



City of Columbus

Legislation Report File Number: 2870-2020

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

30 Day

File ID: 2870-2020 **Type:** Ordinance **Status:** Passed
Version: 1 ***Committee:** Rules & Reference Committee
File Name: Columbus Default Beverage Policy **File Created:**
11/30/2020

Final Action: 12/17/2020

Auditor Cert #: **Auditor:** When assigned an Auditor Certificate Number I , the City Auditor, hereby certify that there is in the treasury, or anticipate to come into the treasury, and not appropriated for any other purpose, the amount of money specified hereon, to pay the within Ordinance.

Contact Name/No.: 55590

Floor Action (Clerk's Office Only)

Mayor's Action

Council Action

Mayor	Date	Date Passed/ Adopted	President of Council
Veto	Date		City Clerk

Title: To establish Chapter 717, Public Health Prohibitions; enact new Section 717.01 of the Columbus

City Code containing provisions requiring restaurants to make healthy drinks -- water, low-fat milk and 100% fruit juice -- the default options offered with restaurant kids' meals.

Sponsors: Priscilla Tyson

Attachments:



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Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	12/1/2020	Michael S. Brown	Approved	12/1/2020
1	2	12/1/2020	ATTORNEY APPROVER	Approved	12/2/2020

Notes: Inb

History of Legislative File

Ver.	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Columbus City Council	12/07/2020	Read for the First Time				
1	Columbus City Council	12/14/2020	Approved				Pass
1	COUNCIL PRESIDENT	12/14/2020	Signed				
1	MAYOR	12/16/2020	Signed				
1	CITY CLERK	12/17/2020	Attest				

ODI: Following the review and approval, when required, the Office of Diversity and Inclusion certifies compliance with Title 39 as of date listed.

City Attorney: Following review and approval, when required, this ordinance has been reviewed by the City Attorney's Office as to its form and legality only.

Explanation

About 1 of every 6 Ohio children ages 10 to 17 is obese, according to a 2019 report from the Robert Wood Johnson Foundation. That compares with about 1 in 7 children nationwide. The condition can increase a child's risk of type 2 diabetes, heart disease, high blood pressure, asthma and certain cancers. The obesity rate for Ohio preteens and teenagers is 17.1%, representing about 195,400 youth. That's the 10th highest rate in the nation. There is clear and consistent evidence that reducing consumption of sugar-sweetened beverages (SSB) would improve kids' health. SSB consumption is closely tied to an



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increased risk for obesity, dental caries, and potentially developing insulin resistance among children. Many cities and states have enacted legislation to create default beverage policies that would limit the drink options offered in kids' meals at restaurants. This ordinance requires restaurants in Columbus to make healthy drinks -- water, low-fat milk and 100% fruit juice -- the default options offered with kids' meals.

Fiscal Impact: No funding is required for this legislation.

Title

To establish Chapter 717, Public Health Prohibitions; enact new Section 717.01 of the Columbus City Code containing provisions requiring restaurants to make healthy drinks -- water, low-fat milk and 100% fruit juice -- the default options offered with restaurant kids' meals.

Body

WHEREAS, the U.S. Centers for Disease Control and Prevention reports that the percentage of children and adolescents in the United States affected by obesity has more than tripled since the 1970s; and

WHEREAS, children and adults with obesity are at a greater risk for numerous adverse health consequences, including type 2 diabetes, heart disease, high blood pressure, high cholesterol, tooth decay and other debilitating diseases; and

WHEREAS, children and adults who are overweight or obese are at greater risk for numerous serious health outcomes that place a large burden on the health care system and increase health care costs; and

WHEREAS, many restaurants and beverage companies have taken steps to help people address obesity by introducing lower and non-calorie options, displaying calorie information, encouraging people to drink more water, removing full-calorie beverages from schools, and reducing calories from many of their products; and

WHEREAS, this Council believes that restaurants in the City can help make it easier for parents and kids to make healthy choices by offering healthy drink options on children's menus, instead of sugary drinks; and

WHEREAS, the sale of default beverages in children's meals will benefit the public health, safety and welfare of the citizens of the City of Columbus; **NOW, THEREFORE**,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. There is hereby created in the Columbus City Codes Chapter 717 - Public Health Prohibitions, which is as follows:

Chapter 717 - Public Health Prohibitions

Section 717.01 Beverages Offered with Children's Meals

(A) Definitions.



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- (1) “Food service operation” has the same meaning as in O.R.C. Section 3717.01.
- (2) “Children’s meal” means a combination of food items and a beverage that is prepared by and offered for purchase at a food service operation as a unit at a single price and is primarily intended for consumption by children.
- (B) Beverage limitation. No food service operation shall offer a children’s meal that includes a beverage unless the beverage is:
 - (1) water, sparkling water, or flavored water, with no added natural or artificial sweeteners; or
 - (2) nonfat or one (1) percent milk or a non-dairy milk alternative containing no more than 150 calories per container or serving as offered for sale; or
 - (3) 100% fruit juice or fruit juice combined with water or carbonated water, with no added sweeteners, in a serving size of no more than eight (8) ounces.
- (C) Exception. Upon a customer’s request, a food service operation may sell, and a customer may purchase, a substitute or alternative beverage instead of the beverages offered pursuant to division (B) of this section.
- (D) Educational Material. The Health Commissioner or a designee shall make available educational material regarding the nutritional and health reasons to limit a child’s consumption of sugared beverages.
- (E) Civil Penalty.
 - (1) Any food service operation offering a children’s meal that includes a beverage but that fails to limit the beverages offered in violation of division (B) of this section shall be given a warning on its first offense, and shall be assessed a civil penalty of \$25.00 for a second offense and \$50.00 for a third and any subsequent violation. The Health Commissioner or a designee is authorized to charge and collect the civil penalties under this section.
 - (2) Violators have the right to appeal civil penalties pursuant to and in accordance with Columbus City Health Code Section 203.08.
 - (3) The offering, by a food service operation on its written or posted menu, of a children’s meal with the beverage limitation set forth in division (B) is prima facie evidence of compliance with this chapter.

SECTION 2. That this ordinance shall take effect and be in force six (6) months after its passage and

approval by the Mayor.