

**ORDINANCE NO. \_\_\_\_\_, SERIES 2018**

**AN ORDINANCE AMENDING CHAPTER 118 OF THE LOUISVILLE METRO CODE OF ORDINANCES REGARDING ESTABLISHING THE NUTRITION REQUIREMENTS AND DEFAULT BEVERAGES OFFERED WITH CHILDREN'S MEALS. (AMENDMENT BY SUBSTITUTION.)**

**SPONSORED BY: COUNCIL MEMBERS BLACKWELL AND WELCH**

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

**WHEREAS**, data from 2015-2016 show that nearly 1 in 5 school age children and young people (6 to 19 years) in the United States has obesity; and

**WHEREAS**, a child with obesity is more likely to have obesity as an adult. And an adult with obesity has a higher risk of developing heart disease, type 2 diabetes, metabolic syndrome, and many types of cancer; and

**WHEREAS**, as of 2016, nearly 25 percent of sixth graders and 18 percent of kindergartners in Louisville Metro were obese; and

**WHEREAS**, overweight and obese children and adults are at greater risk for numerous serious health outcomes that place a large burden on the health care system and increase health care costs, including type 2 diabetes, heart disease, stroke, high blood pressure, high cholesterol, certain cancers, asthma, arthritis and other debilitating diseases; and

**WHEREAS**, families in Louisville have limited time to obtain and prepare food making dining out an appealing and often necessary option;

**WHEREAS**, many restaurants and beverage companies have taken steps to help citizens address obesity by introducing lower and no-calorie options, displaying

calorie information, encouraging citizens to drink more water, removing full-calorie beverages from schools, and reducing calories from many of their products; and

**WHEREAS,** Healthy Louisville 2020, our shared community plan, has the goal to develop policy recommendations and implement programs to prevent and reduce risk factors that cause coronary heart disease, stroke and diabetes reduce the proportion of Louisville residents who are overweight and obese; and

**WHEREAS,** Louisville Metro strives to institutionalize healthier eating and drinking behaviors to further promote Louisville Metro's commitment to improving the health of its children and families.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:**

**SECTION I:** The Louisville Metro Code of Ordinances ("LMCO") § 118.01 is hereby amended to add the following definitions:

**§ 118.01 DEFINITIONS**

**CHILDREN'S MEALS.** A combination of food items and a beverage that are sold together at a single price and primarily intended for consumption by children.

**DEFAULT BEVERAGE.** The beverage automatically included as part of a children's meal, absent a specific request by the purchaser of the children's meal for an alternative beverage.

**LEAN PROTEIN.** A food containing less than 10 grams of fat, 4.5 grams or less of saturated fat and less than 95 milligrams of cholesterol per 100 grams and per labeled serving.

**SECTION II:** A new section, LMCO § 118.08, is added as follows:

**§ 118.08 NUTRITION REQUIREMENTS FOR CHILDREN'S MEALS**

(A) Any Food Service Establishment (“FSE”) located and operating within the boundaries of Louisville Metro, who make a children’s meal available, shall list on the ordering menu children’s meals with at least one of the following options:

(1) At least one-quarter cup of unfried fruit or unfried vegetables, excluding white potatoes;

(2) A whole grain product that contains not less than 51 percent by weight in whole grain ingredients, or lists whole grain as the first ingredient; or

(3) A lean protein, consisting of at least two ounces of meat or nuts, seeds, dry beans or peas; or one egg.

(B) For the purposes of this section, juices, condiments and spreads shall not be considered fruits or vegetables.

(C) Nothing in this chapter prohibits any FSE’s ability to sell, or a customer’s ability to purchase, a children’s meal that does not include any of the items listed in Sections (A)(1)-(3) if so requested by the purchaser of the children’s meal.

**SECTION III:** A new section, LMCO § 118.09, is added as follows:

**§ 118.09 DEFAULT BEVERAGES IN CHILDREN’S MEALS**

(A) Any FSE located and operating within the boundaries of Louisville Metro, who make a children’s meal available that includes a beverage, shall list on the ordering menu one of the following items as the default beverage with the children’s meal:

(1) Water, sparkling water, or flavored water with no added natural or artificial sweeteners;

(2) Milk or a nondairy milk alternative;

(3) Fruit juice combined with water or carbonated water; or

(4) A beverage containing less than twenty-five calories per eight ounces and no artificial sweeteners.

(B) Nothing in this chapter prohibits any FSE's ability to sell or substitute, or a customer's ability to purchase, an alternative beverage instead of the default beverage offered with a children's meal, if requested by the purchaser of the children's meal.

**SECTION IV:** LMCO § 118.99 is amended as follows:

**§ 118.99 PENALTY**

(A) A violation of this chapter by any owner or operator of a food service establishment, or by any food handler, shall ~~constitute a Class A misdemeanor for which the violator may be fined up to \$500.~~ be classified as a civil offense and enforced through the Code Enforcement Board as provided in §§ 32.275 et seq. The civil penalty for violations of this section is not less than \$25 and no more than \$100 for the offense.

If any violation is continued for more than one day, each day upon which such violation occurs or is continued shall be considered and shall constitute a separate offense for which a separate fine may be imposed.

(B) The violation of any regulation promulgated by the Board pursuant to this chapter shall be punishable in accordance with the provisions of KRS 212.990(3) or any amended or successor statute.

**SECTION V:** This Ordinance shall take effect 120 days after its passage and approval.

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H. Stephen Ott  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_