

1 H.89

2 Introduced by Representatives Stevens of Waterbury, Bartholomew of  
3 Hartland, Berry of Manchester, Clarkson of Woodstock, French  
4 of Randolph, Lucke of Hartford, O'Sullivan of Burlington,  
5 Ryerson of Randolph, Sullivan of Burlington, Walz of Barre  
6 City, and Zagar of Barnard

7 Referred to Committee on

8 Date:

9 Subject: Health; public health; sugar-sweetened beverages; warning labels

10 Statement of purpose of bill as introduced: This bill proposes to require that  
11 sugar-sweetened beverages sold or distributed in Vermont bear a health and  
12 safety warning.

13 An act relating to health and safety warnings on sugar-sweetened beverages

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. FINDINGS

16 The General Assembly finds that:

17 (1) The prevalence of obesity in Vermont has increased dramatically  
18 over the past several decades.

19 (2) Low-income communities and communities of color are  
20 disproportionately affected by obesity.

1           (3) Obesity increases the risk of diabetes, heart disease, arthritis, asthma,  
2           and certain types of cancer.

3           (4) Many obese adults suffer from type II diabetes, high blood  
4           cholesterol, high blood pressure, or other related conditions.

5           (5) The medical costs for people who are obese are dramatically higher  
6           than for those of normal weight, accounting for \$147 billion in health care  
7           costs nationally, with one-half of these costs paid through public expenditures.

8           (6) There is overwhelming evidence of the link between obesity and the  
9           consumption of sweetened beverages, such as soft drinks, energy drinks, sweet  
10          teas, and sports drinks.

11          (7) The 2010 Dietary Guidelines for Americans recommend that all  
12          persons reduce their intake of sugar-sweetened beverages.

13          (8) Individuals who drink one to two sugar-sweetened beverages per day  
14          have a 26 percent higher risk of developing type II diabetes.

15          (9) Over the past 10 years, the percentage of teens nationwide that have  
16          diabetes or prediabetes has increased from nine percent to 23 percent.

17          (10) According to the American Diabetes Association, persons with type  
18          II diabetes should limit or avoid consumption of sugar-sweetened beverages.

19          (11) Complications from diabetes include heart disease; nerve damage;  
20          kidney disease; hearing impairment; blindness; amputation of toes, feet or legs;  
21          and increased risk of Alzheimer's disease.

1           (12) A 20-ounce bottle of soda contains the equivalent of approximately  
2           16 teaspoons of sugar, yet the American Heart Association recommends that  
3           Americans consume no more than six to nine teaspoons of sugar per day.

4           (13) Sugar-sweetened beverages are the single largest source of added  
5           sugar in the American diet, with the average American drinking approximately  
6           46 gallons of sweetened beverages a year, the equivalent of 39 pounds of extra  
7           sugar every year.

8           (14) Over 50 percent of the United States population drinks one or more  
9           sugar-sweetened beverages per day.

10           (15) Calories from sugar-sweetened beverages do not satisfy hunger the  
11           way calories from solid food or fat or protein-containing beverages do. As a  
12           result, sugar-sweetened beverages tend to add to the calories people consume  
13           rather than replace them.

14           (16) Consistent evidence shows a positive relationship between sugar  
15           intake and dental caries in adults and fewer caries where sugar intake is  
16           restricted.

17           (17) Children who frequently consume beverages high in sugar are at an  
18           increased risk for dental caries.

19           (18) Untreated dental caries can lead to pain, infection, tooth loss, and,  
20           in severe cases, death.

1           (19) Some evidence suggests that health warnings can increase  
2           knowledge and reduce consumption of harmful products.

3           Sec. 2. 18 V.S.A. chapter 82, subchapter 3 is added to read:

4                     Subchapter 3. Sugar-Sweetened Beverage Warnings

5           § 4091. DEFINITIONS

6           As used in this subchapter:

7                     (1) “Beverage container” means any sealed or unsealed container  
8                     regardless of size or shape, that is used or intended to be used to hold a  
9                     sugar-sweetened beverage for individual sale to a consumer.

10                    (2) “Beverage dispensing machine” means any device that mixes  
11                    concentrate with any one or more other ingredients and dispenses the resulting  
12                    mixture into an unsealed container as a ready-to-drink beverage.

13                    (3) “Caloric sweetener” means any substance suitable for human  
14                    consumption containing calories that humans perceive as sweet, including  
15                    sucrose, fructose, glucose, and other sugars and fruit juice concentrates. As  
16                    used in this definition, “caloric” means a substance that adds calories to the  
17                    diet of the individual who consumes the substance.

18                    (4) “Concentrate” means a syrup or powder that is used or intended to  
19                    be used for mixing, compounding, or making a sugar-sweetened beverage.

20                    (5) “Consumer” means a person who purchases or otherwise obtains a  
21                    sugar-sweetened beverage for consumption and not for resale.

1           (6) “Distribute” means to sell or otherwise provide a product to any  
2           person for resale.

3           (7) “Natural fruit juice” means the original liquid resulting from the  
4           pressing of fruit, the reconstitution of natural fruit juice concentrate, or the  
5           restoration of water to dehydrated natural fruit juice.

6           (8) “Natural vegetable juice” means the original liquid resulting from  
7           the pressing of vegetables, the reconstitution of natural vegetable juice  
8           concentrate, or the restoration of water to dehydrated natural vegetable juice.

9           (9) “Powder” means any solid mixture of ingredients used in making,  
10          mixing, or compounding sugar-sweetened beverages by combining the powder  
11          with any one or more other ingredients, including water, ice, syrup, simple  
12          syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or  
13          other gas.

14          (10) “Sealed beverage container” means a beverage container holding a  
15          beverage that is closed or sealed before being offered for sale to a consumer.

16          (11) “Sugar-sweetened beverage” means any nonalcoholic beverage,  
17          carbonated or noncarbonated, which is intended for human consumption, and  
18          contains added caloric sweeteners. As used in this definition, “nonalcoholic  
19          beverage” means any beverage that contains less than one-half of one percent  
20          alcohol per volume. However, the term “sugar-sweetened beverage” does not  
21          include:

1           (A) any beverage containing 100 percent natural fruit juice or natural  
2           vegetable juice with no added caloric sweetener;

3           (B) any liquid manufactured for use as an oral nutritional therapy for  
4           persons who cannot absorb or metabolize dietary nutrients; a necessary source  
5           of nutrition used as a result of a medical condition; or an oral electrolyte  
6           solution for infants and children formulated to prevent dehydration due to  
7           illness;

8           (C) infant formula;

9           (D) maple syrup or raw honey; and

10          (E) any beverage whose principal ingredient by weight is milk.

11          (12) “Syrup” means a liquid mixture of ingredients used in making,  
12          mixing, or compounding sugar-sweetened beverages using one or more other  
13          ingredients, such as water, ice, powder, simple syrup, fruits, vegetables, fruit  
14          juice, vegetable juice, or carbonation or other gas. However, the term “syrup”  
15          does not include maple syrup or raw honey.

16          (13) “Unsealed beverage container” means a beverage container into  
17          which a beverage is dispensed or poured at the premises where the beverage is  
18          purchased, including a container for fountain drinks.

19          § 4092. WARNINGS ON SEALED BEVERAGE CONTAINERS

20          (a) A person shall not distribute, sell, or offer for sale a sugar-sweetened  
21          beverage in a sealed beverage container unless the container bears the

1 following health and safety warning: “HEALTH AND SAFETY WARNING:  
2 Drinking beverages with added sugar contributes to obesity, diabetes, and  
3 tooth decay.”

4 (b)(1)(A) The warning required by this section shall be conspicuously  
5 displayed and readily legible under ordinary conditions on the front of the  
6 sealed beverage container. The warning shall be set against a contrasting  
7 background and separate and apart from all other information. The entire  
8 warning shall appear in bold type.

9 (B) The warning shall appear in a font size and in a maximum number  
10 of characters per inch as follows:

11 (i) For a sealed beverage container of eight fluid ounces or less,  
12 the warning shall be in script, type, or printing not smaller than one millimeter,  
13 and there shall be no more than 40 characters per linear inch.

14 (ii) For a sealed beverage container of more than eight fluid  
15 ounces and less than one liter, the warning shall be in script, type, or printing  
16 not smaller than two millimeters, and there shall be no more than 25 characters  
17 per linear inch.

18 (iii) For a sealed beverage container of one liter or more, the  
19 warning shall be in script, type, or printing not smaller than three millimeters,  
20 and there shall be no more than 12 characters per linear inch.

1           (2) If the warning required by this section is not printed directly on the  
2           sealed beverage container, the warning shall be affixed to the sealed beverage  
3           container in a manner that it cannot be removed without thorough application  
4           of water or other solvents.

5           (c) A person shall not distribute, sell, or offer for sale a multipack of  
6           sugar-sweetened beverages in sealed beverage containers unless the multipack  
7           of beverages bears the warning required by this section. The warning shall be  
8           posted conspicuously on at least two sides of the multipack in addition to being  
9           posted on each individual sealed beverage container.

10          (d) A person shall not distribute, sell, or offer for sale concentrate unless  
11          the packaging of the concentrate bears the warning required by subsection (a)  
12          of this section.

13          § 4093. WARNINGS ON VENDING MACHINES, DISPENSING

14                 MACHINES, AND UNSEALED BEVERAGE CONTAINERS

15          (a) A person shall not distribute, sell, or offer for sale a sugar-sweetened  
16          beverage from a vending machine, beverage dispensing machine, or in an  
17          unsealed beverage container unless the vending machine, beverage dispensing  
18          machine, or unsealed container bears the following health and safety warning:  
19          “HEALTH AND SAFETY WARNING: Drinking beverages with added sugar  
20          contributes to obesity, diabetes, and tooth decay.”

1       (b) A person who owns, leases, or otherwise controls the premises where a  
2       vending machine or beverage dispensing machine is located or where a  
3       sugar-sweetened beverage is sold in an unsealed beverage container shall place  
4       or cause to be placed a warning in each of the following locations:

5               (1) on the exterior of any vending machine that includes a  
6               sugar-sweetened beverage for sale;

7               (2) on the exterior of any beverage dispensing machine used by a  
8               consumer to dispense a sugar-sweetened beverage through self-service; and

9               (3) at the point-of-purchase where a consumer purchases a  
10              sugar-sweetened beverage in an unsealed beverage container when the  
11              unsealed beverage container is filled by an employee of a food establishment.

12       (c) The warning required by this section shall be conspicuously displayed  
13       and readily legible under ordinary conditions. The warning shall be set against  
14       a contrasting background and separate and apart from all other information.  
15       The entire warning shall appear in bold type.

16       § 4094. PENALTY

17       Any violation of this subchapter shall be punishable by a fine no less than  
18       \$50.00 nor more than \$500.00.

19       Sec. 3. EFFECTIVE DATE

20       This act shall take effect on July 1, 2015.