On Jan. 1, 2019, a new law aiming to limit children’s intake of sugary beverages became effective. California Governor Gavin Newsom signed the “Children’s Meals” law on Sept. 20, 2018, in an effort to combat the rising obesity rate in California, which increased 250 percent between 1990 and 2016. The Children’s Meals law modifies the California Health and Safety Code to require that all California restaurants make the default beverages offered on a children’s menu: (1) water, sparkling water, or flavored water, with no added natural or artificial sweeteners; or (2) unflavored milk or a non-dairy milk alternative with no more than 130 calories per container or serving. Restaurants in California may provide or sell alternative beverages to children, but only upon the customer’s request.

Local California enforcement agencies tasked with public health and safety are responsible for enforcing the law. Violations may be cited during official inspection visits, with restaurants out of compliance first getting a warning or “notice of violation.” The first notice of violation does not result in a monetary penalty; however, a second violation within five years of the first notice of violation may result in a $250 fine, and a third violation may result in a $500 fine.

The Children’s Meals law is not the first of its kind. Cities in California, Baltimore, Maryland, and Colorado already have local ordinances that prohibit restaurants from
offering sugary beverages as default drinks on children’s menus. While some cities have mandated that only an adult can request an alternative beverage for a child, the new California law merely requires that the “purchaser” of the children’s meal request an alternative beverage.

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