

**ORDINANCE NUMBER 1340**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERRIS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ADDING CHAPTER 7.46 TO TITLE 7 OF THE PERRIS MUNICIPAL CODE ESTABLISHING DEFAULT BEVERAGES OFFERED IN CHILDREN'S MEALS**

**WHEREAS**, the City Council desires to promote healthy meal options for children and families and contribute to building a healthier community;

**WHEREAS**, an important goal of the City of Perris is to foster an active and healthy lifestyle and implement innovative approaches to social problems, as supported by the Healthy Community Element in the General Plan.

**WHEREAS**, over the past 30 years, according to a journal published in 2014 by the American Medical Association, obesity rates in the United States has more than doubled and approximately a third of children nationwide are overweight or obese.

**WHEREAS**, in the City of Perris, according to a study performed by the California Center for Public Health Advocacy in 2010, 44.2 percent of children are overweight or obese. According to a review in literature conducted by the School of Medicine and Public Health of Emory University in 1993, studies found that obese children are at least twice as likely as non-obese children to become obese adults.

**WHEREAS**, in 2001, the U.S. Department of Health and Human Services published an excerpt from the Office of the Surgeon General of how obese children and adults are at greater risk for numerous adverse health consequences, including type 2 diabetes, heart disease, stroke, high blood pressure, high cholesterol, certain cancers, asthma, low self-esteem, depression, and other debilitating diseases.

**WHEREAS**, in 2012, the Obesity Society conducted a study to determine the casualty of obesity-related health conditions on economic costs. They determined that annual health care costs from obesity are at least 190 billion dollars -- or 21 percent of total health care spending -- and are expected to rise substantially. Roughly 40 percent of these costs are paid through Medicare and Medicaid, which means that taxpayers foot much of the bill. According to a study performed by the California Center for Public Health Advocacy in 2006, overweight and obesity-related annual healthcare costs in Riverside County are estimated at 443 million dollars.

**WHEREAS**, the City of Perris has invested considerable resources to combat childhood obesity. The City adopted Resolution No. 4590, Healthy Eating Active Living (HEAL) campaign to promote healthier lifestyles and communities. Through Live Well Perris, the citywide public health initiative, the City inspires and promotes healthy diet and nutrition and sponsors free physical fitness programs for the general population. As part of the services under the City's Nutrition Education Obesity Prevention program, a federally funded program, the City employs 3 full-time staff members and contracts with a local Chef, who deliver nutrition education in school classroom and community settings with educational messages and curriculum that promote healthy eating and active living. Rethink Your Drink, a campaign promoting increased consumption of water and less consumption of sugar-sweetened beverages is part of the curriculum.

**WHEREAS**, sugary drinks play a critical role in the obesity epidemic. Sugary drinks, including soda, energy and sports drinks, sweetened water and fruit drinks, provide the largest source of daily calories in the diets of American children ages two to 18. Each extra serving of a sugar-sweetened beverage consumed a day increases a child’s chance of becoming obese by 60 percent. Sugary drinks are also linked to other health problems, including a greater risk of cardiovascular disease in adolescents, higher blood pressure in adolescents, dental caries (cavities) (as shown in a study conducted by the School of Dentistry of the University of Michigan in 2009), and as assessed by the Centers for Disease Control and Prevention in 2000, sugary drinks equate to inadequate intake of nutrients, including calcium, iron, folate, magnesium, and vitamin A.

**WHEREAS**, families in the City of Perris have limited time to obtain and prepare healthy food, making dining out an appealing and often necessary option. According to a study conducted by the U.S. Department of Agriculture, Economic Research in 2012, nationwide, American children eat 19 percent of their calories at fast food and other restaurants.

**WHEREAS**, requiring restaurants to provide a healthy beverage as the “default” beverage automatically included in children’s meals is an effective way to improve the nutritional quality of children’s meals.

**WHEREAS**, by passing this ordinance, the City Council intends to support parents’ efforts to feed their children healthfully by ensuring that healthy beverages are available to children in restaurants.

**WHEREAS**, the City Council believes that offering healthy beverages like water or milk as the default options in children’s meals will contribute to the overall health and well being of children and families in the City.

***NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PERRIS, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:***

**SECTION 1.** The City Council hereby adopts the recitals of this Ordinance as true and correct and such recitals are hereby incorporated by reference as though fully set forth in the text of this Ordinance.

**SECTION 2.** Chapter 7.46 (Default Beverages Offered in Children’s Meals) is hereby added to Title 7 (Health and Welfare) of the Perris Municipal Code as follows:

**“CHAPTER 7.46. DEFAULT BEVERAGES OFFERED IN CHILDREN’S MEALS**

**7.46.010 - Findings and Purpose.**

**7.46.020 - Definitions.**

**7.46.030 - Default Beverages in Children’s Meals.**

**7.46.040 - Enforcement.**

7.46.010           **Findings and Purpose.**

The purpose of this Chapter is to support children's health by requiring healthy beverages to be offered as the default beverage included with restaurant children's meals.

7.46.020        **Definitions.**

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

- A.    **Children's Meal.** A combination of food, 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.

7.46.030        **Default Beverages in Children's Meals.**

- A.    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; or
  - 3.    One hundred percent (100%) juice, with no added sweeteners, in a serving size of no more than eight (8) ounces.
- 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.

7.46.040        **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 Perris Municipal Code Chapter 1.18, Section 1.18.010."

**SECTION 3. Effective Date.** This Ordinance shall take effect 30 days after its adoption.

**SECTION 4. Severability.** If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision

of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions thereof be declared invalid or unconstitutional.

**SECTION 5. Certification.** The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be posted at the designated locations in the City of Perris.

***ADOPTED, SIGNED AND APPROVED*** this 14<sup>th</sup> day of March, 2017

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Michael M. Vargas, MAYOR

ATTEST:

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Nancy Salazar, CITY CLERK

STATE OF CALIFORNIA    )  
COUNTY OF RIVERSIDE    ) §  
CITY OF PERRIS            )

I, Nancy Salazar, City Clerk of the City of Perris that the foregoing Ordinance Number 1340 was duly introduced by the City Council of the City of Perris at a regular meeting of said Council on the 28<sup>th</sup> day of February, 2017 and duly adopted by the City Council of the City of Perris at a regular meeting of said Council on the 14<sup>th</sup> day of March, 2017, and that it was so adopted by the following vote:

AYES: BURKE, CORONA, RABB, ROGERS, VARGAS  
NOES: NONE  
ABSENT: NONE  
ABSTAIN: NONE

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Nancy Salazar, City Clerk