

SUBJECT: **ORDINANCE NO. 1883, SERIES 2024 – AN ORDINANCE
AMENDING THE LOUISVILLE MUNICIPAL CODE TO REQUIRE
RESTAURANTS TO OFFER HEALTHY BEVERAGES IN
CHILDREN’S MEALS – 1ST READING, SET PUBLIC HEARING
9/17/24**

DATE: **SEPTEMBER 3, 2024**

PRESENTED BY: **MEREDYTH MUTH, INTERIM DEPUTY CITY MANAGER**

SUMMARY:

The Boulder County Public Health (BCPH) with its Healthy Kids’ Menus program asked the City Council to consider an ordinance addressing how restaurants advertise sugary drinks to kids on their menus as one way to reduce the negative impact of sugary beverages on childhood obesity. The attached proposed ordinance is based on similar ordinances passed in Lafayette, Longmont, Golden, and Denver. The draft ordinance would require healthy beverages (water with no added sugar, or dairy milk or non-dairy milk substitute with no added sugar) be the default beverage with advertised children’s meals. However, the ordinance would not prohibit a restaurant from selling, or a customer’s ability to purchase, any other beverage that is available if requested by the purchaser of the children’s meal.

As written, the ordinance would not take effect until April 1, 2025. This would give local restaurants approximately six months to come into compliance. During that time, the City would partner with BCPH to reach local restaurants telling them about the new policy. Additionally, BCPH has money available to help restaurants that may need to reprint menus

Boulder County Public Health (BCPH) staff will check for compliance with the ordinance at the same time it conducts annual restaurant inspections as part of its food safety-licensing program. Lafayette has taken this approach and their staff report having good compliance rates and they report BCPH reaches out to any restaurant if they hear there is a violation.

FISCAL IMPACT:

None.

RECOMMENDATION:

Pass the ordinance on first reading and set the second reading and public hearing for September 17.

ATTACHMENT(S):

1. Ordinance

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STRATEGIC PLAN IMPACT:

☐	 Financial Stewardship & Asset Management	☐	 Reliable Core Services
☐	 Vibrant Economic Climate	☐	 Quality Programs & Amenities
☐	 Engaged Community	☒	 Healthy Workforce
☐	 Supportive Technology	☒	 Collaborative Regional Partner

CITY COUNCIL COMMUNICATION

**ORDINANCE NO. 1883
SERIES 2024**

AN ORDINANCE AMENDING THE LOUISVILLE MUNICIPAL CODE TO REQUIRE RESTAURANTS TO OFFER HEALTHY BEVERAGES IN CHILDREN’S MEALS

WHEREAS, the health and well-being of children is a priority for the City; and

WHEREAS, according to a CDC study, over one-third of children and adolescents consumed fast food on a given day, and children; and

WHEREAS, the American Heart Association recommends that children consume no more than six teaspoons of sugar a day; but a small (12-ounce) soda found on children’s meal menus contains about ten teaspoons of sugar; and

WHEREAS, the consumption of sugary drinks has been linked to an increased risk of chronic diseases and health conditions, including type 2 diabetes, heart disease, high blood pressure, and certain cancers; and

WHEREAS, requiring restaurants to provide a healthy beverage as the “default beverage” included in children’s meals has been found to be an effective way to improve the nutritional quality of children’s meals; and

WHEREAS, the City Council has carefully reviewed this ordinance and finds that it promotes the overall health and wellbeing of children and their families and is in the best interest of the health, safety, and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO:

Section 1. Title 5 of the Louisville Municipal Code is hereby amended by the addition of a new Chapter 5.26 to read as follows:

**Chapter 5.26
Healthy Beverages in Children’s Meals**

Sec. 5.26.010. Definitions

For the purpose of this chapter, the following words and phrases shall have the following meanings:

Children’s meal means a combination of food items and a beverage, or a single food item and a beverage, sold together at a single price, primarily intended for consumption by a child.

Default beverage means the drink that is automatically included or offered in a children's meal.

Health department means Boulder County Public Health.

Restaurant means a food establishment that serves food to customers for consumption on- or off-premises, including fast food and full-service dining establishments.

Sec. 5.26.020. Default beverages in children's meals.

(a) Effective April 1, 2025 a restaurant that sells a children's meal shall make the default beverage sold with the children's meal one of the following items:

1. Water, still or sparkling, with no added sugar; or
2. Dairy milk or a non-dairy milk alternative, with no added sugar.

(b) Restaurant menus shall only list the beverages described in subsection (a) above in conjunction with children's meals. Restaurant employees shall offer the default beverage while taking food orders from customers.

(c) Nothing in this section prohibits a restaurant's ability to sell, or a customer's ability to purchase, any other beverage that is available if requested by the purchaser of the children's meal.

Sec. 5.26.030. Enforcement; penalties.

(a) Restaurants will be inspected for compliance with this chapter during inspections by the health department or other designated inspector of the City.

(b) No restaurant will be charged with violating this chapter unless a written warning and an opportunity to correct the violation is first given to the restaurant. The warning may be personally delivered, posted at the restaurant, or mailed via first-class mail to the restaurant.

(c) Any person convicted of violating this chapter shall, upon conviction, be punished by a fine of not more than \$500.00 for each offense. Imprisonment shall not be imposed as a penalty for any violation of this chapter.

Section 2. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares it would have passed and approved this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 3. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change

in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this _____ day of _____, 2024.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk

APPROVED AS TO FORM:

Kelly PC, City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING, this _____ day of _____, 2024.

Christopher M. Leh, Mayor

ATTEST:

Genny Kline, Interim City Clerk