECTION 12.2401 OF THIS SUBTITLE SHALL INCLUDE  
20 TWO OR MORE OF THE FOLLOWING OPTIONS:

21 (1) A ½ CUP OR MORE SERVING OF UNFRIED FRUIT OR UNFRIED VEGETABLES,  
22 EXCLUDING JUICE, CONDIMENTS, SYRUPS, OR SPREADS, AND THE FRUIT CANNOT BE  
23 CANDIED OR COVERED IN A DESSERT TOPPING;

24 (2) A WHOLE GRAIN PRODUCT THAT:

25 (I) CONTAINS, BY WEIGHT, 51% OR MORE OF WHOLE GRAIN INGREDIENTS; OR

1 (II) LISTS WHOLE GRAIN AS THE FIRST INGREDIENT IN ITS U.S. FOOD AND DRUG  
2 ADMINISTRATION-REQUIRED INGREDIENT LIST; OR

3 (3) A LEAN PROTEIN CONSISTING OF:

4 (I) ONE OUNCE OR MORE OF MEAT, SEAFOOD, NUTS, SEEDS, BEANS, OR PEAS;

5 (II) ONE EGG;

6 (III) ½ CUP OF NONFAT OR 1% MILK OR LOW-FAT YOGURT, OR 1 OUNCE OF REDUCED  
7 FAT CHEESE; OR

8 (IV) A PLANT-BASED, NONDAIRY ALTERNATIVE THAT:

9 1. CONTAINS THE SAME AMOUNT OF PROTEIN AS, OR MORE PROTEIN THAN, AN  
10 ITEM UNDER SUBSECTION 12.2402(A)(3)(III) OF THIS SUBTITLE; AND

11 2. IS FORTIFIED WITH CALCIUM AND VITAMIN D.

12 (B) *CALCULATION OF NUTRITIONAL CONTENT.* RESTAURANTS SHALL CALCULATE THE  
13 NUTRITIONAL CONTENT OF CHILDREN’S MEALS BASED ON NUTRIENT DATABASES SUCH AS  
14 THE U.S. DEPARTMENT OF AGRICULTURE’S FOODDATA CENTRAL, LABORATORY  
15 ANALYSES, NUTRITION FACTS LABELS, COOKBOOKS, OR OTHER REASONABLE METHODS OF  
16 CALCULATIONS.

17 **SEC. 12.2403. CHILDREN’S BEVERAGES – HEALTHY DEFAULT BEVERAGE REQUIRED.**

18 BEGINNING ON JANUARY 1, 2025, A RESTAURANT THAT OFFERS FOR SALE A CHILDREN’S  
19 MEAL WITH A BEVERAGE SHALL INCLUDE AS THE DEFAULT BEVERAGE ONE OR MORE OF THE  
20 FOLLOWING OPTIONS:

21 (1) WATER OR SPARKLING WATER, WITH NO ADDED NATURAL OR ARTIFICIAL SWEETENERS,  
22 FLAVORS, OR CARBONATION;

23 (2) EIGHT OUNCES OR LESS OF UNFLAVORED NONFAT OR 1% MILK, OR A NON-DAIRY  
24 EQUIVALENT WITH NO ADDED NATURAL OR ARTIFICIAL SWEETENERS; OR

25 (3) SIX OUNCES OR LESS OF THE FOLLOWING, WITH NO ADDED NATURAL OR ARTIFICIAL  
26 SWEETENERS:

27 (I) 100% FRUIT OR VEGETABLE JUICE;

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

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

1 **SEC. 12.2404. PRESERVATION OF CONSUMER CHOICE.**

2 THIS SUBTITLE SHALL NOT BE CONSTRUED TO PROHIBIT CUSTOMERS FROM PURCHASING, OR  
3 A RESTAURANT FROM SELLING, A CHILDREN’S MEAL THAT:

- 4 (1) IS NOT A HEALTHY CHILDREN’S MEAL; OR
- 5 (2) DOES NOT CONTAIN THE FOODS OR BEVERAGES LISTED UNDER SECTIONS 12.2402  
6 AND 12.2403 OF THIS SUBTITLE.

7 **SEC. 12.2405. EDUCATIONAL OUTREACH.**

8 BEFORE AND DURING THE IMPLEMENTATION OF THIS SUBTITLE, THE DEPARTMENT SHALL  
9 CREATE AND DISSEMINATE WRITTEN INFORMATIONAL RESOURCES AND SIGNAGE THAT  
10 SUMMARIZES IN MULTIPLE LANGUAGES, INCLUDING SPANISH, THE REQUIREMENTS OF THIS  
11 SUBTITLE.

12 **SEC. 12.2406. ENFORCEMENT.**

13 (A) *ACCEPTANCE OF CITIZEN COMPLAINTS.* THE DEPARTMENT SHALL ACCEPT CITIZEN  
14 COMPLAINTS REGARDING NONCOMPLIANCE WITH THIS SUBTITLE THROUGH ITS EXISTING  
15 MEANS OF ACCEPTING CITIZEN COMPLAINTS.

16 (B) *ANNUAL INSPECTIONS.* ONCE ANNUALLY, THE DEPARTMENT SHALL CONDUCT INSPECTIONS  
17 FOR COMPLIANCE WITH THIS SUBTITLE. THE DEPARTMENT’S DETERMINATION OF  
18 VIOLATION, NOTICE OF VIOLATION, AND ENFORCEMENT AGAINST VIOLATION SHALL  
19 COMPLY WITH SUBTITLE 1 OF TITLE 24 OF THIS CODE.

20 (C) *DISPOSITION OF VIOLATIONS.* VIOLATIONS OF ANY PROVISION OF THIS SUBTITLE BY ANY  
21 RESTAURANT SHALL BE DISPOSED OF AS FOLLOWS:

22 (1) FOR THE FIRST VIOLATION, THE DEPARTMENT SHALL PROVIDE INFORMATION  
23 CONCERNING THE REQUIREMENTS OF THIS SUBTITLE AND ISSUE A WRITTEN WARNING  
24 REQUIRING THE RESTAURANT TO COMPLY WITH THIS SUBTITLE WITHIN 60 CALENDAR  
25 DAYS OF THE DATE OF THE WRITTEN WARNING OR A TIME PERIOD ACCEPTABLE TO THE  
26 DEPARTMENT.

27 (2) (i) IF A VIOLATION IS NOT DISPOSED OF PURSUANT TO SUBSECTION (C)(1) OF THIS  
28 SUBSECTION, THE DEPARTMENT SHALL ISSUE A VIOLATION NOTICE REQUIRING THE  
29 SUBMISSION OF A CORRECTIVE ACTION PLAN WITHIN 30 CALENDAR DAYS OF THE DATE  
30 OF RECEIPT OF THE NOTICE.

1 (II) THE TIME PERIOD FOR CORRECTIVE ACTION SHALL NOT EXCEED AN ADDITIONAL 30  
2 CALENDAR DAYS.

3 (III) IF A VIOLATION IS DISPOSED OF PURSUANT TO THIS SUBSECTION, A SUBSEQUENT  
4 VIOLATION SHALL BE TREATED AS A FIRST OFFENSE.

5 (3) (I) ALL VIOLATIONS OTHER THAN THOSE DISPOSED OF PURSUANT TO SUBSECTIONS  
6 (C)(1) AND (C)(2) OF THIS SUBSECTION MAY BE TREATED AS A CLASS B VIOLATION  
7 CIVIL FINE PURSUANT TO TITLE 24 OF THIS CODE FOR THE FIRST OFFENSE.

8 (II) ANY ADDITIONAL OFFENSE SHALL BE CONSIDERED A CLASS A VIOLATION CIVIL  
9 FINE PURSUANT TO TITLE 24 OF THIS CODE.

10 **SEC. 12.2407. SEVERABILITY.**

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

14

15 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*  
16 *shall become effective 61 days after its enactment.*

**Office of the County Auditor  
Auditor's Analysis**

**ADDENDUM**  
**Council Bill No. 45-2023**  
Introduced: November 6, 2023  
Auditor: Rebecca Gold

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Representatives from Montgomery County and Prince George's County, where similar legislation was passed, responded to our requests for information subsequent to our submitting a fiscal impact.

**Montgomery County**

A Fiscal and Policy Analyst from Montgomery County's Office of Management and Budget shared the following information regarding Bill 1-22:

- No revenues are expected from this bill.
- Expenses are still being evaluated. The legislation has resulted in additional staff time for inspections and educational outreach.

**Prince George's County**

In response to our inquiries regarding the fiscal impact for Prince George's County's Council Bill 71-2020, the Chief of Public Health Innovation and Policy stated the legislation is not currently being implemented because no funding has been allocated to the program. Implementation would require additional staff to conduct menu reviews and respond to complaints.

**NOTE:** According the Prince George's County's Budget and Policy Analysis team, the anticipated fiscal impact of this legislation in Prince George's County was estimated to be one or two additional personnel in the Department of Permitting, Inspections, and Enforcement and a full-time dietician or nutritionist in the Health Department.