



Legislation Text

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File #: O-182-21, Version: 1

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Councilwoman Dr. Whitman

**Enacting a new Chapter 1738 of the Toledo Municipal Code “Public Health Prohibitions” to require that Food Service Operations offer healthy beverages as the default option for children’s meals; and declaring an emergency.**

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

WHEREAS, children and adults with obesity are at a greater risk for numerous adverse health consequences, including type 2 diabetes, heart disease, high blood pressure, high cholesterol, tooth decay and other debilitating diseases; and

WHEREAS, children and adults who are overweight or obese are at greater risk for numerous serious health outcomes that place a large burden on the health care system and increase health care costs; and

WHEREAS, many restaurants and beverage companies have taken steps to help people address obesity by introducing lower and non-calorie options, displaying calorie information, encouraging people to drink more water, removing full-calorie beverages from schools, and reducing calories from many of their products; and

WHEREAS, this Council believes that restaurants in the City can help make it easier for parents and kids to make healthy choices by offering healthy drink options on children’s menus, instead of sugary drinks; and

WHEREAS, the sale of default beverages in children’s meals will benefit the public health, safety and welfare of the citizens of the City of Toledo; NOW, THEREFORE,

Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Toledo Municipal Code Chapter 1738, Public Health Prohibitions, is hereby enacted to read as follows:

Section 1738.01 Beverages Offered with Children’s Meals

A. Definitions.

1. “Food service operation” has the same meaning as in O.R.C. Section 3717.0 1.
2. “Children’s meal” means a combination of food items and a beverage that is prepared by and offered for purchase at a food service operation as a unit at a single price and is primarily intended for consumption by children.

B. Beverage limitation. No food service operation shall offer a children’s meal that includes a beverage unless the beverage is:

1. water, sparkling water, or flavored water, with no added natural or artificial sweeteners; or

2. nonfat or one (1) percent milk or a non-dairy milk alternative containing no more than one hundred fifty (150) calories per container or serving as offered for sale; or
  3. One hundred percent (100%) fruit juice or fruit juice combined with water or carbonated water, with no added sweeteners, in a serving size of no more than eight (8) ounces.
- C. Exception. Upon a customer’s request, a food service operation may sell, and a customer may purchase, a substitute or alternative beverage instead of the beverages offered pursuant to division (B) of this section.
- D. Educational Material. The Toledo Board of Health or a designee shall make available educational material regarding the nutritional and health reasons to limit a child’s consumption of sugary drinks.
- E. The offering, by a food service operation on its written or posted menu, of a children’s meal with the beverage limitation set forth in division (B) is prima facie evidence of compliance with this chapter.
- F. Enactment. That this ordinance shall take effect and be in force six (6) months after its passage.

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety, and property and for the further reason that it is necessary to immediately implement citywide policies for improving the availability of healthy options for children.

Vote on emergency clause: yeas 12, nays 0.

Passed: April 13, 2021 as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger  
Clerk of Council

Matt Cherry  
President of Council

Approved:

April 14, 2021  
Wade Kapszukiewicz  
Mayor