

ORDINANCE NO. _____

AN ORDINANCE AMENDING STOCKTON MUNICIPAL CODE TITLE 5 BY ADDING CHAPTER 5. 70 REGARDING ESTABLISHING THE DEFAULT BEVERAGES OFFERED WITH CHILDREN'S MEALS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

SECTION I. FINDINGS AND INTENT

The City Council of the City of Stockton finds that:

1. The Council desires to promote healthy meal options for children and their families to build a healthier community by implementing innovative approaches to accomplish these goals.

2. Families in the City of Stockton often have limited time and options to shop for and prepare healthy food, making dining out an appealing and sometimes necessary option.

3. A recent 2013 study of the most profitable fast food restaurant chains in the United States found that only three percent (3%) of the assessed meal combinations met the expert nutrition standards for children's meals.

4. Sugar-sweetened beverages alone make up to nine percent (9%) of the calories children consume daily, and medical evidence suggests sugar-sweetened beverages are linked to obesity.

5. Obesity-related health conditions include type 2 diabetes, heart disease, stroke, high blood pressure, high cholesterol, certain cancers, asthma, low self-esteem, and depression, according to the United States Department of Health and Human Services and the Centers for Disease Control and Prevention.

6. Obesity-related health conditions have serious economic costs, with a 2006 study commissioned by the California Center for Public Health Advocacy estimating that the total annual health care costs attributed to overweight and obesity-related health conditions in San Joaquin County neared 58.3 million.

7. The City Council believes that limiting the sugary beverages offered with children's meals will contribute to the overall health and wellbeing of children and families in the City.

SECTION II: AMENDMENT OF CODE

Title 5, is hereby amended by adding Chapter 5.70.010 through 5.70.040 to the Stockton Municipal Code to read as follows:

5.70.010 Findings and Purpose

Recognizing the dangers of childhood obesity and the connection between this epidemic and sugar-sweetened beverages, the purpose of this Chapter is to promote healthy lifestyles in the children and youth of the City of Stockton and to combat the childhood obesity epidemic by limiting the beverages offered in meals targeted to children and youth to healthy choices.

5.70.020 Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meanings:

A. Children's Meal. A combination of food items, or food item(s) and a beverage, sold together at a single price, primarily intended for consumption by children.

B. Restaurant. A food establishment that serves food to customers for consumption on or off premises, including fast-food and full-service dining establishments. It includes, but is not limited to, drive-through or walk-up counters, coffee shops, cafes, pizza parlors, and dine-in establishments. A restaurant, for purposes of this Chapter, may provide alcoholic beverage sales for drinking on premises provided that such sales are ancillary to food service.

C. Default beverage. The beverage automatically included or offered as part of a children's meal, absent a specific request by the purchaser of the children's meal for an alternative beverage.

5.70.030 Default Beverages in Children's Meals.

- A. After the effective date of this ordinance, a restaurant that sells a children's meal that includes a beverage shall make the default beverage offered with the children's meal one of the following:
1. Water, sparkling water, or flavored water, with no added natural or artificial sweeteners;
 2. Milk or non-dairy milk alternatives.
- B. Nothing in this Section prohibits a restaurant's ability to sell, or a customer's ability to purchase, a substitute or alternative beverage instead of the default beverage offered with a children's meal, if requested by the purchaser of the children's meal.
- C. All restaurants shall complete an initial self-certification certifying whether they offer children's meals and if so, certifying that they comply with the provisions of this Section. Subsequently, restaurants that sell children's meals shall complete

an annual self-certification, certifying that they comply with the provisions of this Section, as may be modified from time to time at the discretion of the City Council.

5.70.040 Enforcement.

In addition to all other available remedies at law, this Chapter shall be enforceable through the use of the administrative citation procedures set forth in Stockton Municipal Code Chapter 1.32, Section 1.32.020.

5.70.050 Construction.

This Chapter shall be construed so as not to conflict with applicable federal or state laws, rules, or regulations. Nothing in this Chapter authorizes any City agency to impose any duties or obligations in conflict with limitations on municipal authority established by federal or state law.

SECTION III. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

ADOPTED: _____

EFFECTIVE: _____

ANTHONY SILVA, Mayor
of the City of Stockton

ATTEST:

BONNIE PAIGE, City Clerk
of the City of Stockton