



ACT 138

RELATING TO HEALTHY BEVERAGES FOR CHILDREN



WHAT IS THE NEW LAW REGARDING CHILDREN'S MEALS?

In 2019, Senate Bill 549 was signed into law as Act 138 (*Relating to Healthy Beverages for Children*), which took effect on **January 1, 2020**, ensuring that healthy beverages are the default option in children's meals.

The purpose of this law is to promote healthy beverage options for children, reduce health risks associated with sugar consumption, and support parents' efforts to give their children nutritious drinks.



WHAT DOES ACT 138 SAY?

If a food facility offers any type of "Children's Meal" or "Keiki Menu" that includes a beverage, the default beverage must be one of the following:



Water, sparkling water, or flavored water, with no added sugar, corn syrup, or other natural or artificial sweeteners



100% fruit juice or vegetable juice, or vegetable juice combined with water or carbonated water, with no added natural or artificial sweeteners, in a serving size of 8 ounces or less



Unflavored nonfat or low-fat (1%) dairy milk or non-dairy beverage that is nutritionally equivalent to fluid milk in a serving size of 8 ounces or less

These provisions do not prohibit a restaurant's ability to sell, or a customer's ability to purchase, an alternative beverage instead of the default beverage offered with children's meals, if requested by the purchaser of the children's meal.



WHERE CAN I FIND ACT 138?

https://www.capitol.hawaii.gov/session2019/bills/GM1240_.PDF



WHO IS AFFECTED BY THIS NEW REGULATION?

This regulation is applicable to **any restaurant that sells a children's meal that includes a beverage**.

"Restaurant", as defined by Act 138, includes but is not limited to:

- Fast-food and full-service dining establishments
- Drive-through or walk-up counters, coffee shops, cafes, pizza parlors, food stands, movie theater concession stands, and dine-in establishments

HOW DO FOOD ESTABLISHMENTS COMPLY WITH THE LAW?

Verbally

- 1 Verbally, food establishment employees must relay to patrons the healthy default beverage options if a kids meal is ordered.



Would you like your keiki meal with water, milk, or apple juice?



Menus

- 2 In-store and online menus must list ONLY healthy beverage options for children's meals, specifically:

- ✓ Plain Milk must be listed* as **1% or nonfat**
- ✓ Juice must be listed* as **100% juice**
- ✓ No refills other than water

Beverage items listed on menus can include branded products that are nutritionally compliant with **Act 138.**

- 3 All menus - breakfast, lunch, and/or dinner - if they include children's meals, must list healthy beverages to be in compliance.

- 4 All images of children's meals must show a healthy default beverage listed above.

Sample Keiki Menu

FOR OUR GUESTS 12 YEARS OF AGE AND UNDER

EACH KEIKI MEAL INCLUDES A
FREE DRINK & SIDE

CHOICE OF ONE KEIKI SIZE DRINK

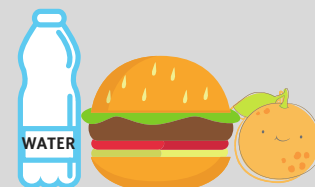
1% MILK | 100% APPLE JUICE | WATER

CHOICE OF ONE SIDE

FRENCH FRIES | APPLE SLICES | BROCCOLI |
MANDARIN ORANGES | APPLESAUCE |
BABY CARROTS

MEAL CHOICES

MACARONI & CHEESE
CHICKEN NUGGETS
KIDS HAMBURGER OR CHEESEBURGER



For additional questions, please contact the Department of Health, Chronic Disease Prevention and Health Promotion Division at (808) 586-4488 or visit <https://www.healthyhawaii.com/>.



*https://www.capitol.hawaii.gov/hrscurrent/Vol06_Ch0321-0344/HRS0321/HRS_0321-0030_0003.htm

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