



Colorado Department
of Public Health
and Environment

REPORT

Prevention Services Division
Colorado Department of Public Health and Environment

4300 Cherry Creek Dr. S.
Denver, CO 80246

UPDATE

SUGAR-SWEETENED BEVERAGES

NATIONAL TRENDS AND POLICIES

August 2012

In February 2012, the Colorado Department of Public Health and Environment (CDPHE) published a 50-state scan of sugar-sweetened beverage (SSB) trends and policies.¹ The February scan covered state, regional, local and institutional efforts aimed at reducing SSB consumption. The goal was to provide information to decision makers and citizens interested in public health policy and law.

In the six months following the February report, SSB proposals and initiatives around the country have continued to evolve and proliferate. For example, the Institute of Medicine (IOM) issued a report, *Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation* on May 8, 2012. The *Weight of the Nation* report considers how a set of core goals and strategies, implemented collectively, could accelerate progress on obesity prevention. The IOM recommends that policy makers and key stakeholders work together to create food and beverage environments that ensure healthy food and beverage options are the routine, easy choice.² To meet this goal, the IOM recommends the adoption of policies and practices to reduce SSB consumption. This multi-pronged approach includes prohibiting SSBs at schools; providing healthier, competitively priced alternatives to SSBs; ensuring availability of drinking water; and implementing fiscal policies such as price incentives for healthier beverages or excise taxes on SSBs to deter SSB consumption.³

CDPHE is committed to reporting on SSB reduction efforts to support public health professionals, policymakers, CDPHE partners and Colorado residents concerned with healthy eating and active living. To this end, this *SSB Update* builds on the February SSB 50-state scan by tracking the significant changes and rapid developments in SSB trends, proposals, laws, policies and educational efforts across the nation.⁴

¹ CDPHE, Sugar-Sweetened Beverages: National Trends and Policies (February 29, 2012), <https://docs.google.com/file/d/0By4iEudJEICILXdoOUsybXRUNmFfMEVKM2VEWUZOUQ/edit?pli=1>.

² Committee on Accelerating Progress in Obesity Prevention, Institute of Medicine. "6 Food and Beverage Environments." *Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation*. Washington, DC: The National Academies Press, 2012. <http://www.iom.edu/Reports/2012/Accelerating-Progress-in-Obesity-Prevention.aspx>. Accessed: August 14, 2012.

³ *Id.* at 154.

⁴ This document was commissioned and directed by Chris L. Lindley, MPH, director of CDPHE's Prevention Services Division (PSD). It was authored by Kate Russell, a senior at Boston University majoring in Dietetics and Public Health.

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REGIONAL AND LOCAL EFFORTS

Government Action - Proposals, Policies, Executive Orders, Funding Programs

Municipal governments are considering size regulations for soda. Mayor Bloomberg of New York City and Mayor Henrietta Davis of Cambridge, Massachusetts have proposed bans of supersized sodas in their cities.

- **New York City, NY - “Big Gulp Ban”**- In May 2012, Mayor Michael Bloomberg of NYC proposed a ban on the sale of SSBs over 16 ounces at restaurants, sports arenas, delis, movie theatres and food carts regulated by the New York City Health Department.

The ban would not affect convenience or grocery stores and would not apply to diet drinks, fruit juices, dairy-based drinks or alcoholic beverages.^{5,6}

- The first formal public hearing for Bloomberg's soda ban was held on July 24, 2012. There was disagreement among health experts, who believe the ban could decrease obesity rates, and representatives from the beverage industry and local New York movie theatres and eateries regulated by the NYC Health Department concerned for the success of their businesses.⁷
 - The NYC Board of Health will vote on this matter on Sept. 13, 2012. With Board approval, the ban would take effect in early 2013.
- **Cambridge, MA – Ban on Supersized Sugary Drinks-** Mayor Henrietta Davis of Cambridge, Mass. and the Cambridge City Council also are considering a ban on large-sized SSBs. On June 18, 2012, the Cambridge City Council directed its public health department to study a proposed ban on SSBs of more than 16 ounces and more than 25 calories per 8 ounces. The proposal covers SSBs served at restaurants, delis and movie theaters.⁸ Davis also is considering an incentive program to encourage vendor cooperation in limiting SSB size, potentially making the ban unnecessary.⁹

New California survey results - In an April 2012 survey, 62 percent of California voters polled supported a "special fee" on sugar-sweetened sodas and soft drinks if the money were used to fight obesity among children; 45 percent of voters strongly supported a special fee on SSBs to fight obesity. [The survey was conducted by Field Research Corporation](#) on behalf of the California Endowment.¹⁰

The California Center for Public Health Advocacy recently updated their California Beverage Policy report. The report, [Local Beverage Policies adopted by California Cities and Counties](#), published in August 2012, reviews cities and counties in California that have adopted policies to support breastfeeding, limit the availability of sugary drinks and increase the availability of healthy beverages. The report can be accessed at:

http://www.publichealthadvocacy.org/PDFs/beverage_policies/CABeveragePolicies_Cities_Counties.pdf.

⁵ Heavey S. "New York City Official Defends 'Supersize' Drink Ban." *Reuters*. June 7, 2012.

<http://www.reuters.com/article/2012/06/08/us-usa-sugarban-idUSBRE85703020120608>. Accessed: June 11, 2012.

⁶ "NYC's Soda Ban: Public Hearing Scheduled." *Time: Healthland*. July 24, 2012.

<http://healthland.time.com/2012/07/24/nycs-soda-ban-public-hearing-scheduled/>. Accessed: July 26, 2012.

⁷ "Super-Sized Hearing on Bloomberg Soda Ban." *American Council on Science & Health*. July 25, 2012.

http://www.acsh.org/factsfears/newsID.3805/news_detail.asp. Accessed July 31, 2012. s

⁸ Hartmann M. "Cambridge, Massachusetts Wants in on Controversial Soda Ban." *New York Magazine*. June 19, 2012.

<http://nymag.com/daily/intel/2012/06/soda-ban-spreads-to-cambridge-massachusetts.html>. Accessed: June 21, 2012.

⁹ "Big Soda Ban Proposed by Mayor of Cambridge, Mass." *CBS News*. June 19, 2012. http://www.cbsnews.com/8301-504763_162-57456252-10391704/big-soda-ban-proposed-by-mayor-of-cambridge-mass/. Accessed June 24, 2012.

¹⁰ Field Research Corporation on behalf of the California Endowment. April 4, 2012.

<http://www.field.com/fieldpollonline/subscribers/Rls2408.pdf>. Accessed: August 14, 2012

The following section highlights California cities with SSB tax proposals slated for the November 2012 ballot.

- **Richmond, CA - November Ballot Measure on Soda Tax**- On May 15, 2012, the Richmond City Council voted to place on the November 2012 ballot a penny-per-ounce municipal tax on SSBs. The Council proposed that tax revenues be directed to diabetes treatment, childhood obesity prevention programs, schools and recreational fields.¹¹
 - The SSB tax is structured as a business license fee imposed on merchants, not as taxes on each drink purchase. It would be up to the sellers to decide how to pass along the added costs.¹²

- **El Monte, CA – Proposes a Tax on Sugary Drinks**- El Monte was the second California city to propose a soda tax. On July 24, 2012, Mayor Andre Quintero and El Monte officials decided unanimously to put an SSB tax initiative on the November 2012 ballot. El Monte will hold a special election for a penny-per-ounce excise tax on sugar-sweetened beverages.^{13,14}
 - The city usually holds elections every other November, but the City Council declared a fiscal emergency and approved a special election this fall for the SSB tax.
 - Like Richmond, the proposed SSB tax in El Monte is structured as a business license fee imposed on merchants.

City and state park systems are enforcing healthy vending machine standards and providing more nutritious beverage options for visitors.

The following section highlights two initiatives illustrating how public parks can support the provision of healthy food options.

- **Delaware State Parks** - As part of a new healthy eating initiative called “Munch Better at Delaware State Parks,” Delaware state parks will offer healthy food items for sale from retail concessions and vending machines as part of a commitment to promote healthy

¹¹ “Richmond Soda Tax: California City Puts Controversial Issue on November Ballot.” *The Huffington Post*. May 17, 2012. http://www.huffingtonpost.com/2012/05/17/richmond-soda-tax-califor_n_1525959.html. Accessed: June 21, 2012.

¹² Richmond, CA, City Council Minutes May 15, 2012. <http://www.ci.richmond.ca.us/archives/31/cc12May15ltr.pdf>. Accessed: August 14, 2012.

¹³ “Cash-Strapped El Monte Seeks Tax on Sugary Drinks.” *Los Angeles Times*. July 23, 2012.

<http://latimesblogs.latimes.com/lanow/2012/07/el-monte-may-tax-sugared-drinks.html>.

¹⁴ Rogers R. “El Monte Joins Richmond, Becomes Second California City to Propose Soda Tax.” *Contra Costa Times*. July 27, 2012. http://www.mercurynews.com/breaking-news/ci_21167757/el-monte-joins-richmond-becomes-second-california-city. Accessed: July 31, 2012.

lifestyles. The parks will label the foods and beverages with the categories “Go,” “Slow,” or “Whoa.” They will offer more “Go” beverages such as water, some “slow” beverages such as diet iced tea, and fewer “whoa” beverages such as sugar-sweetened soda.¹⁵

- **City of Goodyear Parks and Recreation Department, AZ**- In May 2011, the City of Goodyear Parks and Recreation Department removed sugary sodas from vending machines in all of the city’s local parks and buildings.
 - This was part of the *Arizona in ACTION Vending Challenge*, an initiative that encourages cities, schools and businesses in Arizona to remove all sugar-sweetened beverages from vending machines and replace them with healthier options such as water.¹⁶

ORGANIZATIONAL SUPPORT

Public health and medical professionals and organizations are taking public positions on the need to reduce SSB consumption. The Institute of Medicine, the Center for Science in the Public Interest, the American Medical Association, the Harvard School of Public Health and the American Cancer Society have taken action to educate the public on the importance of reducing SSB consumption to improve public health.

In July 2012, The Yale Rudd Center published a report that compiled policy statements, endorsements, and recommendations about SSB regulation and taxation from prominent health organizations and consumer groups into a report, [Sugar-Sweetened Beverage Taxes and Sugar Intake: Policy Statements, Endorsements, and Recommendations](#).¹⁷

Five organizations with SSB policy recommendations and SSB reduction programs are outlined below:

- **The Institute of Medicine (IOM)** –The IOM 2012 report, *Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation*, considers goals and strategies to accelerate progress on obesity prevention. The IOM recommends that governments

¹⁵ Healthy Eating Initiative. *Delaware State Parks*. http://www.destateparks.com/general_info/healthy-eating.asp. Accessed: August 14, 2012.

¹⁶ “Vending Challenge: Vending Options to Support Healthy Weight.” *Arizona in ACTION*. <http://arizonainaction.org/>. Accessed: August 2, 2012.

¹⁷ Yale Rudd Center, *Sugar-Sweetened Beverage Taxes and Sugar Intake: Policy Statements, Endorsements, and Recommendations*, July 2012, <http://www.yaleruddcenter.org/resources/upload/docs/what/policy/SSBTaxes/SSBTaxStatements.pdf>. Accessed August 28, 2012.

implement policies and practices to reduce SSB consumption.¹⁸ IOM recommends that governments implement policies and practices to reduce SSB consumption. Strategies suggested by the IOM include prohibiting SSBs at schools; providing healthier, competitively priced alternatives to SSBs; ensuring availability of drinking water; implementing fiscal policies such as price incentives for healthier beverages or excise taxes on SSBs.¹⁹

- **American Medical Association** - On June 20, 2012, the *AMA* adopted a policy that supports taxing sugar-sweetened beverages as one way states and communities can finance obesity prevention programs and obesity education campaigns. The *AMA* policy also states that revenue from such taxes should be used for programs designed to treat obesity and related conditions and for research into health outcomes potentially affected by the taxes.²⁰

- **The Center for Science in the Public Interest** sponsored the *National Soda Summit* in June 2012. The two-day event featured policy makers and public health leaders seeking to reduce soda and sugar consumption in the United States. The conference aimed to motivate and strengthen national, state and local SSB policies and programs through idea sharing and education.
 - **Philadelphia Mayor Michael Nutter**, who has twice proposed soda taxes in his city, provided the [keynote address](#) at the *Soda Summit*. Nutter said his work to limit access to sugary drinks is driven by Philadelphia's grim statistics on obesity and chronic disease. Two-thirds of adults and 40 percent of children are overweight or obese in Philadelphia. Mayor Nutter said he sees taxes and regulations on SSBs as part of a "multi-pronged approach" to decrease sugary drink consumption. "Education, taxation, and increased access to healthier options have to all be part of the discussion," he explained.²¹

 - **Todd Putnam**, former vice president of Coca Cola's marketing innovation division, explained Coke's marketing strategies. [A slide](#) from Putnam's presentation described Coke's strategies for ensuring that SSBs remain "affordable, available and accessible" to all.²²

¹⁸ Committee on Accelerating Progress in Obesity Prevention, Institute of Medicine. "6 Food and Beverage Environments." *Accelerating Progress in Obesity Prevention: Solving the Weight of the Nation*. Washington, DC: The National Academies Press, 2012. <http://www.iom.edu/Reports/2012/Accelerating-Progress-in-Obesity-Prevention.aspx>. Accessed: August 14, 2012.

¹⁹ *Id.* at 154.

²⁰ American Medical Association, News in Brief, August 6, 2012, <http://www.ama-assn.org/amednews/2012/08/06/hlbf0806.htm>

²¹ Mayor Nutter's Keynote Address, from the National Soda Summit June 7, 2012, <http://www.youtube.com/watch?v=llxTcQ1fSlk&feature=youtu.be>.

²² Todd Putnam's presentation, from the National Soda Summit June 7, 2012, http://cspinet.org/new/pdf/9_Todd-Putman-Inside-Story.pdf. See also, <http://www.youtube.com/watch?v=xO3vBNC15ec&feature=youtu.be>.

HOW ARE SOFT DRINKS MARKETED?

THE GOAL	THE STRATEGY	THE EXECUTION
More ounces per day per person	Increase share of stomach	Everywhere and all the time
		<ul style="list-style-type: none">• Affordable• Available• Accessible <p>“Within an arm’s reach of desire”</p>

FUTURE 
Purpose Driven Innovation

- **The Harvard School of Public Health** developed a *Nutrition Source* website with recommendations and guidance on “[Healthy Drinks](#).”²³ The site includes information on the **steps consumers, beverage makers and the government can take to promote healthy drinking. The site also includes a guide to the amount of calories and sugar in soda, juice and other popular drinks. Finally, the site features [Healthy Beverage Guidelines](#)** developed by a panel of nutrition experts that advises consumers on the health impacts of different beverage choices, including SSBs (“calorically sweetened beverages”).²⁴
- **The American Cancer Society and Other Public Health Organizations Push for a Surgeon General Report on SSBs** - The American Cancer Society Cancer Action Network, the American Heart Association, American Medical Association, American Academy of Pediatrics, National Governors Association, National Association of Local Boards of Health, American Dental Association, American Association of Pediatric Dentistry and the American Diabetes Association urged the U.S. Surgeon General to study and prepare a report calling the nation’s attention to the health impacts of SSBs.^{25,26}

²³ Harvard, Nutrition Source, Healthy Drinks, <http://www.hsph.harvard.edu/nutritionsource/healthy-drinks/>.

²⁴ Harvard School of Public Health, Healthy Beverage Guidelines, <http://www.hsph.harvard.edu/nutritionsource/healthy-drinks/healthy-drinks-full-story/index.html>.

²⁵ “Cancer Society calls for Surgeon General Study of Sugary Drinks.” *The Chicago Tribune*. http://articles.chicagotribune.com/2012-07-03/business/chi-cancer-society-calls-for-surgeon-general-study-of-sugary-drinks-20120703_1_sugary-drinks-sugar-sweetened-beverages-sports-drinks.

²⁶ “Health Groups Urge Surgeon General’s Report on Soda.” *The Center for Science in the Public Interest*. July 19, 2012. <http://cspinet.org/new/pdf/letter-to-sec-sebelius.pdf>.

- A Surgeon General’s report on the health effects of SSBs could evaluate the science, appraise health effects, present all the facts and alert health professionals, health officials, food assistance personnel and consumers to possible health risks.²⁷

INSTITUTIONS: UPDATED SSB REGULATIONS

Institutional Regulation – Hospitals, Universities and Schools, and Restaurants

Hospitals play a vital role in modeling and influencing healthy behaviors. Colorado's February scan of SSB trends and policies discussed a number of hospitals in Colorado, Massachusetts, California, and Michigan that focused on SSB sales in cafeterias and vending machines. This update covers additional hospitals joining the effort to restrict SSB sales in their facilities.^{28, 29}

The following section describes hospitals that have banned SSBs since February and includes health-care efforts related to reduction of SSB consumption not previously reported.

- **Partnership for a Healthier America (PHA)** - PHA’s *Hospital Healthy Food Initiative* supports health care institutions in their efforts to deliver nutritious options. The initiative requests hospitals and health care systems to adopt nutrition standards that span four years and include nutrition labeling, healthy food marketing, wellness meal offerings and increased healthy beverages options.³⁰
- **Vanguard Health Systems (Chicago, IL)** –Four hospitals in Chicago, including MacNeal Hospital in Berwyn, Weiss Memorial in Chicago, West Suburban in Oak Park and

²⁷ *Id.*

²⁸ “Hydrate for Health: A Call for Healthy Beverages in Health Care.”

http://www.healthyfoodinhealthcare.org/downloads/Hydrate_For_Health.pdf.

²⁹ “The Healthy Food in Healthcare Initiative.” *Physicians for Social Responsibility*.

<http://www.psr.org/chapters/washington/enviro-health/healthy-food-initiative.html>.

See also, “North American Campaigns to Reduce Soda Consumption and Promote Healthy Beverages” PowerPoint. *Yale Rudd Center for Food Policy & Obesity*. May 15, 2012.

³⁰ Partnership for a Healthier America, Hospital Healthy Food Initiative,

<http://www.caringforcommunities.org/caringforcommunities/content/healthyfoodinitiative.pdf>.

Westlake Hospital in Melrose Park, banned SSBs from hospitals this year (2012).³¹

- **Nationwide Children's Hospital (Columbus, OH)** - As of 2011, this hospital no longer offers SSBs to any patients, families, visitors or staff.³²
- **Fairview Hospital (Great Barrington, MA)**- Fairview Hospital prohibited the sale of sugar-sweetened soda and sports beverages in Spring 2010.³³
- **Dartmouth Hitchcock (Lebanon, NH)** - Dartmouth-Hitchcock banned SSBs beginning in January 2012.³⁴

Universities and schools across the nation are working to ensure **the availability of free and clean water in public places** to provide students the option of drinking water instead of sugar-sweetened soda when they are thirsty.

- **University of Vermont**- The University installed water bottle filling stations across campus and banned the sale of water bottles on campus, supporting students' use of refillable water bottles.³⁵
- **Massachusetts**: All public schools must make plain water available to all students during the school day at no cost.³⁶
- **California schools**- School districts must provide students with access to free and fresh drinking water during meal times in food service areas of the schools.³⁷

Restaurants supporting Michelle Obama's "Let's Move!" campaign are improving the drink options in Children's Menus, among other reforms.

³¹"Four Area Hospitals Ban Sugary Drinks." *CBS Chicago*. <http://chicago.cbslocal.com/2012/04/25/four-area-hospitalss-ban-sugary-drinks/>.

³² "Patient and Visitor's Guide." *Nationwide Children's*. <http://www.nationwidechildrens.org/hospital-visitor-guide>.

³³ "Hospital Bans Sugar-Sweetened Soda and Sports Drinks to Improve Public Health." *Health Care Without Harm News Press Release* April 12, 2010. http://www.noharm.org/us_canada/news_hcwh/2010/apr/hcwh2010-04-12.php. Accessed: July 31, 2012.

³⁴Johnson T. "Implementing and Communicating Policy Changes: Some 'Best Practice' Ideas from Dartmouth Hitchcock." *The New Hampshire Business Review*. <http://www.healnh.org/newsroom/news/267-implementing-and-communicating-policy-changes.html>.

³⁵ Reidel J. "UVM One of First Universities to End Sales of Bottled Water, Mandate healthy Vending Options." *The University of Vermont: University Communications*. January 31, 2012. <http://www.uvm.edu/~uvmpr/?Page=news&storyID=13129>. Accessed: June 19, 2012.

³⁶ "The Supplement to 'F as in Fat: How Obesity Threatens America's Future, 2011' Obesity-Related Legislation Action in States, Update." *Trust for America's Health*. <http://healthyamericans.org/assets/files/FasinFat2011LegislativeSupplement.pdf>

³⁷ "Bringing Free Drinking Water Back to California Schools." *Public Health Law & Policy*. December 2011. http://changelabsolutions.org/sites/changelabsolutions.org/files/documents/Drinking_Water_in_Schools_FINAL_2011_206.pdf.

- **Darden's Restaurants** – The Long Horn Steakhouse, Capital Grille, Bahama Breeze, Seasons 52, Olive Garden and Red Lobster have reconstructed their menus to offer healthier options. Clarence Otis, CEO of Darden's Restaurants, made this commitment in support of the *Partnership for a Healthier America* and Michelle Obama's "Let's Move!" campaign to fight childhood obesity.³⁸
 - As of July 2012, children's menus at Darden's Restaurants include:
 - One percent milk as the default beverage that comes with a child's meal
 - Free refills for milk
 - Carbonated beverages not displayed on children's menus; children's soda costs extra
 - Illustrations on the children's menu that promote healthy food and beverages
 - Darden's Restaurants also has committed to reducing calories in menu items by 10 percent in 2012, and by 20 percent over a 10-year period.^{39,40,41}

STATE LEGISLATIVE EFFORTS

Pending Legislation

Excise and Sales Taxes Proposals

- **New York** - AB 843 would impose an additional tax of .25 percent on drink items listed as "sweets," according to the U. S. Department of Agriculture's National Nutrient Database for Standard Reference. "Sweets" may include a number of SSBs because the primary ingredient in many SSBs is sugar, corn syrup or high-fructose corn syrup, all of which are listed in the Nutrient Database under "sweets." Tax revenues would finance a Childhood Obesity Prevention Fund.⁴²

³⁸ Transcript: First Lady's Remarks, Darden Restaurants- Let's Move! Announcement. *Obama Foodorama*. September 15, 2011. <http://obamafoodorama.blogspot.com/2011/09/transcript-first-ladys-remarks-darden.html>. Accessed: July 31, 2012.

³⁹ "Restaurant Children's Meals: The Faults with Defaults." *The Center for Science in the Public Interest: Nutrition Policy*. http://cspinet.org/new/pdf/fact_sheet_defaults.pdf. Accessed: June 14, 2012.

⁴⁰ Stein J, "Michelle Obama Endorses Olive Garden, Red Lobster Menu Changes." *Los Angeles Times*. September 15, 2011. <http://articles.latimes.com/2011/sep/15/news/la-heb-olive-garden-menu-obama-20110915>. Accessed: June 18, 2012.

⁴¹ "World's Largest Full Service Restaurant Company Commits to Menu Changes to Improve Nutrition and Fight Childhood Obesity." *Partnership for a Healthier America*. September 15, 2011. <http://ahealthieramerica.org/news-and-information/darden-commits>. Accessed: July 31, 2012.

⁴² NY AB 843, http://assembly.state.ny.us/leg/?default_fld=&bn=A00843&term=2011&Summary=Y&Actions=Y&Text=Y.

- Status- As of June 21, 2012, the bill is being held for consideration in the Committee on Ways and Means.
- **Rhode Island** - HB 7342 would impose a tax of \$1.28 per gallon of sugar-sweetened beverage.⁴³
 - Status- As of April 10, 2012, the bill is being held for further study.
 - **Rhode Island** - SB 2798 would impose an excise tax of \$1.28 per gallon on SSB syrup, powder or other base product sold within the state of Rhode Island.⁴⁴
 - Status- As of March 23, 2012, the bill was introduced and referred to the Committee on Finance.
 - **Vermont** - HB 122 would extend sales tax to soft drinks.⁴⁵
 - Status- As of January 28, 2011, the bill was pending in the House Committee on Ways and Means.

Food Assistance Programs and SSBs

- **Illinois** – HB 4121 would ban the use of SNAP (Supplemental Nutrition Assistance Program, i.e., food stamps) for purchasing SSBs. This law seeks a waiver from the USDA to allow Illinois to impose a general ban on the use of SNAP benefits for SSB purchases.⁴⁶
 - Status – As of March 9, 2012, referred to the Rules Committee.

Marketing Restrictions

- **New York** - HB 8812 would prohibit grocery stores, markets, supermarkets or general stores with more than 10 employees from displaying SSBs at the checkout counter or aisle.⁴⁷
 - Status- As of January 5, 2012, this bill was introduced and referred to the Committee on Health.

Failed Legislation

Excise and Sales Tax Proposals

⁴³ RI HB 7342, <http://www.rilin.state.ri.us/BillText/BillText12/HouseText12/H7342.pdf>.

⁴⁴ RI SB 2798, <http://www.rilin.state.ri.us/BillText/BillText12/SenateText12/S2798.pdf>.

⁴⁵ VT HB 122, <http://www.leg.state.vt.us/docs/2012/bills/Intro/H-122.pdf>.

⁴⁶ IL HB 4121, <http://www.ilga.gov/legislation/BillStatus.asp?DocNum=4121&GAID=11&DocTypeID=HB&LegId=63404&SessionID=84>.

⁴⁷ NY AB 8812, http://assembly.state.ny.us/leg/?default_fld=%0D%0A&bn=A08812&term=2011&Summary=Y&Actions=Y&Text=Y.

- **California** - AB 669 would have imposed a privilege tax of 1 cent per fluid ounce on every distributor selling SSBs. The tax revenue would have been used to create the Children's Health Promotion Fund.⁴⁸
 - Status: The bill died on March 1, 2012.

- **California** - SBX1 23 would have authorized the governing board of any county, city, school district, community college district or county office of education to levy, increase or extend a local excise tax to include SSBs.⁴⁹
 - Status: The bill died on March 1, 2012.

- **California** - SB 653 would have authorized the board of supervisors of any county or city to propose a 1 cent per ounce tax on SSBs for voter approval.
 - Status: The bill died on February 9, 2012.⁵⁰

- **Idaho** - HB 581 would have amended the state sales tax law to eliminate "soft drinks" from the definition of food products, thus allowing soft drinks to be a taxable non-food products.
 - Status: The bill died in the Committee on Revenue and Taxation on August 8, 2012.⁵¹

- **Indiana** - HB 1374 would have authorized municipal governments to impose by ordinance a municipal food and beverage sales tax. The tax could not exceed 1 percent of gross retail income from food or beverage transactions.⁵²
 - Status: The Bill died in committee on July 17, 2012.

- **Mississippi** - SB 2642 proposed an excise tax of \$2.56 per gallon or 2 cents per ounce on SSB syrup.⁵³
 - Status: The bill died on March 28, 2012.

- **Nebraska** - SB 753 would have imposed a sales tax on SSBs with revenues financing the Obesity Prevention Fund.⁵⁴
 - Status: The bill was indefinitely postponed as of April 23, 2012.

⁴⁸ CA AB 669, http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_0651-0700/ab_669_bill_20110407_amended_asm_v98.pdf.

⁴⁹ CA SBX1 23, http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sbx1_23_bill_20110602_amended_sen_v98.pdf.

⁵⁰ CA SB 653, http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0651-0700/sb_653_bill_20110606_amended_sen_v95.pdf

⁵¹ ID HB 581, <http://www.legislature.idaho.gov/legislation/2012/H0581.pdf>.

⁵² IN HB 1374, <http://www.in.gov/legislative/bills/2012/PDF/IN/IN1374.1.pdf>.

⁵³ MS SB 2642, <http://billstatus.ls.state.ms.us/2012/pdf/history/SB/SB2642.xml>.

⁵⁴ NE SB 753, http://www.yaleruddcenter.org/resources/upload/docs/what/policy/legislation/MS_SB_2642_SSB_tax_Dawkins_2_20_12.pdf.

⁵⁴ NE SB 753, <http://nebraskalegislature.gov/FloorDocs/Current/PDF/Intro/LB753.pdf>.

PENDING FEDERAL LEGISLATION

- **SB 3240 Farm Bill – Senate Amendment 2227** – Sen. Lautenberg sponsored an amendment to the Farm Bill that would require the Secretary of Agriculture to submit a report describing how SSBs and public health proposals affecting the cost and size of SSBs could impact health and obesity.⁵⁵
 - Status: The amendment was introduced on June 7, 2012.

⁵⁵ Congressional Record (June 7, 2012,) S3855, SA2227, <http://www.gpo.gov/fdsys/pkg/CREC-2012-06-07/pdf/CREC-2012-06-07-pt1-PgS3845.pdf>.