

**COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND**

**2023 Legislative Session**

**Bill 2023-09**

**HEALTHY MEALS FOR CHILDREN**

**Introduced by Charles County Commissioners**

For the purpose of requiring a healthy meal and beverage is included as an option for children at eating and drinking establishments that offer a children's menu or otherwise offer meals primarily for consumption by children. BY adding: Chapter 35 Health and Wellness; Section 35-1 Healthy Meals for Children.

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**Date introduced:** 09/12/2023

**Public Hearing:** 10/24/2023 Virtual and In-Person @ 6:00 p.m.

**Commissioners Action:** 01/09/2024

**Commissioner Votes:** RBC: Y, GB: Y, TC: Y, AS: Y, RP: Y

**Pass/Fail:** Pass

**Effective Date:** 02/23/2024

Subsection D of this Act shall take effect 12 months after it becomes Law, and  
Subsection C of this Act shall take effect 18 Months after it becomes Law

**Remarks:** \_\_\_\_\_

NOTE: CAPITALS indicate matter added to existing text.  
[Brackets] indicate matter deleted from existing law.

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2023 Legislative Session

Bill No. 2023-09

Chapter. No. 35

Introduced by Charles County Commissioners

Date of Introduction September 12, 2023

**BILL**

AN ACT concerning

**HEALTHY MEALS FOR CHILDREN**

FOR THE PURPOSE OF REQUIRING A HEALTHY MEAL IS INCLUDED AS AN OPTION FOR CHILDREN AT EATING AND DRINKING ESTABLISHMENTS THAT OFFER A CHILDREN’S MENU OR OTHERWISE OFFER MEALS PRIMARILY FOR CONSUMPTION BY CHILDREN.

BY adding:

Chapter 35 – Health and Wellness

Section 35-1 Healthy Meals for Children

*Code of Charles County, Maryland*

*(2022 Edition)*

**SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as follows:**

**Chapter 35 – Health and Wellness**

**§35-1 Healthy Meals for Children**

**A. DEFINITIONS.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

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CHILDREN'S MEAL  
A COMBINATION OF FOOD ITEMS, OR A COMBINATION OF FOOD ITEMS AND  
A BEVERAGE, THAT AN EATING AND DRINKING ESTABLISHMENT:

- A. OFFERS FOR SALE AS A UNIT; AND
- B. INCLUDES ON ITS CHILDREN'S MENU, OR OTHERWISE OFFERS FOR CONSUMPTION PRIMARILY BY CHILDREN.

CHILDREN'S MEAL DOES NOT INCLUDE A COMBINATION OF FOOD ITEMS, OR  
A COMBINATION OF FOOD ITEMS AND A BEVERAGE, PREPACKAGED AND  
OFFERED FOR SALE BY AN ENTITY OTHER THAN AN EATING AND DRINKING  
ESTABLISHMENT.

DEFAULT BEVERAGE  
A BEVERAGE THAT AN EATING AND DRINKING ESTABLISHMENT PROVIDES  
AUTOMATICALLY WITH A  
CHILDREN'S MEAL, UNLESS THE CUSTOMER REQUESTS A DIFFERENT  
BEVERAGE.

DEPARTMENT  
THE CHARLES COUNTY DEPARTMENT OF HEALTH.

EATING AND DRINKING ESTABLISHMENT  
HAS THE MEANING FOUND IN § 127-8 OF THIS CODE.

HEALTHY CHILDREN'S MEAL  
A CHILDREN'S MEAL THAT CONTAINS NO MORE THAN:

- A. 600 CALORIES;
- B. 700 MILLIGRAMS OF SODIUM;
- C. 35% OF CALORIES FROM TOTAL SUGARS;
- D. 35% OF CALORIES FROM FAT;
- E. 10% OF CALORIES FROM SATURATED FAT; AND
- F. 0.5 GRAMS OF TRANS FAT.

LEAN PROTEIN  
A SERVING OF PROTEIN THAT CONTAINS 10% OR LESS OF SATURATED FAT.

**B. HEALTHY OPTION REQUIRED.** AN EATING AND DRINKING  
ESTABLISHMENT THAT OFFERS FOR SALE A CHILDREN'S MEAL MUST OFFER  
FOR SALE AT LEAST ONE HEALTHY CHILDREN'S MEAL.

1 **C. OPTIONS FOR HEALTHY CHILDREN'S MEALS. THE HEALTHY**  
2 **CHILDREN'S MEAL REQUIRED UNDER SUBSECTION B MUST INCLUDE TWO**  
3 **OR MORE OF THE**  
4 **FOLLOWING OPTIONS:**

5  
6 1. A 1/4 CUP OR MORE SERVING OF UNFRIED FRUIT OR UNFRIED  
7 VEGETABLES, EXCLUDING JUICE, CONDIMENTS, OR SPREADS;

8  
9 2. A WHOLE GRAIN PRODUCT THAT:

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11 (A) CONTAINS, BY WEIGHT, 51% OF MORE OF WHOLE GRAIN INGREDIENTS; OR

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13 (B) LISTS WHOLE GRAIN AS THE FIRST INGREDIENT IN ITS U.S. FOOD AND DRUG  
14 ADMINISTRATION-REQUIRED INGREDIENT LIST; OR

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16 3. A LEAN PROTEIN CONSISTING OF:

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18 (A) ONE OUNCE OR MORE OF MEAT, SEAFOOD, NUTS, SEEDS, BEANS, OR PEAS;

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20 (B) ONE EGG;

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22 (C) 1/2 CUP OF NONFAT OR 1% MILK OR LOW-FAT YOGURT, OR 1 OUNCE OF  
23 REDUCED FAT CHEESE; OR

24  
25 (D) A PLANT-BASED, NONDAIRY ALTERNATIVE THAT:

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27 (1) CONTAINS THE SAME AMOUNT OF PROTEIN AS, OR MORE PROTEIN  
28 THAN, AN ITEM UNDER PART 3(C); AND

29  
30 (2) IS FORTIFIED WITH CALCIUM AND VITAMIN D.

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32 **D. CHILDREN'S BEVERAGES – HEALTHY DEFAULT BEVERAGE REQUIRED.**  
33 **AN EATING AND DRINKING ESTABLISHMENT THAT OFFERS FOR SALE A**  
34 **CHILDREN'S MEAL WITH A BEVERAGE MUST INCLUDE AS THE DEFAULT**  
35 **BEVERAGE ONE OR MORE OF THE FOLLOWING OPTIONS:**

36  
37 1. WATER, SPARKLING WATER, OR FLAVORED WATER, WITH NO ADDED  
38 NATURAL OR ARTIFICIAL SWEETENERS,;

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40 2. 8 OUNCES OR LESS OF UNFLAVORED NONFAT OR 1% MILK, OR A NON-  
41 DAIRY EQUIVALENT WITH NO ADDED NATURAL OR ARTIFICIAL  
42 SWEETENERS; OR

43  
44 3. 8 OUNCES OR LESS OF THE FOLLOWING, WITH NO ADDED NATURAL OR  
45 ARTIFICIAL SWEETENERS:

46  
47 (A) 100% FRUIT OR VEGETABLE JUICE;

1 (B) A COMBINATION OF 100% FRUIT AND VEGETABLE JUICES WITH NO  
2 ADDED NATURAL OR ARTIFICIAL SWEETENERS; OR

3  
4 (C) A COMBINATION OF 100% FRUIT AND VEGETABLE JUICE WITH WATER  
5 OR SPARKLING WATER.

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7 **E. PRESERVATION OF CONSUMER CHOICE.** THIS SECTION MUST NOT BE  
8 CONSTRUED TO PROHIBIT CUSTOMERS FROM PURCHASING, OR AN EATING  
9 AND  
10 DRINKING ESTABLISHMENT FROM SELLING, A CHILDREN'S MEAL THAT:

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12 1. IS NOT A HEALTHY CHILDREN'S MEAL; OR  
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14 2. DOES NOT CONTAIN THE FOODS OR BEVERAGES LISTED UNDER  
15 SUBSECTION C AND SUBSECTION D.

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17 **F. EDUCATIONAL OUTREACH.**

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19 1. THE DEPARTMENT MUST CREATE AND DISSEMINATE WRITTEN  
20 INFORMATIONAL RESOURCES AND SIGNAGE THAT SUMMARIZES IN  
21 MULTIPLE LANGUAGES, INCLUDING SPANISH, THE  
22 REQUIREMENTS OF THIS SECTION.  
23  
24 2. THE DEPARTMENT SHALL DEVELOP DECALS THAT HIGHLIGHT MENU  
25 ITEMS IN COMPLIANCE WITH THIS SECTION AND SHALL DISTRIBUTE SUCH  
26 DECALS TO EATING AND DRINKING ESTABLISHMENTS IN COMPLIANCE  
27 WITH THIS SECTION. SUCH EATING AND DRINKING ESTABLISHMENTS MAY  
28 DISPLAY SUCH DECALS NEXT TO MENU ITEMS COMPLYING WITH THE  
29 REQUIREMENTS OF THIS CHAPTER.

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31 **G. ENFORCEMENT.**

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33 1. THIS SECTION SHALL BE ENFORCED BY THE DEPARTMENT AND THE  
34 DEPARTMENT IS HEREBY AUTHORIZED TO ISSUE CIVIL INFRACTIONS  
35 FOR VIOLATIONS OF THIS SECTION.  
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37 2. THE DEPARTMENT SHALL MAKE AVAILABLE A PROCESS BY WHICH  
38 THE PUBLIC MAY SUBMIT COMPLAINTS REGARDING NONCOMPLIANCE  
39 WITH THIS SECTION.  
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41 3. THE DEPARTMENT SHALL DEVELOP A SELF-CERTIFICATION FORM  
42 WHICH SHALL DOCUMENT COMPLIANCE WITH THIS SECTION. THE  
43 DEPARTMENT SHALL DISSEMINATE SAID FORM TO EATING AND  
44 DRINKING ESTABLISHMENTS.  
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46 4. EATING AND DRINKING ESTABLISHMENTS SHALL SUBMIT THE SELF-  
47 CERTIFICATION FORM TO THE DEPARTMENT ONCE ANNUALLY WHEN  
48 APPLYING FOR LICENSE RENEWAL.

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5. ANY EATING AND DRINKING ESTABLISHMENT THAT VIOLATES ANY PROVISION OF THIS SECTION SHALL BE GUILTY OF A CIVIL INFRACTION AND MAY BE PUNISHED AS FOLLOWS:

- (A) FOR THE FIRST VIOLATION, THE DEPARTMENT SHALL PROVIDE INFORMATION CONCERNING THE REQUIREMENTS OF THIS SECTION AND ISSUE A WRITTEN WARNING REQUIRING THE EATING AND DRINKING ESTABLISHMENT TO COMPLY WITH THIS SECTION WITHIN 60 CALENDAR DAYS OR A TIME PERIOD ACCEPTABLE TO THE DEPARTMENT.
- (B) IF A VIOLATION IS NOT DISPOSED OF PURSUANT TO SUBSECTION G(5)(A), THE DEPARTMENT SHALL ISSUE A VIOLATION NOTICE REQUIRING SUBMISSION OF A CORRECTIVE ACTION PLAN WITHIN 30 CALENDAR DAYS OF THE RECEIPT OF THE NOTICE. THE TIME PERIOD FOR CORRECTIVE ACTION SHALL NOT EXCEED AN ADDITIONAL 30 CALENDAR DAYS. IF A VIOLATION IS DISPOSED OF PURSUANT TO THIS SUBSECTION, A SUBSEQUENT VIOLATION SHALL BE TREATED AS A FIRST OFFENSE.
- (C) ALL VIOLATIONS OTHER THAN THOSE DISPOSED OF PURSUANT TO SUBSECTIONS G(5)(A) AND G(5)(B) MAY BE PUNISHED BY A CIVIL FINE OF \$500.


**H. SEVERABILITY.** IN THE EVENT THAT ANY PROVISION OF THIS SECTION IS HELD UNCONSTITUTIONAL, INVALID, OR UNENFORCEABLE BY ANY COURT OF COMPETENT JURISDICTION, SUCH HOLDING SHALL NOT INVALIDATE OR RENDER UNENFORCEABLE ANY OTHER PROVISION HEREOF.


**SECTION 2.** *AND BE IT FURTHER ENACTED,* THAT SUBSECTION D OF THIS ACT SHALL TAKE EFFECT 12 MONTHS AFTER IT BECOMES LAW, AND SUBSECTION C OF THIS ACT SHALL TAKE EFFECT 18 MONTHS AFTER IT BECOMES LAW.

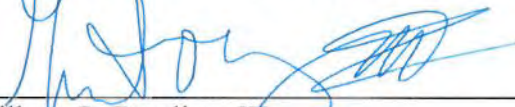
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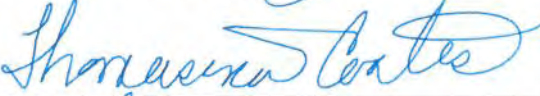
ADOPTED this 9<sup>th</sup> day of January, 2024.


**COUNTY COMMISSIONERS  
CHARLES COUNTY, MARYLAND**


  
\_\_\_\_\_  
Reuben B. Collins, II, Esq., President

  
\_\_\_\_\_  
Ralph E. Patterson, II, M.A., Vice President

  
\_\_\_\_\_  
Gilbert O. Bowling, III

  
\_\_\_\_\_  
Thomasina O. Coates, M.S.

  
\_\_\_\_\_  
Amanda M. Stewart, M. Ed.

ATTEST:  
  
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Carol A. DeSoto, Clerk to the Commissioners