

Committee Report

REGULAR CALENDAR

March 6, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Commerce and Consumer Affairs to
which was referred HB 1668,**

**AN ACT relative to children's meals served by food
service establishments. Having considered the same,
report the same with the following resolution:**

RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Michael Costable

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Commerce and Consumer Affairs
Bill Number:	HB 1668
Title:	relative to children's meals served by food service establishments.
Date:	March 6, 2018
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill restricts the type of beverage offered with a children's meal to choices such as milk, fruit juice or water. While reducing sugar in a child's overall diet is a known health benefit, the focus should be on education and information, not mandates and force. A child's health, happiness and well being are paramount to almost all parents. It is their responsibility and the overwhelming majority in New Hampshire meet that responsibility every day.

Vote 14-4.

Rep. Michael Costable
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Commerce and Consumer Affairs

HB 1668, relative to children's meals served by food service establishments. **INEXPEDIENT TO LEGISLATE.**

Rep. Michael Costable for Commerce and Consumer Affairs. This bill restricts the type of beverage offered with a children's meal to choices such as milk, fruit juice or water. While reducing sugar in a child's overall diet is a known health benefit, the focus should be on education and information, not mandates and force. A child's health, happiness and well being are paramount to almost all parents. It is their responsibility and the overwhelming majority in New Hampshire meet that responsibility every day.

Vote 14-4.

automatic violation because no one can predict a chance conversation 7 days in advance. The Committee felt that would constitute an undue burden and violate 1st amendments rights.

1662

HB1662 This bill requires the completion of a radon assessment prior to the issuance of a certificate of occupancy for new residential construction. The committee unanimously supported an ITL motion (18-0). Although radon is an issue in New Hampshire, it is a known issue and the presence of radon is included on a sales disclosure form. Another concern was that this bill did not allow for temporary occupancy. It was also unclear who was qualified to do the test as there is no certification in New Hampshire for radon. Fairness and cost concerns were addressed as well, which added up to a bill that is unworkable.

1677

HB1677 Is a bill that allows persons notified of security breaches to exercise the rights of victims of identity theft under the credit freeze laws. The committee favored a credit freeze however a similar bill was adopted to address that issue (HB1700). The committee unanimously supported ITL.

1668

HB1668 is a bill that restricts the type of beverage offered with a children's meal. The Majority of the committee supported an ITL (14-4). While reducing sugar in a child's overall diet is a known health benefit, the focus should be on education and information, not mandates and force. A child's health, happiness and well being are paramount to almost all parents. It is their responsibility and the overwhelming majority in New Hampshire meet that responsibility every day.

1781

HB1781 This bill establishes meetings and insurance requirements for small condominiums with 10 or fewer residential units. This bill makes some changes in RSA 356-B:3 to better accommodate small condominiums regarding meetings. It also establishes a default 50% cost split for units without a master casualty policy. The committee unanimously supported OTP (17-0)

1812

HB1812 is a bill that would prohibit diacetyl and it's substrates from e-liquids, require a label to include all ingredients in descending order and establishes a penalty for violations. Diacetyl was used early on in e-liquids, but are rarely used now. It would be burdensome to get a large out-of-state manufacture to produce labels and carry inventory just for New Hampshire. The penalty of a class B felony is very harsh, especially when considering the person selling the e-liquid can not know for sure what the ingredients are even if it had a label. For those reasons the committee unanimously supported ITL (17-0).

Stapler, Carol

From: John B Hunt <jbhunt@prodigy.net>
Sent: Thursday, February 22, 2018 2:00 PM
To: Smarling, Pam; Stapler, Carol
Subject: Fwd: blurbs 1464, 1521, 1588,1662,1677,1668,1781,1812

ok,
JBH

Begin forwarded message:

From: "Costable, Michael" <Michael.Costable@leg.state.nh.us>
Subject: blurbs 1464, 1521, 1588,1662,1677,1668,1781,1812
Date: February 21, 2018 at 9:52:46 PM EST
To: "Stapler, Carol" <Carol.Stapler@leg.state.nh.us>, "Hunt, John" <jbhunt@prodigy.net>, "Butler, Ed" <edofthenotch@gmail.com>

1464

HB1464 provides the bureau of securities regulation shall have exclusive authority over any regulatory association of brokers and dealers operating in this state. The committee unanimously supported ITL (20-0). It became apparent that brokers and dealers in this state would find the new state authority on top of the current federal regulatory jurisdiction, FINRA (Financial Industry Regulatory Authority), to be confusing and burdensome while opening the door to inevitable litigation between the Broker/Dealer and the State and the State with FINRA.

1521

HB1521 as introduced modified the requirement for the number of unit owners of a condominium to be present at vote to reject the budget. The bill would have created a "super minority" where 25%, plus one, could vote down a budget. The committee felt that was unreasonable, however the bill also included a definition for "emergency" under 356-B:40, which was needed. As amended it completely replaces the bill just to add the definition of emergency and the OTP/A was unanimously supported by the committee (20-0).

1588

HB1588 adds requirements for conducting meetings of the condo board of directors. The committee unanimously supported an ITL motion (20-0). If enacted this bill would create a situation where two boards members that have an impromptu general discussion of their property or generally discuss anything relating to the condo property to be considered a "meeting". Current statute (356-B) requires that to hold any meeting you must give at least 7 days notice and that minutes shall be taken and approved. So a chance conversation with another board member would create an

Voting Sheets

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1668

BILL TITLE: relative to children's meals served by food service establishments.

DATE: February 21, 2018

LOB ROOM: 302

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Costable

Seconded by Rep. Hunt

Vote: 14-4

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Valerie Fraser, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1668

BILL TITLE: relative to children's meals served by food service establishments.

DATE: 2-21-18

LOB ROOM: 302

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Costabile Seconded by Rep. Hunt Vote: 14-4

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Valerie Fraser
Rep Valerie Fraser, Clerk



2018 SESSION

COMMERCE

Bill #: HB 1668 Title: Children's meals served by food services establishments
PH Date: 2/14/18 Exec Session Date: 2/21/18
Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Hunt, John B. Chariman	✓	
Biggie, Barbara Vice Chairman	✓	
Fraser, Valerie Clerk	✓	
Fromuth, Bart	—	—
Sanborn, Laurie J.	✓	
Ferreira, Elizabeth	✓	
Osborne, Jason M.	✓	
Costable, Michael	✓	
Plumer, John R.	✓	
Schwaegler, Vicki	✓	
Panasiti, Reed A.	✓	
Butler, Edward A.		✓
Gidge, Kenneth N.	—	—
Williams, Kermit R.		✓
Abel, Richard M.	—	—
Luneau, David	✓	
McBeath, Rebecca	—	—
Bartlett, Christy D.		✓
Fontneau, Timothy	✓	
Van Houten, Connie		✓
TOTAL VOTE:		

Rep J. Mullen ✓
Rep P. Klee ✓

14-4

Sub-Committee Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1668

BILL TITLE: relative to children's meals served by food service establishments.

DATE: February 20, 2018

Subcommittee Members: Reps. Hunt, Sanborn, Costable, Plumer, Williams, Abel, Fontneau, Panasiti and Fraser

Comments and Recommendations: It's about the rights and responsibilities of parents; not the state's responsibility. Bill intends to help us understand.

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep.Hunt

Seconded by Rep. Rep. Costable

Vote: 7-2

Respectfully submitted,

Rep. Valerie Fraser
Subcommittee Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION on HB 1668

BILL TITLE: relative to children's meals served by food service establishments.

DATE: 2-20-18

Subcommittee Members: Reps. Hunt, Biggie, Fromuth, Sanborn, Ferreira, Osborne, Costable, Plumer, Schwaegler, Butler, Gidge, Williams, Abel, Luneau, McBeath, Bartlett, Fontneau, Van Houten and Fraser Pamisi

Comments and Recommendations:

It's about the rights + responsibility of parents
Not the state's responsibility.
Bill intends to help us understand

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. Costable Seconded by Rep. Hunt AM Vote: 7-2

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr)
(Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. Valerie Fraser
Subcommittee Chairman/Clerk

Hearing Minutes

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1668

BILL TITLE: relative to children's meals served by food service establishments.

DATE: February 14, 2018

LOB ROOM: 302 Time Public Hearing Called to Order: 2 pm

Time Adjourned: 12:30 pm

Committee Members: Reps (Hunt, Biggie, Fraser, Fromuth, Sanborn, Ferreira, Osborne, Costable, Plumer, Schwaegler, Panasiti, Butler, Gidge, Williams, Abel, Luneau, McBeath, Bartlett, Fontneau and Van Houten)

Bill Sponsors:

Rep. McBeath

Rep. Murray

Rep. Horrigan

Rep. Francese

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Timothy Horrigan, co-sponsor** - Applies to fixed price meals that include a beverage. Nicknamed the "Happy Meal" bill. McDonald's is very highly regulated. Most children's meals are ala carte with smaller portions. Children should not be consuming artificial sweeteners. It allows any type milk to be offered with the child meal. Goal to protect children from artificial sweeteners.

***JJ Smith, MD, MPH, NH Public Health Association** - Supports. We haven't made it impossible for parents who don't agree with us, they can still get sugar for their children if they wish.

Q: Rep. Kermit Williams - People think the artificial sweeteners are OK but are insidious.

A: I agree. We should not be encouraging artificial sweeteners. Real sugar is much better tasting.

Mike Somers, NHLRA, NH Lodging and Restaurant Association - Opposes. We agree with the intent but object as this should be a parental decision and not a nanny state. This will impact all restaurants, not just kids meals. We can't serve your child a drink without an upcharge. Another point is how would this be enforced? Will there be an inspector in every restaurant? This will not educate parents when ordering at the restaurant. It should be a broader discussion for the parents at another time and place.

***Nancy Vaughn, American Heart Association** - Supports. Gov relations director for NH. We support it for children's health. Sugary drinks are the #1 source of calories in their diets. We recommend no more than one 8 oz sugary drink per week for children over 2. We have seen a decrease in obesity due to the WICK

provider programs. Food in schools guidelines are improving. We view this bill being able to help parents and would love it as an educational moment. The full meal comes with the beverage and we have found the default choice is usually chosen. If all defaults were healthy like milk, water, fruit juice or diluted fruit juice. We do not want children consuming artificial sweeteners. We feel enforcement will go the way that smoke free restaurants went. There is a complaint process within the restaurant industry. An example where turning to healthier choices has been successful. Many have already made these changes. A poll done in NH showed 90% are concerned with the amount of sugar that is consumed in NH.

Q: Rep. Williams - So watered down fruit juices that contain aspartame could be a problem?

A: I read non caloric sweeteners, with no added artificial sweeteners. I view it as no artificial sweeteners added. We don't want to move children on to diet beverages. We want to promote water as the beverage.

Q: Rep. Richard Abel - Some restaurant chains have done this voluntarily. Are you aware of other states that has passed this type legislation?

A: I have a list of communities that have done this. California and NYC.

Q: Those that have done this what was the impact?

A: If they had a bad experience, I don't know and it could impact negatively if voluntary only.

Q: Rep. Butler - Can you compare artificial and natural sugars?

A: I am not a nutritionist. 100% fruit juices have natural sugars the body can recognize.

Jonathan Eddinger, MD FACC, Catholic Medical Center - Supports.

See written testimony.

Gail Brown, NH Oral Health Coalition- Between the sugar and the acid there is a lot of damage to children's teeth. We retain the parent's right to choose.

We recommend water or milk as the default beverage. We would like it available at the same price, and not charge and up charge for ordering off the main kid's meal.

100% fruit juice concerns our providers. This bill links to children's dental health.

We see it as a complex law while still protecting parental rights. Milk does have high sugars even more than orange juice. Yes fruit juices, milk are high in sugar.

They do have some nutritive value. Water should be the default unless another drink is asked for. We would like to offer other choices.

Chairman John Hunt - The parent is the best one to make any decision.

Q: Rep. Kermit Williams - Are you concerned with carbonation eroding teeth?

A: Yes.

Q: Rep. Timothy Fontneau Have you discussed your amendment with restaurants and the sponsors?

A: We have not had time this week.

Blue Sheet: Pro: 3; Con: 5
See signatures

Respectfully Submitted:

A handwritten signature in cursive script that reads "Valerie Fraser". The signature is written in black ink and is positioned above the printed name.

Valerie Fraser, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1668

BILL TITLE: relative to children's meals served by food service establishments.

DATE: 2-14-18

ROOM: 302

Time Public Hearing Called to Order: 2:00

Time Adjourned: 2:30

(please circle if present)

Committee Members: Reps. Hunt, Biggie, Fromuth, Sanborn, Ferreira, Osborne, Costable, Plumer, Schwaegler, Butler, Gidge, Williams, Abel, Luneau, McBeath, Bartlett, Fontneau, Van Houten and Fraser Parisiti

Bill Sponsors:

Rep. McBeath
Rep. Francese

Rep. Murray

Rep. Horrigan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- * Rep. Timothy Horrigan Stafford 6 - cosponsor - Supports
 - Mike Somers - NH LRA - Opposes
 - * Nancy Vaughn - American Heart Assoc. - Supports
 - * J. J. Smith, MD - NH Public Health Ass. - Supports
 - * Gail Brown - NH oral health Coalition - Supports
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HB 1668 Relative to children's meals served by food service establishments
Commerce Committee, Room 302, LOB
February 14, 2018

Hearing Started: 2:00
Hearing Ended: 2:30

****Rep. Timothy Horrigan- Strafford 6- Co-sponsor- Supports**

Applies to fixed price meals that include a beverage. Nicknamed the "Happy Meal" bill. McDonald's is very highly regulated. Most children's meals are ala carte with smaller portions. Children should not be consuming artificial sweeteners. It allows any type milk to be offered with the child meal. Goal to protect children from artificial sweeteners.

****JJ Smith, MD, MPH- NH Public Health Association- Supports**

We haven't made it impossible for parents who don't agree with us, they can still get sugar for their children if they wish.

Q: Williams- People think the artificial sweeteners are ok but are insidious.

A: I agree. We should not be encouraging artificial sweeteners. Real sugar is much better tasting.

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We agree with the intent but object as this should be a parental decision and not a nanny state. This will impact all restaurants, not just kids meals. We can't serve your child a drink without an upcharge. Another point is how would this be enforced? Will there be an inspector in every restaurant? This will not educate parents when ordering at the restaurant. It should be a broader discussion for the parents at another time and place.

****Nancy Vaughn- American Heart Association- Supports**

Gov relations director for NH.

We support it for children's health. Sugary drinks are the #1 source of calories in their diets. We recommend no more than one 8 oz sugary drink per week for children over 2. We have seen a decrease in obesity due to the WICK provider programs. Food in schools guidelines are improving. We view this bill being able to help parents and would love it as an educational moment. The full meal comes with the beverage and we have found the default choice is usually chosen. If all defaults were healthy like milk, water, fruit juice or diluted fruit juice. We do not want children consuming artificial sweeteners. We feel enforcement will go the way that smoke free restaurants went. There is a complaint process within the restaurant industry. An example where turning to healthier choices has been successful. Many have already made these changes. A poll done in NH showed 90% are concerned with the amount of sugar that is consumed in NH.

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A: I have a list of communities that have done this. California and NYC.

Q: Abel: Those that have done this what was the impact?

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Q: Butler: Can you compare artificial and natural sugars?

A: I am not a nutritionist. 100% fruit juices have natural sugars the body can recognize.

HB 1668 page 2

Jonathan Eddinger MD FACC- Catholic Medical Center- Supports
See written testimony submitted

Gail Brown- NH Oral Health Coalition-

Between the sugar and the acid there is a lot of damage to children's teeth. We retain the parent's right to choose.

We recommend water or milk as the default beverage. We would like it available at the same price, and not charge and up charge for ordering off the main kid's meal.

100% fruit juice concerns our providers. This bill links to children's dental health. We see it as a complex law while still protecting parental rights. Milk does have high sugars even more than orange juice. Yes fruit juices, milk are high in sugar. They do have some nutritive value. Water should be the default unless another drink is asked for. We would like to offer other choices.

Hunt; The parent is the best one to make any decision.

Q: Williams: Are you concerned with carbonation eroding teeth?

A: Yes.

Q: Fontneau: Have you discussed your amendment with restaurants and the sponsors?

A: We have not had time this week.

Hearing Ended: 2:30

Blue Sheet:

See signatures

Testimony



New Hampshire Oral Health Coalition

February 14, 2018

To: House Commerce and Consumer Affairs Committee
NH Legislative Office Building
Re: HB1668 – Relative to children’s meals served by food service establishments

Thank you for considering our testimony on HB 1668 with suggested amendment language as noted below.

Dental decay is caused by bacteria and is the primary chronic disease for children both in NH and the US. That bacteria can be transferred from one person to another.

Sugar in the child’s diet serves to feed the bacteria, creating acid that destroys healthy teeth. Both primary and emerging permanent teeth are essential to a child’s ability to chew, digest, and speak. Primary teeth help to support the structure for the development of permanent teeth, and the pain from tooth decay and infection can lead to difficulties with learning, sleeping, and playing. Indeed, oral health is essential to overall health. Dental decay is preventable with good oral policy, practice, and self-care.

We support the bill’s concept of ensuring healthy beverage options while retaining the parents’ right to choose. NHOHC proposes an amendment that says: *“Within the “children’s meals” at restaurants, water and/or milk shall be the default beverage option; however, at the request of parents, other establishment beverage selections, can be available for choice within the meal price.”*

Additionally, this bill has significant linkage to children’s dental and overall health and thus should be vetted through the legislative health committees to explore the scientific, nutritional, and behavioral aspects of the bill.

NH-DHHS, Division of Public Health, in partnership with the Harvard Prevention Research Center, is currently engaged in a CHOICES project exploring this issue; they are expecting release of a report soon. The contact at DHHS for that project is: Mr. Scot Foster, 603-271-4628.

As always, please feel free to contact us at the NH Oral Health Coalition if we can provide you with additional information.

Gail T. Brown, JD, MSW gbrown@nhoralhealth.org
Director, NH Oral Health Coalition www.nhoralhealth.org

Steering Committee

Helen Taft, Chair
Families First Health and Support Center -
Community Dental Program
Stephanie Pagliuca, Secretary
Bi-State Primary Care Association
Nancy Frank, Treasurer
NH Area Health Education Center
Michael Auerbach
NH Dental Society
Suzanne Boulter,
NH Pediatric Society
Elizabeth Brown
NH Technical Institute, Concord’s Community
College -*Educator*
Patrick Capozzi
NH Academy of Pediatric Dentistry
Pam Delahanty
NH Dental Hygienists’ Association
Sarah Finne, ex-officio
NH Department of Health and Human Services,
Executive Representative
LeaAnne Haney
Northeast Delta Dental
Sophia Japhet
NH Public Health Association
Fiscal Sponsor Liaison
Dental Insurance Carrier
Sarah Kelsea, AARP
Member-at-Large
Elizabeth Mitchell
NH Nurse Practitioner Association
Hope Saltmarsh, ex-officio
Department of Health and Human Services –
Public Health
Mary Vallier-Kaplan
Member-at-Large
Catrina Watson
NH Medical Society

To Members of the House Commerce & Consumer Affairs Committee

Thank you for considering our testimony in support of HB 1668, an act relative to children's meals served by food service establishments.

Sugary drinks such as fruit drinks, sweetened waters and teas, energy drinks and soda have been identified as the primary source of added sugars in American diets. The American Heart Association recommends children over age 2 get no more than one 8-ounce sugary drink per week, but many kids consume 10 times that amount. A few decades ago, everything was different – kids quenched their thirst with water, milk or 100% juice. Sugary drinks were reserved as a special treat. Somewhere along the way, it became an acceptable norm to serve kids a sugary drink with each meal especially those consumed away from home. And most of these drinks contain too much sugar for young children. Sugary drinks contain a lot of empty calories with very little nutritional value. All those sugar-loaded drinks contribute to overweight issues, which cause kids to develop major health problems and an increased risk for type 2 diabetes and heart disease.

Unfortunately, kids end up with sugary drinks because they are easily available. For instance, most restaurant kid's meals offer sugary drinks as the default beverage as part of the meal. With increasingly busy schedules, families are grabbing a meal on the go more often than ever. The easy, fast choice is to go along with the default beverages offered. If these default beverage choices were all healthier options, such as water, milk or 100% juice, then children will, by default, get healthy drinks along with a kid's meal. Increasing access to healthy beverages will help kids have a well-rounded diet even when eating out. Access to healthy drinks is crucial to helping kids grow up at a healthy weight and avoid diabetes and heart disease. Who doesn't want that? We are asking New Hampshire legislators to support healthy children's meals in restaurants by having healthy drinks be the default choice in kid's meals. With more Granite Staters at an unhealthy weight, including one third of children, it's definitely time to act. That means starting with our kids before they develop chronic diseases. Offering parent's kid's meals without sugary drinks makes the healthy choice for their children, the easy choice for them.

As a physicians, providers, nutritionists and diabetic educators, we see first-hand the impact of children growing up at an unhealthy weight. People who consume one or more sugary drinks per day have a 26% higher chance of developing adult onset diabetes. Unfortunately, today's children are on the same track with sugary drinks being a daily part of their diet. It's time we take a hard look at the extra sugar and empty calories in our kid's cups and do all we can to help them form healthy habits to last a lifetime.

Please join us in supporting HB 1668. By ensuring only healthy drinks are offered with kid's meals, restaurants can help support parents' efforts to feed their children well.

Sincerely,



Jonathan Eddinger MD FACC

Catholic Medical Center

New England Heart and Vascular Institute

100 McGregor St

Manchester NH 03102

*Abigail Stevens RD CDE
Joan Grubbi, MSN, RN
Lori Muller, RD, CDE
Samantha Muller
Maria K. Phlips*



Founders Affiliate
2 Wall Street | Manchester, NH 03101
www.heart.org

February 14, 2018

Re: HB 1668, An act relative to children's meals served by food service establishments.
House Commerce and Consumer Affairs Committee

Chairman John Hunt and Members of the Commerce and Consumer Affairs Committee;

The American Heart Association is in support of HB 1668 to remove sugary drinks as the default beverage offered as part of a restaurant children's meal.

The American Heart Association is devoted to saving people from heart disease and stroke – two leading causes of death in NH. Nationally, we team with millions of volunteers to fund innovative research, fight for stronger public health policies and provide lifesaving tools and information to prevent and treat these diseases.

Sugary drinks are the top source of sugar in the America diet, which has been linked to a dangerous rise in diabetes and obesity – and greatly increasing heart disease and stroke risk.¹ Consuming sugary drinks – fruit drinks with added sugar, sports drinks, energy drinks and soda – poses a real health risk to kids as well as adults. One quarter of NH children aged 10 – 17 are currently at an unhealthy weight and thus at an increased risk for developing these costly, chronic diseases.²

The American Heart Association is working to change that picture by building a “culture of health” where the healthy choice is the easy and popular choice. That means helping people find healthier drinks for themselves and their children.

Sugary drinks are too high in sugar for kids, yet it is usually the beverage served with children's meals – a bundled meal for kids up to 10 years of age. These sugary drinks add unnecessary calories with little or no nutritional benefit.³ This powerful form of marketing helps to establish food norms for children, affecting their preferences and lifelong eating patterns.⁴ Children in low-income families consume 2 and a half times more than their peers in higher -income families in part due to aggressive marketing tactics by industry.

I have attached the results of a statewide public opinion poll on children's health issues. The results of the poll conducted in April 2017, demonstrate major concern among voters in NH about the consumption of sugary drinks by children. 90% believe sugary drink consumption is a problem – especially in light of the associated health risks.

With more of us on the go, more and more families are eating away from home. When a sugary drink is the default beverage choice for a kid's meal, it sets a societal norm that sugary drinks

*“Building healthier lives,
free of cardiovascular
diseases and stroke.”*

life is why™ es por la vida™ 全為生命™

Please remember the American Heart Association in your will.

are an acceptable child's food. The AHA supports HB 1668 to establish a guideline for restaurants to offer water, milk, 100% fruit juice or fruit juice combined with water to be offered as the default beverage with kid's meals. The goal is to help kids and families see these healthy options as the norm, not the exception.

*Eating out used to be an occasional treat, to celebrate a special occasion. But it's different reality these days. When life gets busy, we often turn to food service establishments to feed our families.

*Americans now spend more of their family food budget on foods prepared away from home than on foods at home

*Children consume roughly ¼ of their calories from eating out, and they eat almost twice as many calories at restaurants compared to a typical meal at home.⁵

The food service industry has taken steps to improve the nutritional content of children's meals. They know consumers want healthier choices, creating a market for healthy kid's meals. In the National Restaurant Association's own "What's Hot" forecast, healthy kid's meals are noted as the 6th hottest!

www.restaurant.org/FoodTrends

Several of the largest national restaurant chains have voluntarily removed sugary drinks from their children's menus. Since 2013 McDonalds, Wendy's Burger King, Dairy Queen, IHOP and Applebees have taken soda and other sugary drinks off their children's menus. Subway and Panera also do not promote sugary drinks to children.

A 2013 Tufts University Study (www.childobesity180.org/HealthyMeals) demonstrated that people go for the automatic offerings – or default items. When the sugary drinks defaults were removed, people continued to purchase the children's meals but choosing among the healthier default beverage items. The same study also showed healthy kids meals are good for businesses:

*At the Silver Diner restaurant chain in MD, VA, and NJ, a menu was implemented in which all kid's meals included a healthy side and beverage.

*The proportion of healthy to unhealthy option ordered increased as well as revenue growth for the restaurant for the three years following the implementation of this menu.

*Revenue growth at Silver Diner also exceeded growth of other leading family dining chains; and meals costs increased only 19 cents.

Nutrition standards for kid's meals would not be a stand-alone policy solution for the childhood overweight and obesity issue. A food service industry policy for kid's meals would be consistent with other recent NH policy actions, such as nutrition standards in early childcare and nutrition standards in schools.

In closing, the rise of obesity and other diet-associated conditions among children highlights the need for everyone, parents and caregivers, program developers and policy makers, to make

every effort to identify effective strategies for improving what and how children consume the nutrients they need to grow healthy bodies. Given the large role restaurant children's meals often play in childrens' diets, HB 1668 will support child nutrition, help children form lifelong healthy eating habits, and support the efforts of parents to feed their children well. Food service establishments can play a part in helping parents make healthy choices for their children while eating away from home.

Sincerely;

Nancy Vaughan
Government Relations Director – NH
American Heart Association
603-263-8329
Nancy.vaughan@heart.org

1 https://www.heart.org.idc/groups/heartpublic/@wcm/@adv/documents/downloadable/ucm_474846.pdf

2 <https://stateofobesity.org/states/nh>

3 Ribakove S, Almy J, Wootan MG. Soda on the menu; *Improvements Seen but More Change Needed for Beverages on Restaurant Children's Menus*. Washington, D.C.: Center for Science in the Public Interest; 2017

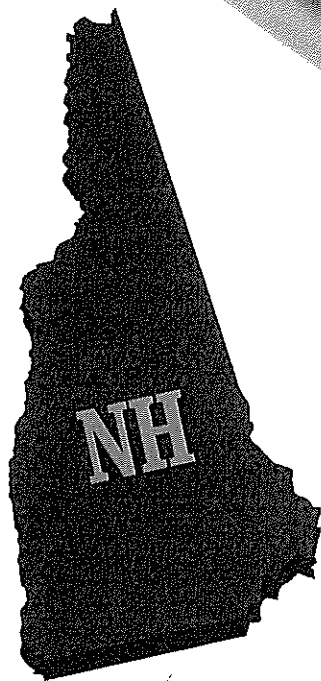
4 Institute of Medicine of the National Academies. *Food Marketing to Children and Youth: Threat of Opportunity?* Washington D.C.: National Academies Press, 2006

5 Lin B, Morrison RM. Food and Nutrient Intake Data: Taking a Look at the Nutritional Quality of Foods Eaten at Home and Away from Home. *Amber Waves*. 2012;10(2):1-2. Available at: <https://www.ers.usda.gov/amber-waves/2012/june/data-feature-food-and-nutrient-intake-data/>.



American Heart Association | American Stroke Association®

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New Hampshire voters agree...children's over consumption of sugary drinks is a major problem.

90% of New Hampshire voters think children's over consumption of sugary drinks is a problem.¹

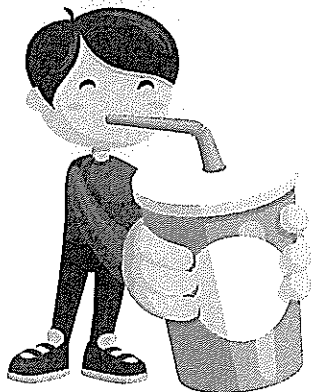


8 oz.

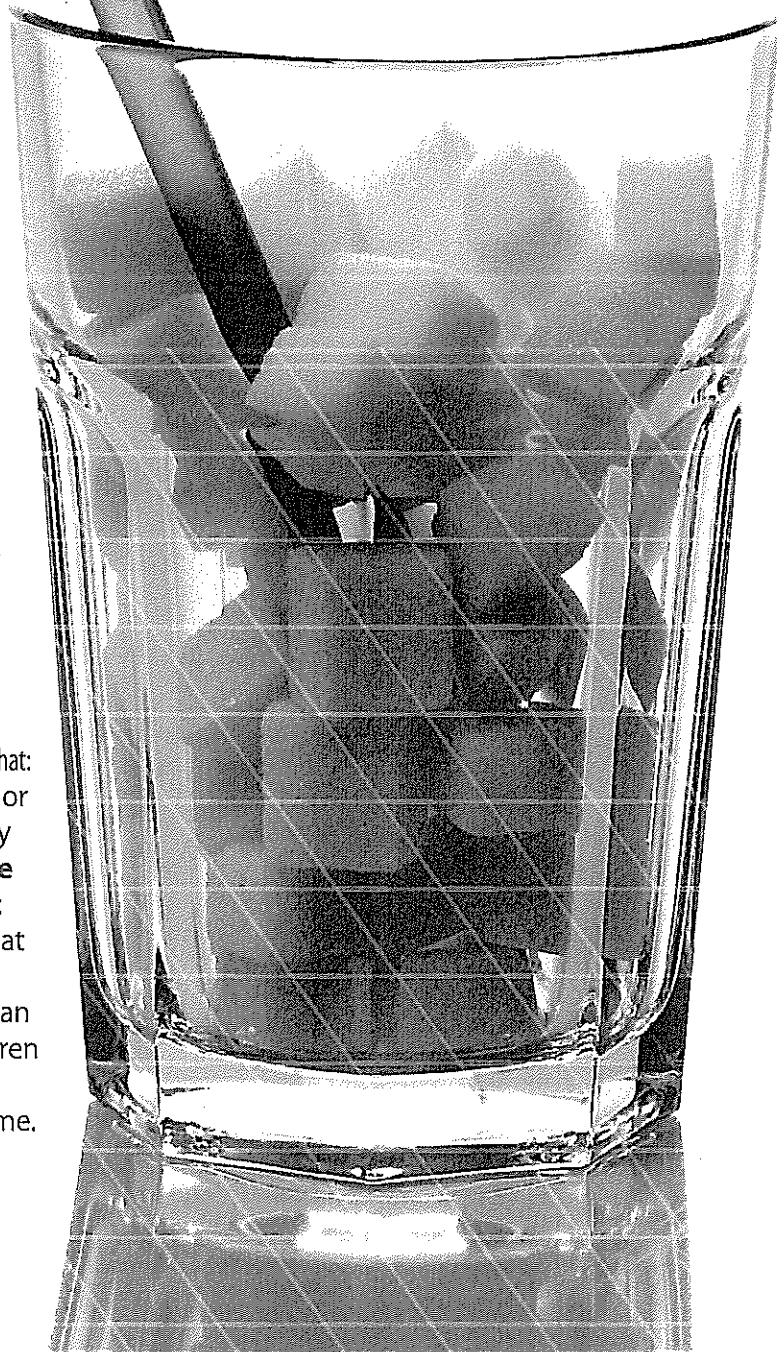


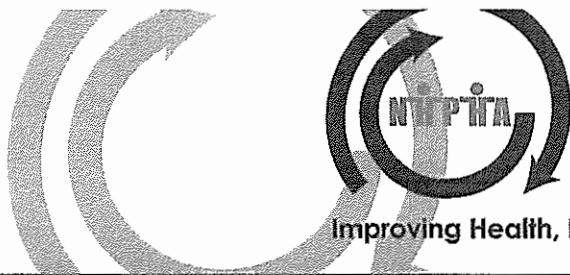
91% of voters find it concerning that: It is recommended that children over the age of 2 have no more than one 8-ounce sugary drink a week, yet **children today are consuming as much as ten times** that amount.

90% of voters find it concerning that: People who consume one or more sugary drinks per day have a **26% higher chance of developing adult onset diabetes**. It is estimated that one in three children born after 2000 and half of African American and Latino children will develop adult onset diabetes in his or her lifetime.



¹Results: <http://newhampshire.heart.org/childrens-health-poll>





NEW HAMPSHIRE PUBLIC HEALTH ASSOCIATION

Improving Health, Preventing Disease, Reducing Costs for All

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February 14, 2018

Chairman Hunt and Members of the House Commerce & Consumer Affairs Committee:

The New Hampshire Public Health Association (NHPHA), is a statewide membership organization representing professionals in the public health sector of New Hampshire's economy and we are writing this letter today in support of HB 1668, a bill which limits the type of beverages offered with a children's meal to milk, water, sparkling or flavored water, and juice.

NHPHA strongly supports all legislation which, at its core, addresses solutions to help the public health childhood obesity crisis in New Hampshire. Overweight and obese children are at higher risk of developing serious health problems including type 2 diabetes, high blood pressure, asthma and other respiratory problems, sleep disorders and liver disease. They also put children to increased risks of dental cavities. In New Hampshire 15.4% of children ages 2-4 are obese or overweight, while 23.8% of children ages 10-17 are either overweight or obese.

<https://stateofobesity.org/states/nh>

The Journal and Endocrine Studies, in a recent article suggest that sugary beverage consumption is one of the prime causes associated with obesity in children. These studies suggest that sugary drinks like soda are the largest source of added sugar in children's diets. And, they are the third highest source of kids' calories overall. They conclude that "public health policies should aim to reduce the consumption of soft drinks and other sugar sweetened drinks and encourage healthy alternatives such as water, milk or juice." Sugary drinks when substituted for their healthier counterparts, add a large number of calories and deprive children of necessary minerals and nutrients necessary for healthy growth.

By allowing healthy beverages only to be included in a child's meal at restaurants where the drink is included in the price, this bill would help to reduce the number of sugary drinks that children consume. Parents would still be able to buy their children a soda or a milkshake; they just won't be listed as options on kids' menus.

In the July, 2017 Report "**Soda on the Menu**", The Center for Science in the Public Interest indicates that "Families eat out almost twice as often as they did in the 1970s, with children consuming about a quarter of their calories at fast-food and other restaurants. Given the growing role

of restaurant foods in children's diets and the high rates of childhood obesity, restaurants can do more to help children eat better."

This bill does not attempt to rid restaurants of soft drinks or any other sugary beverage, but merely would have restaurants offer the choice of healthier beverages when it comes to children's all-inclusive meals which includes a beverage as part of the price of the meal. By offering only water, milk and juices as the beverage in these meals, restaurants would move in the right direction towards helping New Hampshire's children to grow up healthy and strong. It is for these reasons that NHPHA urges you to vote Ought to Pass on HB 1668.

Sincerely,



Joan H. Ascheim, MSN
Interim Executive Director

J Endocr Soc. 2017 Nov 2;1(11):1372-1385. doi: 10.1210/js.2017-00262. eCollection 2017 Nov 1. **Frequent Sugar-Sweetened Beverage Consumption and the Onset of Cardiometabolic Diseases: Cause for Concern?** Deshpande G¹, Mapanga RF¹, Essop ME.

Soda on the Menu Report written by Sara Ribakove, Jessica Almy, J.D., M.S., and Margo G. Wootan, D.Sc. Center for Science in the Public Interest

Testimony In Favor Of HB 1668:

“AN ACT relative to children's meals served by food service establishments.”

Rep. Timothy Horrigan (Strafford 6)
House Commerce Committee; February 14, 2018

This bill has been nicknamed the “Happy Meal Bill,” after the fixed-price children's meals sold at McDonald's for many years. McDonald's, far from being a libertarian paradise, is a highly regulated institution, and the Happy Meal in its current form offers a very limited range of options, all of them relatively healthy (unlike some of the other offerings at McDonald's.) The Happy Meal's three beverage choices already fall well within the scope of what HB 1668 allows. The same goes for Burger King's “King Jr” meals.

I support this bill because I know that children should not be consuming excessive amounts of sugar in their drinks, and on the other hand they also should not be consuming artificial sweeteners. I know some fruit juices can be high in sugar, but 100% fruit juice is still preferable to soda pop. 100% fruit juice is even preferable to fruit-flavored fruit drinks. In one key respect this bill is much less restrictive than it might have been: it allows any type of milk to be offered with the fixed-price children's meals, not just low- or no-fat.

This bill has been ridiculed as a “Nanny State” bill. I know many people think the “Nanny State” is an inherently bad thing, but a “nanny” is a person who cares for, protects, and teaches small children. Being a “nanny” is not necessarily a bad thing. If this bill is passed, children will be protected from the unhealthy effects of artificial sweeteners and excessive sugar, and they will learn to develop healthier dietary habits.

Rep. Timothy Horrigan
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email: TimothyHorrigan@icloud.com

Bill as
Introduced

HB 1668 - AS INTRODUCED

2018 SESSION

18-2762
05/10

HOUSE BILL

1668

AN ACT

relative to children's meals served by food service establishments.

SPONSORS:

Rep. McBeath, Rock. 26; Rep. Murray, Rock. 24; Rep. Horrigan, Straf. 6; Rep. Francese, Rock. 18

COMMITTEE:

Commerce and Consumer Affairs

ANALYSIS

This bill limits the type of beverages offered with a children's meal to milk, water, sparkling or flavored water, and juice.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struckthrough~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

