

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.

SPONSORED BY: COUNCIL MEMBERS BLACKWELL AND WELCH

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

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;

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

WHEREAS, according to the Food Action and Resource Center, low-income youth and adults are exposed to disproportionately more marketing for obesity-promoting products including sugar-sweetened beverages and restaurants have a particularly strong influence on children;

WHEREAS, in 2013, studies found that children who drank sugar-sweetened beverages were about 1.5 times more likely to be obese;

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, and to 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 by adding the following definitions:

§ 118.01 DEFINITIONS

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

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.

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 only sell children’s meals that offer at least one of the following options:

(1) One-half 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; one 20 ounce of 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.

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 and/or offers a beverage, shall make available one of the following the default beverage with the children's meal:

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

(2) Nonfat or one percent milk or a nondairy milk alternative containing no more than 130 calories per container or serving as offered for sale.

(B) Nothing in this chapter prohibits any FSE'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.

SECTION IV: LMCO § 118.99 is amended by adding the following:

§ 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. 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.

(C) A violation of §§ 118.08 and 118.09 shall be classified as a civil offense and enforced through the Code Enforcement Board as provided in §§ 32.275 et seq. The Louisville Metro Department of Public Health and Wellness will issue notice of violation to any FSE that violates LMCO §§118.08 and 118.09. If the FSE fails to comply with LMCO §§118.08 and 118.09 within 14 days, a citation will be issued and enforced through the Code Enforcement Board. Thereafter, the civil penalty for violations of this section may be not less than \$25 and no more than \$100 for the offense. Each day a violation continues shall be a separate violation of this section.

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

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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