
A BILL FOR AN ACT

RELATING TO BEVERAGES FOR CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that in Hawaii more than
2 one in four kindergarteners is overweight or obese. Obesity-
3 related medical expenditures in Hawaii exceed \$470,000,000
4 annually. As a result of health risks and complications related
5 to obesity, this generation of children may be the first
6 generation not to outlive their parents.

7 Research shows that taste preferences and healthy habits
8 are formed in early childhood years. Currently, children and
9 adults consume an average of one hundred seventy-two and one
10 hundred seventy-five calories, respectively, from sugar-
11 sweetened beverages a day. For children, each additional
12 twelve-ounce soft drink consumed per day increases the
13 likelihood of becoming obese by sixty per cent.

14 Refined sugars promote tooth decay, also known as dental
15 caries. Sugar-sweetened beverages promote dental caries because
16 they bathe the teeth of frequent consumers in sugar water for
17 long periods of time. Prolonged exposure of the teeth to the
18 sugars in juice is also a major contributing factor to dental



1 caries. In Hawaii, the average number of decayed teeth among
2 children five to nine years of age is 3.9, which is double the
3 national average of 1.9.

4 The serving of healthy beverages in child care facilities
5 would result in significantly healthier outcomes for children.
6 More than eleven million children under the age of six in the
7 United States spend an average of thirty hours per week in non-
8 parental child care facilities. In 2014, close to sixty-five
9 thousand children in Hawaii under the age of six were in need of
10 child care.

11 Many states, including California and Maryland, already
12 require child care facilities to serve children healthier
13 beverages rather than sugar-sweetened beverages or large amounts
14 of fruit juice. It is in the best interest of Hawaii's children
15 to set standards which ensure that healthy beverages are served
16 in child care facilities.

17 The purpose of this Act is to establish restrictions on
18 sugar-sweetened beverages and other beverages served in child
19 care facilities to help prevent childhood obesity and dental
20 caries in Hawaii.



1 SECTION 2. Chapter 346, Hawaii Revised Statutes, is
2 amended by adding a new section to part VIII to be appropriately
3 designated and to read as follows:

4 "§346- Beverage restrictions in child care facilities.

5 (a) No child care facility shall:

6 (1) Serve sugar-sweetened beverages to any child to whom
7 the facility provides care;

8 (2) Serve natural fruit juice or natural vegetable juice
9 to children under one year of age; or

10 (3) Serve more than four ounces per day of natural fruit
11 juice or natural vegetable juice to children one year
12 of age or older.

13 (b) The prohibitions in subsection (a) shall not apply to
14 a beverage served by a child care facility to a child:

15 (1) Who has a medical necessity documented by a physician
16 for a type or amount of beverage that would otherwise
17 violate the prohibitions; or

18 (2) Whose parents or legal guardian provides a beverage
19 for consumption by the child.

20 (c) The department shall determine compliance with this
21 section only during visits and inspections otherwise authorized



1 pursuant to this chapter. The department shall not be required
2 to conduct separate and independent visits for inspections
3 solely to enforce compliance with this section.

4 (d) As used in this section, unless the context otherwise
5 requires:

6 "Caloric sweetener" means any substance, including sucrose,
7 fructose, glucose, other sugars, and fruit juice concentrates
8 that:

- 9 (1) Is suitable for human consumption;
- 10 (2) Is perceived by humans as sweet; and
- 11 (3) Has a measurable caloric content.

12 "Dietary aids" means liquid products manufactured for use
13 as:

- 14 (1) Oral nutritional therapy for persons who cannot
15 otherwise absorb or metabolize dietary nutrients from
16 food or beverages;
- 17 (2) A source of necessary nutrition due to a medical
18 condition; or
- 19 (3) An oral electrolyte solution for infants and children
20 to prevent dehydration due to illness.



1 "Milk" means natural liquid milk regardless of animal
2 source or butterfat content; natural milk concentrate, whether
3 or not reconstituted, regardless of animal source or butterfat
4 content; dehydrated natural milk, whether or not reconstituted
5 and regardless of animal source or butterfat content; soy milk;
6 or rice milk.

7 "Natural fruit juice" or "natural vegetable juice" means
8 the original liquid resulting from the pressing of fruits or
9 vegetables, respectively, or the liquid resulting from the
10 dilution of dehydrated natural fruit juice or natural vegetable
11 juice, respectively.

12 "Sugar-sweetened beverage" means any carbonated or
13 noncarbonated beverage that is intended for human consumption
14 and contains any added caloric sweetener. "Sugar-sweetened
15 beverage" does not include:

- 16 (1) Beverages consisting of one hundred per cent natural
17 fruit juice or natural vegetable juice with no added
18 caloric sweeteners;
19 (2) Milk with no added caloric sweetener;
20 (3) Dietary aids; or
21 (4) Infant formula."



1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect on July 1, 2017.

3



Report Title:

Sugar-Sweetened Beverages Restriction; Child Care Facilities

Description:

Establishes restrictions on sugar-sweetened beverages and certain other beverages served in child care facilities. Takes effect on 7/1/2017. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

