



Reducing Sugar Sweetened Beverage Consumption

A survey of legislation, policy and campaigns

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The Colorado Department of Public Health and Environment (CDPHE) provides research and analysis on evidence-based policies and practices aimed at improving population-level health. In 2012, CDPHE began publishing bi-annual “sugar sweetened beverage surveys” to track state, regional, local and institutional efforts aimed at reducing sugar-sweetened beverage consumption. The goal is to provide information to decision makers and citizens interested in public health policy and law.

Over the past three years, interventions to lower sugar sweetened beverage (SSB) consumption have continued to evolve and proliferate across the nation and around the world. Reduction in SSB consumption is linked to a decrease in diet-related disease and childhood obesity, a lower risk of overweight among normal-weight adolescents, and weight loss among overweight adolescents.ⁱ

The Institute of Medicine (IOM) recommends that policy makers and key stakeholders work together to create food and beverage environments that ensure healthy food and beverage options are the routine, easy choice.ⁱⁱ CDPHE is committed to reporting on SSB reduction efforts to support public health professionals, policymakers, local public health, CDPHE partners and Colorado residents concerned with healthy eating and active living. To this end, this *March 2015 SSB Update* builds on our past SSB 50-state scans by tracking the significant changes and rapid developments in SSB trends, proposals, laws, policies and educational efforts across the nation and around the world.ⁱⁱⁱ

Developments in the healthy hospitals movement will be chronicled in a separate document by CDPHE. This will be produced by staff from the Colorado Healthy Hospital Compact.^{iv} Details on the Compact can be found here:
<https://www.colorado.gov/pacific/cdphe/healthy-hospital-compact>.

LOCAL LEGISLATIVE EFFORTS

Passed

Berkeley, California

On Nov. 4, 2014, Berkeley approved [Measure D](#), becoming the first city in the country to levy a tax on sugary drinks. The tax revenue goes into the city's general fund. The measure passed with 75 percent of the vote and took effect Jan. 1, 2015.

- Measure D places a penny-per-ounce excise tax on the distribution of high-calorie, low-nutrition beverages like sodas, sports drinks, energy drinks, sweetened iced teas, and the syrups used to make fountain or coffee drinks.
- This is a tax on distribution companies added to their business license fee.
- Small businesses with less than \$100,000 in annual gross receipts and 100 percent juice and alcohol are exempted from the tax.
- The measure also established a panel of health professionals and educators to advise the City Council on how best to support programs to reduce sugary drink consumption in Berkeley and address the effects of consumption.
- The ballot measure committee organizing the campaign was Berkeley v Big Soda: <http://www.berkeleyvsbigsoda.com>. The group was filed with the state of California, but was never a 501(c)4. The committee formed from the Berkeley Healthy Child Coalition which is an unincorporated coalition.
 - Contact: Sara Soka, MS Health Policy Outreach Manager, ssoka@lchc.org

Pending

San Francisco, California

On March 10, 2015, San Francisco Supervisors Malia Cohen, Eric Mar and Scott Wiener introduced [four pieces of legislation](#) (Files [150252](#), [150245](#), [150243](#), [150241](#)) that will target advertising of sodas by 1) requiring health warnings on posted ads in San Francisco, 2) banning ads for sugary drinks on publically owned property, such as transit centers, and 3) prohibiting the use of city funds for the purchase of sugary beverages. The health warning legislation applies to posted advertisements for sugar-sweetened beverages with 25 or more calories per 12 ounces.

- The warning will read "WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes and tooth decay. This is a message from the City and County of San Francisco."
- Natural fruit juice, formula and milk are exempted from the warning.
- Advertisements include billboards, cabs, outside convenience stores, etc. The measure would only affect new poster-like advertisements, so while the 80-foot tall sculpture of a Coke bottle at AT&T Park is safe, any new ads pitching fans on Pepsi inside the stadium would have a label to bear.

- The measure requires that warnings take up at least 20 percent of the ad's area. The legislation does not require a vote at the ballot and can be passed by ordinance by the San Francisco Board of Supervisors.
- Status: All four pieces of legislation were introduced on March 10, 2015, and are pending with the San Francisco Board of Supervisors.

Davis, California

On Dec. 2, 2014, City of Davis [City Council directed staff](#) to work with the City Attorney to draft an ordinance addressing sugary beverages in kids' meals, start outreach to local restaurants about proposed changes, and return to Social Services Commission and City Council once a draft ordinance is complete.

- See, <http://city-council.cityofdavis.org/Media/Default/Documents/PDF/CityCouncil/CouncilMeetings/Agendas/20141202/06-Healthy-Beverage-Options.pdf>

STATE AND REGIONAL LEGISLATIVE EFFORTS

Passed

The Healthy Diné Nation Act of 2014 was signed into law by Navajo Nation President Ben Shelly in November 2014. This Act mandates a 2 percent sales tax on pastries, chips, soda, desserts, fried foods, sweetened beverages and other products with "minimal-to-no-nutritional value" sold within the borders of the nation's largest reservation. These amendments were made to Title 24 of the Navajo Nation Code.

- The revenues generated from the sales tax may be used for community wellness projects such as farming, vegetable gardens, greenhouses, farmers markets, clean water, exercise equipment and health classes.
- The Act was authored by the Diné Community Advocacy Alliance (DCAA), a grassroots organization of community volunteers. The Act follows on the heels of a Spring 2014 amendment that removed a 5 percent tribal sales tax on fresh fruits and vegetables.
- The sales tax will generate an estimated \$1 million a year in 110 tribal chapters for wellness projects.
- See, http://www.navajo-nsn.gov/News/percent20Releases/OPVP/2014/nov/Healthy_percent20Dine_percent20Nation_percent20Act_percent20of_percent202014.pdf

Pending

California

[Senate Bill 203](#)

Sugar-sweetened beverages: safety warning: This is a reintroduction of the "Soda Warning Label" bill from 2014 (SB1000). This bill would require safety warning labels be placed on sugary drinks sold in California. Beverages containing 75 or more calories per 12 ounces would carry labels that read: *"STATE OF CALIFORNIA SAFETY WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay."*

- Status: Introduced Feb. 11, 2015. Set for hearing in the Senate Health Committee on April 22, 2015.

Connecticut

[House Bill 5461](#)

Imposing a Tax on Sugary Soft Drinks: This legislation would impose a tax of one cent per ounce on any carbonated nonalcoholic beverage intended for human consumption containing added caloric sweetener. It would apply the proceeds from such tax to public education and outreach on obesity, heart disease and diabetes and to fund the Governor's Scholarship program.

- Status: Introduced Jan. 16, 2015. Referred by House to Committee on Finance, Revenue and Bonding on March 24, 2015.

[House Bill 5526.](#)

Expanding Healthy Food Choices on State Property and in State-Supported Institutions: This legislation would require all food and beverages purchased, sold, served or provided by any state agency or institutional feeding programs meet minimum nutrition and procurement standards established by the Department of Public Health and consistent with the federal General Services Administration (GSA) health and sustainability guidelines for federal concessions and vending operations. The GSA standards require that at least 50 percent of available beverage choices other than 100 percent juice and unsweetened milk contain less than 40 kcalories/serving. If juice is offered, they may only offer 100 percent juice with no added caloric sweeteners.

- Status: Introduced Jan. 16, 15. Referred to the Committee on Public Health, public hearing scheduled for March 11, 2015.

Hawaii

[Senate Bill 1179](#)

This legislation would prohibit restaurants from listing any beverage except bottled water and milk on children's menus.

- Status: Introduced Jan. 28, 2015. Referred to Committees on Commerce and Consumer Protection and Judiciary and Labor Jan. 28, 2015.

Illinois

[House Bill 2667](#) and [Senate Bill 1584](#)

Healthy Eating Active Living (HEAL) Act: This legislation would impose a tax on distributors of bottled sugar-sweetened beverages, syrups or powders at the rate of one cent per ounce. It requires those distributors to obtain permits. The bill would requires 2 percent of the tax receipts be deposited into the Tax Compliance and Administration Fund for the administrative costs of the Department of Revenue, and 98 percent deposited into the Illinois Wellness Fund to be used for wellness programs and expanded obesity prevention and treatment services for Medicaid beneficiaries. It also creates an Advisory Council to govern the distribution of Illinois Wellness Fund moneys.

- Status: HB 2667 introduced Feb. 19, 2015; referred to Rules Committee March 27, 2015. SB1584 introduced and referred for assignment Feb. 20, 2015.

Maryland

[House Bill 1090](#), cross-filed with [Senate Bill 742](#)

Meals for Children: These bills would limit the types of beverages included in the cost of children's meals to water, 100 percent juice and low-fat milk. Any other beverages included in the meal could be an added cost.

- Status: HB 1090 introduced Feb. 13, 2015. SB 742 introduced Feb. 13, 2015; hearing scheduled for March 12, 2015.

New York

[Assembly Bill 2320](#)

Safety Warnings on Sugary Drinks: This legislation would amend the agriculture and markets law to require safety warning labels on sugary drinks sold in New York.

Beverages containing 75 or more calories per 12 ounces would carry labels that read: "SAFETY WARNING: Drinking beverages with added sugar contributes to obesity, diabetes, and tooth decay."

- Status: Introduced and referred to Consumer Affairs and Protection Committee Jan. 15, 2015. The bill was amended and recommitted to the Consumer Affairs and Protection committee March 15, 2015.

Vermont

[House Bill 89](#)

Health and safety warnings on sugar-sweetened beverages: This bill would require safety warning labels be placed on all calorically-sweetened beverages sold in Vermont. Beverages containing any caloric sweeteners except for raw honey and maple syrup would carry labels that read: "HEALTH AND SAFETY WARNING: Drinking

beverages with added sugar contributes to obesity, diabetes, and tooth decay. Only 100 percent fruit juice, certain dietary aids, infant formula, medications, and milk will be exempt from the labeling requirement.”

- Status: Introduced and Referred to the Committee on Human Services June 29, 2015.

[House Bill 235](#)

Sugar Sweetened Beverage Excise Tax: This bill would require a two-cent excise tax on sugar-sweetened beverages, with revenue from the tax directed to the State Health Care Resources Fund and Vermont Healthy Weight Initiative Fund.

- Status: Introduced and Referred to the Committee on Ways & Means Feb. 18, 2015.

EXAMPLES OF STATEWIDE COMMUNITY GROUPS AND CAMPAIGNS

California

Berkeley Healthy Child Coalition: Berkeley’s Measure D was organized by a ballot measure committee, Berkeley v Big Soda: <http://www.berkeleyvsbigsoda.com>. The group filed with the state of California, but was never a 501(c)4. The committee formed from the Berkeley Healthy Child Coalition which is an unincorporated coalition. *Contact*: Sara Soka, MS Health Policy Outreach Manager, ssoka@lchc.org

California Center for Public Health Advocacy: The CA Center for Public Health Advocacy is a co-sponsor of CA SB203 (2015), the bill requiring warning on the front of beverage containers with added sweeteners that have 75 or more calories per 12 oz. <http://www.publichealthadvocacy.org/>

First 5 Yolo: First 5 Yolo is a county organization that advocates for children’s health. The group is working with Davis, CA leaders to craft a plan to help limit children’s soda intake. First 5 Yolo is funded by Proposition 10, a 1998 statewide ballot initiative to add a 50-cent tax on every pack of cigarettes. The monies collected are used statewide and locally to fund programs that promote early childhood development for children ages 0-5 and their families. The goals of Proposition 10 include ensuring that: children are learning and ready for school; families are strong and self-sufficient; children are healthy; and systems and services are integrated and accessible. First 5 Yolo was created through Proposition 10 to implement these efforts throughout Yolo County. <http://www.first5yolo.org/>

Hawaii

Healthy Hawaii: For more than 10 years, the Hawaii State Department of Health Healthy Hawaii Initiative (HHI) has been supporting healthy lifestyles by implementing policies and programs to create sustainable changes in Hawaii's communities, schools and workplaces. <http://www.healthyhawaii.com/rethink-your-drink/>

Illinois

Illinois Public Health Institute and Illinois Alliance to Prevent Obesity: The Illinois Public Health Institute (IPHI), which administers the Illinois Alliance to Prevent Obesity (IAPO), hosted a Rethink Your Drink video and photo sweepstakes to illustrate for Illinois residents that it is easy to make low-sugar beverages. The IAPO legislative and administrative advocacy priorities include bills HB 2667 and SB 1584 HEAL Act. The HEAL Act provides kids, families and communities the tools to live healthier lives through investment of funds from a small excise tax on sugary drinks.

Maryland

Sugar Free Kids Maryland: SFK Maryland was launched in February 2014 and has grown into a coalition of nearly 100 partners, including MedChi, The Maryland State Medical Society, NAACP, the American Heart Association, the Horizon Foundation and the Maryland Association of Student Councils. During the 2014 Legislative Session, SFK helped pass the *Child Care Centers - Healthy Eating and Physical Activity Act*. This law improves breastfeeding supports for nursing mothers, limits screen time and prohibits any sweetener-added beverages from being served in licensed child care centers throughout the state. During the 2015 Legislative Session, SFK pursued healthier default drinks in restaurant kids' meals [first introduced in 2014], and a repeal on the state sales tax on bottled water. www.SugarFreeKidsMD.org

Vermont

Alliance for Healthier VT: The Alliance represents a coalition of health care providers, businesses, educators, farmers and advocates for low income populations, children, seniors and consumers who have signed the following resolution: <http://healthiervt.org/alliance>.

Action for Healthy Food: This is a 501(c)4 founded in 2014 to reduce the burden of obesity and chronic disease. AFHF focuses on promoting healthy food consumption and accessibility while reducing exposure to and consumption of unhealthy foods. An important focus of AFHF is to reduce consumption of excessive sugar. With an annual

operating budget of \$1.7 million, AFHF is growing to a staff of 12 over the next year. In addition to operating their own programs, AFHF leverages additional resources to support initiatives among partner organizations whose missions align with theirs.

- Contact: Jim Krieger, MD, MPH. Executive Director,
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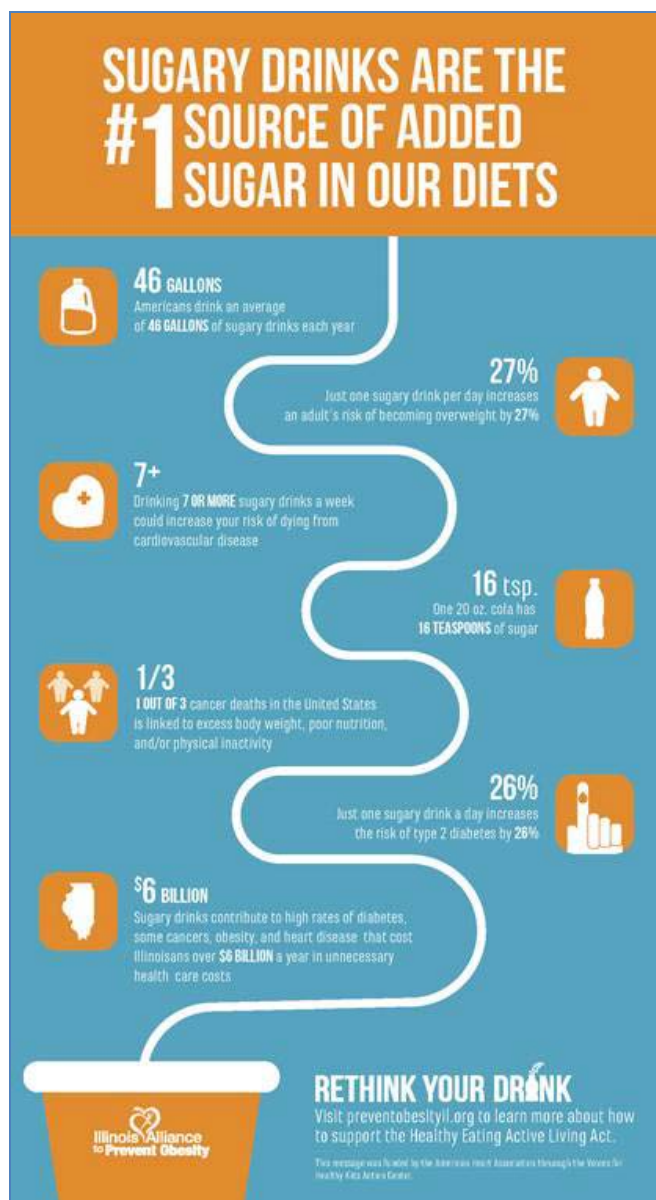
PUBLIC EDUCATION CAMPAIGNS

Sugar sweetened beverage tax map: This map highlights SSB taxes that have been passed around the world: http://sheffieldhale.cartodb.com/viz/ae99a15a-8a50-11e4-919a-0e018d66dc29/embed_map.

An extensive list of local, state and national public education campaigns around SSB can be found here on the *Kick the Can* website at:

<http://www.kickthecan.info/educational-campaigns>.

Illinois Rethink Your Drink Campaign



Mexico's "What did your children eat today" Campaign



Rhode Island SSB Education Campaign



ⁱ Gortmaker S, Long M, and Wang YC, The Negative Impact of Sugar-Sweetened Beverages on Children's Health: A Research Synthesis. Robert Wood Johnson Foundation. 2011

ⁱⁱ Committee on Accelerating Progress in Obesity Prevention, Institute of Medicine. "6 Food and Beverage Environments." *Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation*. Washington, DC: The National Academies Press, 2012. <http://www.iom.edu/Reports/2012/Accelerating-Progress-in-Obesity-Prevention.aspx>. Accessed: August 14, 2012.

ⁱⁱⁱ This document was commissioned and directed by CDPHE's Prevention Services Division (PSD). It was authored by Taber Ward, JD, Legal and Policy Analyst and Susan M. Motika, JD, Senior Legal Analyst and Policy Manager in PSD.

^{iv} With the launch of the Colorado Healthy Hospital Compact, CDPHE, local public health and hospitals are breaking new ground in CO with the implementation of healthier food and beverage standards, marketing reforms and support for breastfeeding policy through the Compact. <https://www.colorado.gov/pacific/cdphe/healthy-hospital-compact>