

1 H.411

2 Introduced by Representatives Bartholomew of Hartland, Poirier of

3 Barre City, Ryerson of Randolph, Till of Jericho, and Zagar of

4 Barnard

5 Referred to Committee on

6 Date:

7 Subject: Public health; processed foods and beverages containing added sugar;

8 Office of the Attorney General

9 Statement of purpose of bill as introduced: This bill proposes to require the
10 Office of the Attorney General to assess whether the State of Vermont has any
11 legal remedies against the manufacturers of processed foods and beverages
12 containing added sugar.

13 An act relating to assessing legal remedies against the manufacturers of
14 processed foods and beverages that contain added sugar

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

16 Sec. 1. FINDINGS

17 The General Assembly finds:

18 (1) Health conditions associated with the overconsumption of sugar are
19 a leading cause of disease in the United States and contribute to substantial
20 health care costs and associated productivity-related expenses.

1 (2) Excessive sugar in the American diet is a significant contributing
2 factor in the development of adverse health conditions, such as type II
3 diabetes, heart disease, obesity, tooth decay, cancer, hypertension, and liver
4 toxicity, among others.

5 (3) The total cost of diabetes in the United States rose from \$174 billion
6 in 2007 to \$245 billion in 2012, a 41 percent increase over the five-year period.
7 Nearly 10 percent of Americans have diabetes, and the numbers continue to
8 rise. In approximately 1980, there were no documented cases of children with
9 type II diabetes. Today, more than 50,000 children in America have been
10 diagnosed with the disease. The number of adults developing type II diabetes
11 has risen substantially, also.

12 (4) Obesity may surpass tobacco addiction as the leading preventable
13 public health problem facing Vermonters.

14 (5) According to the Vermont Department of Health, 62 percent of
15 adults in Vermont and 29 percent of children are either overweight or obese.

16 (6) A major contributing factor to Vermonters' obesity and excessive
17 weight is the consumption of sugar sweetened beverages (SSBs), with the
18 average adult Vermonter annually consuming approximately 50 gallons
19 of SSBs.

1 (7) The State of Vermont spends an estimated \$615 million each year
2 treating obesity-related health conditions and associated productivity-related
3 expenses.

4 (8) Health care spending in Vermont, as a percentage of its gross
5 domestic product, rose from over 10 percent in 1992 to almost 20 percent
6 in 2012.

7 (9) Approximately 80 percent of processed foods contain added sugar.
8 Sugar, in its various forms, may appear on package ingredient lists using many
9 different names and sugar is often added to processed foods where it would not
10 be expected. A discerning consumer may be totally unaware of the presence or
11 amount of sugar in a processed food item.

12 (10) The per capita daily consumption of sugar in the United States
13 greatly exceeds the recommended dosages suggested by public health
14 authorities at the World Health Organization, the U.S. Department of
15 Agriculture, the American Heart Association, and the U.S. Department of
16 Health and Human Services.

17 (11) Federal subsidies contribute to the ubiquity and affordability of
18 processed foods and beverages with added sugar, increasing the likelihood that
19 they are prevalent in the diet of an average Vermont citizen.

20 (12) As a result of pressure from the sweetener industry, current U.S.
21 Food and Drug Administration guidelines do not require the labeling of daily

1 recommended allowances of sugar or the amount of added sugar, inhibiting
2 consumers' ability to make informed choices. According to the Union of
3 Concerned Scientists, food and beverage manufacturers, along with various
4 trade associations, front groups, and public relations firms, have actively
5 sought to block policies that would address health risks, thus ensuring the
6 continued overconsumption of sugar by the American population.

7 (13) Youth-targeted food advertising has been proven to influence
8 decision-making and behaviors. Food companies have used deceptive
9 advertising to overstate the health benefits of certain products while
10 minimizing the risks associated with high sugar content.

11 (14) Studies conducted with laboratory animals suggest that sugar may
12 be as addictive as certain Schedule II controlled substances, stimulating the
13 brain to release dopamine and opioids, thereby creating a pathway for
14 activation that can be triggered in the absence of hunger.

15 Sec. 2. PURPOSE

16 In recognition of the substantial cost of treatment for health conditions
17 associated with consuming processed foods and beverages containing added
18 sugar, such as obesity, type II diabetes, heart disease, and cancer, the General
19 Assembly seeks to assess the responsibility of the manufacturers of processed
20 foods and beverages containing added sugar for promoting and distributing a
21 known harmful and potentially addictive product to Vermonters.

1 Sec. 3. ASSESSMENT AND REPORT

2 (a) The Office of the Attorney General shall assess what legal remedies, if
3 any, are available to the State against manufacturers of processed foods and
4 beverages containing added sugar distributed in Vermont. On or before
5 January 15, 2018, the Office of the Attorney General shall submit a report to
6 the General Assembly addressing the following:

7 (1) any potential causes of action that the State of Vermont may have on
8 behalf of its citizens or its own interests or both against the manufacturers of
9 processed foods and beverages containing added sugar;

10 (2) the estimated costs to the State of Vermont of pursuing any causes of
11 action listed pursuant to subdivision (1) of this subsection;

12 (3) other states' or municipalities' experiences assessing and
13 challenging, if applicable, the manufacturers of processed foods and beverages
14 containing added sugar for the cost of treating conditions associated with
15 consuming those foods and beverages and any lessons that Vermont may draw
16 from their efforts; and

17 (4) other alternatives to litigation that the State may pursue in an effort
18 to seek redress from the manufacturers of processed food and beverages
19 containing added sugar.

1 (b) In conducting the assessment pursuant to subsection (a) of this section,
2 the Office of the Attorney General shall consult with medical or legal experts
3 in the field, including other states' attorneys general.

4 Sec. 4. EFFECTIVE DATE

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