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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (Division 104 added by Stats. 1995, Ch. 415, Sec. 6.)

PART 7. CALIFORNIA RETAIL FOOD CODE [113700 - 114437] (Part 7 repealed and added by Stats. 2006, Ch. 23, Sec. 2.)

CHAPTER 12.8. Children's Meals [114379 - 114379.60] (Chapter 12.8 added by Stats. 2018, Ch. 608, Sec. 2.)

114379. The purpose of this chapter is to support children's health by setting nutritional standards for a restaurant's children's meals.

(Added by Stats. 2018, Ch. 608, Sec. 2. (SB 1192) Effective January 1, 2019.)

114379.10. For purposes of this chapter, the following terms have the following meanings:

- (a) "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.
- (b) "Default beverage" means 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.
- (c) "Restaurant" means a retail food establishment that prepares, serves, and vends food directly to the consumer.

(Added by Stats. 2018, Ch. 608, Sec. 2. (SB 1192) Effective January 1, 2019.)

114379.20. (a) A restaurant that sells a children's meal shall make the default beverage offered with the children's meal one of the following:

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

(2) Unflavored milk.

(3) A nondairy milk alternative that contains no more than 130 calories per container or serving. For purposes of this paragraph, "nondairy milk alternative" means a non-dairy fluid milk substitute that meets the standards for the National School Lunch Program as set forth in Section 210.10 of Title 7 of the Code of Federal Regulations.

(b) The beverage listed or displayed on a restaurant menu or advertisement for a children's meal shall be one of the default beverages listed in subdivision (a).

(Added by Stats. 2018, Ch. 608, Sec. 2. (SB 1192) Effective January 1, 2019.)

114379.30. This chapter does not prohibit a restaurant's ability to sell, or a customer's ability to purchase, an alternative beverage instead of the default beverage offered with the children's meal, if requested by the purchaser of the children's meal.

(Added by Stats. 2018, Ch. 608, Sec. 2. (SB 1192) Effective January 1, 2019.)

114379.40. The local enforcement agency, as set forth in Section 113713, shall implement, administer, and enforce this chapter. The department may issue rules and regulations as necessary to carry out the purposes of this chapter.

(Added by Stats. 2018, Ch. 608, Sec. 2. (SB 1192) Effective January 1, 2019.)

114379.50. A violation of this chapter is, notwithstanding Section 114395, an infraction, provided, however, that the first violation shall result in a notice of violation. A second violation within a five-year period from the notice of violation shall be punishable by a fine of not more than two hundred fifty dollars (\$250). For a third or subsequent violation within a five-year period, the fine shall be

not more than five hundred dollars (\$500). A restaurant shall not be found to have committed a violation under this chapter more than once during an inspection visit.

(Added by Stats. 2018, Ch. 608, Sec. 2. (SB 1192) Effective January 1, 2019.)

114379.60. This chapter shall be construed so as not to conflict with any federal or state law, rule, or regulation. This chapter does not authorize a local agency to impose any duty or obligation in conflict with a limitation on a local authority established by a federal or state law. If a court or agency of competent jurisdiction holds that a federal or state law, rule, or regulation invalidates any clause, sentence, paragraph, or section of this chapter or the application thereof to any person or circumstances, it is the intent of the Legislature that the court or agency sever the clause, sentence, paragraph, or section so that the remainder of this chapter remains in effect.

(Added by Stats. 2018, Ch. 608, Sec. 2. (SB 1192) Effective January 1, 2019.)