

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.