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Colorado Department  
of Public Health  
and Environment

## **SUGAR-SWEETENED BEVERAGES (SSB)**

### **NATIONAL TRENDS AND POLICIES**

*February 29, 2012*

Colorado has not escaped the national obesity epidemic. While still the “leanest” state in the nation, Colorado’s obesity rate more than doubled during the past 15 years and the state ranks 29<sup>th</sup> in childhood obesity. One in four Colorado adults and one in eight Colorado children are obese. The Colorado Department of Public Health and Environment (CDPHE) remains committed to the fight against obesity, ensuring that the healthy choice is the easy choice by supporting increased physical activity and ensuring access to healthy foods and beverages.

Sugar sweetened beverages are the largest source of added sugar in the U.S. diet according to the U.S. Department of Agriculture’s 2010 Dietary Guidelines. Studies have shown an association between consumption of sugar-sweetened beverages (SSBs) and obesity, Type 2 diabetes, heart disease and dental caries. During the past decade, state and local governments, citizen coalitions, universities and health care professionals have begun to tackle the issue of SSB consumption through academic research, educational campaigns and policy efforts.

While this landscape is ever changing, CDPHE provides here a snapshot in time of evolving trends, laws, policies and educational efforts across the nation to inform and spur debate among public health professionals, policymakers, CDPHE partners and Colorado residents concerned with healthy eating and active living.<sup>1</sup>

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<sup>1</sup> This document was commissioned and directed by Chris Lindley, MPH, director of CDPHE’s Prevention Services Division. It was authored by Susan M. Motika, JD, Senior Legal Analyst and Policy Manager at the Colorado Department of Public Health (CDPHE) and Taber Ward, third year law student at the University of Colorado Law School. Research and writing support was provided by the Sugar Sweetened Beverages Research Team of CDPHE: Erica Chavez, JD, Ian Abeyta and Ruth Becker, JD (Colorado School of Public Health), Erin Flynn (post college intern), and Indira Gujral, PhD, Erikka Apolinar, Dave Brendsel and Colleen Kapsimalis, MPH (CDPHE). Technical review was provided by Roberta R. Friedman, Director of Public

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## LOCAL AND REGIONAL EFFORTS

### Government - Policies, Ordinances, Executive Orders, Funding Programs

- **A partial list of cities or counties banning SSBs from vending machines, government property and/or government-sponsored events**
  - **[Boulder, CO](#)** - SSBs are banned from vending machines located in City of Boulder Department of Parks and Recreation facilities.<sup>2</sup>
  - **[Boston, MA](#)** - Mayor Thomas M. Menino issued a Mayoral Executive Order prohibiting the sale of SSBs in municipal buildings. Only healthy beverages, as determined by science-based standards, may be sold or served on city property or during city-funded events.<sup>3</sup>
    - Boston Public Health Commission published the *“Healthy Beverage Toolkit”* to help municipal agencies, health care institutions, colleges and universities, community-based organizations, retail establishments and other organizations implement policies and practices that encourage healthy vending and beverage policies.<sup>4</sup> This toolkit includes best practices for promoting healthy beverage choices based on current science, public health research, and national recommendations and standards.
  - **[Cleveland, OH](#)** - The City Council passed the “Healthy Cleveland” program, removing all sugar-based drinks from dispensing machines in city facilities and replacing them with water and 100% juice products.<sup>5</sup>
  - **[San Antonio, TX](#)** - City Manager Sheryl Sculley removed high-calorie soda drinks from city vending machines.<sup>6</sup>
  - **[Seattle, WA](#)** - SSBs are banned from vending machines located in facilities or on properties operated by the Seattle Department of Parks and Recreation. Vending machines may only be stocked with “Healthier and/or Healthiest” product selections

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<sup>2</sup> City of Boulder, RFP for Vending Machine Service at 9, *available at* [http://www.bouldercolorado.gov/files/Finance/Purchasing/Open%20Bids/2011/43-2011/2011\\_43\\_RFP\\_Vending\\_Mach\\_Svcs\\_FULLL.pdf](http://www.bouldercolorado.gov/files/Finance/Purchasing/Open%20Bids/2011/43-2011/2011_43_RFP_Vending_Mach_Svcs_FULLL.pdf)

<sup>3</sup> City of Boston, Press Release, “Mayor Menino Issues Order to End Sugary Drink Sales on City Property,” *available at* <http://www.cityofboston.gov/news/default.aspx?id=5051>

<sup>4</sup> Boston Public Health Commission, Healthy Beverage Toolkit, *available at* <http://www.bphc.org/programs/cib/chronicdisease/healthybeverages/Forms%20%20Documents/toolkit/HealthyBeverageToolkitFinal.pdf>

<sup>5</sup> City of Cleveland City Council, The City Record, *available at* <http://www.dln.com/cr/index2011/March22011.pdf>

<sup>6</sup> City of San Antonio, Purchasing and General Services Department, Request for Proposal for Beverage Vending Services, RFP 11-044-TC at 2 (July 29, 2011), *available at* [http://www.sanantonio.gov/rfp listings/uploads%5CRFP\\_1330\\_201107280438100.pdf](http://www.sanantonio.gov/rfp listings/uploads%5CRFP_1330_201107280438100.pdf)

outlined in the vending contract. Permitted products are milk, 100% juice and pure water.<sup>7</sup>

- **California:**

- **Huntington Park, CA** - Requires that 100% of beverages bought by the city or provided or sold in city facilities must be water; fruit- or vegetable-based juice containing at least 50-100% real juice without added caloric sweeteners; and milk products that are 1% (low fat), nonfat or non-dairy with no more than 50 calories per 20-ounce container.<sup>8</sup>
- **San Francisco, CA** – In April 2010, former Mayor Gavin Newsom issued an executive order banning sugary drinks from vending machines. Juices must be 100% juice, and diet sodas may only comprise 25% of the beverage selection.<sup>9</sup>
- **San Mateo County, CA** - County policy bans the sale of sugary drinks in county vending machines and cafeterias, and at county-sponsored meetings. The **San Mateo Wellness Policy** states that taxpayer funds cannot be used to purchase sodas and other sugar-sweetened beverages.<sup>10</sup>

- **Cities with nutrition standards at city events and/or for vending machines**

- **Philadelphia, PA** - Vending machines under city contract and located on city property or leased by the city will be required to provide a healthier mix of beverages, healthier sizes and clear labels.<sup>11</sup>
- **New York, NY** - New York City's **Standards for Beverage Vending Machines** on city property were enacted pursuant to Executive Order 122.<sup>12</sup> They require a certain percentage of healthy options; regulate product placement (e.g., “Water must be placed in the position with the highest selling potential” and “High calorie beverages must be placed in the position with the lowest selling potential”); and specify size, calorie labeling and promotional space requirements.

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<sup>7</sup> Seattle, Washington, Dept. of Parks and Recreation Vending Contract, [http://clerk.seattle.gov/~public/meetingrecords/2011/fullcouncil/fullcouncil20111128\\_4.pdf](http://clerk.seattle.gov/~public/meetingrecords/2011/fullcouncil/fullcouncil20111128_4.pdf)

<sup>8</sup> Huntington Park, Healthy Food and Beverage Policy, *available at*, <http://healcitiescampaign.org/document.html?id=241>

<sup>9</sup> San Francisco Chronicle, “Sugary-Drink Ban Starts to Affect S.F. Sites” (July 6, 2010) *available at*

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/07/05/BAMU1E8QKR.DTL>

<sup>10</sup> San Mateo Wellness Policy, *available at*,

[http://www.co.sanmateo.ca.us/Attachments/HR/Files/Employee%20Health%20&%20Fitness/hfWC09\\_WellnessPolicy\\_121410.pdf](http://www.co.sanmateo.ca.us/Attachments/HR/Files/Employee%20Health%20&%20Fitness/hfWC09_WellnessPolicy_121410.pdf).

<sup>11</sup> Philadelphia Department of Public Health, “Get Healthy Philly” 2011 Annual Report, *available at*

[http://www.phila.gov/health/pdfs/GHP\\_AnnualReport\\_2011\\_NPW\\_090711.pdf](http://www.phila.gov/health/pdfs/GHP_AnnualReport_2011_NPW_090711.pdf)

<sup>12</sup> NYC Dept. of Health and Mental Hygiene, “Vending Machine Beverage Standards” *available at*,

<http://www.nyc.gov/html/doh/downloads/pdf/cardio/cardio-vending-machines-bev-standards.pdf>

**NYC has established strict nutrition standards for beverages purchased and/or served by city agencies or agency contractors.** Agencies must be in compliance with these standards by October 2012.

The standards apply to more than 260 million meals and snacks served annually at schools, senior centers, homeless shelters, child care centers, after school programs, correctional facilities, public hospitals and parks, and other NYC Agency facilities and programs.

**NYC Beverage Standards:**

- Require ≤ 25 calories per 8 oz for all beverages other than 100% fruit juice or milk
- Require 100% fruit juice for all juice purchase
- Require only beverages with no artificial sweeteners for agencies serving a majority of children under 18 years old

**For more information:** <http://www.nyc.gov/html/doh/html/cardio/cardio-vend-nutrition-standard.shtml>

- **California cities**<sup>13</sup> with nutritional and vending guidelines include: Baldwin Park, Bell Gardens, Brentwood, Chula Vista, Huntington Park, El Monte, La Mesa, La Puente, Los Angeles, Long Beach, Redding, Santa Ana, San Fernando, Sacramento, Santa Ana, San Jose, South El Monte and Visalia.
  - **Brentwood** - Requires all vending and concession beverages sold at city-owned parks and facilities comply with healthy beverage standards:
    - Vendors selling soft drinks must sell and make equally accessible water and 100% fruit or vegetable juice with no added sweetener.
    - The sale or service of foods containing 40% or more added sugar by weight is prohibited.
    - Any fruit or fruit-based drinks sold must contain a minimum of 50% fruit juice with no added sweetener.
    - A 12-ounce maximum serving is required for all beverages other than drinking water or milk, including but not limited to chocolate, soy, or rice milk, and other dairy or non-dairy milk, and electrolyte replacement beverages.<sup>14</sup>
  - **San Jose** - Requires that 100% of beverages sold in library vending machines and at least 50% of beverages sold in vending machines on city property (including the San Jose International Airport) meet the following nutritional standards:
    - Water (with no additives)

<sup>13</sup> For an excellent overview of local food and beverage policies in California , please see the California Center for Public Health Advocacy’s recent publication “Local Beverage Policies adopted by California Cities and Counties February 2012” , available at

[http://www.publichealthadvocacy.org/\\_PDFs/beverage\\_policies/CABeveragePolicies\\_Cities\\_Counties.pdf](http://www.publichealthadvocacy.org/_PDFs/beverage_policies/CABeveragePolicies_Cities_Counties.pdf)

<sup>14</sup> City of Brentwood Administrative Wellness Policy, available at

<http://www.ci.brentwood.ca.us/pdf/new/parks/wellnesspolicy.pdf>

- 100% fruit juices with no added sugars, artificial flavors or colors (limited to a maximum of 10 ounces per container)
- Dairy, non-fat, 1% and 2% milk only (no flavored milks)
- Plant derived milks (i.e., rice, almond, soy, etc.); (no flavored milks)
- Artificially-sweetened, calorie-reduced beverages that do not exceed 50 calories per 12-ounce container (teas, electrolyte replacements)
- Other non-caloric beverages, such as coffee, tea and diet sodas<sup>15</sup>

➤ **Counties with nutritional standards for county events and/or vending machines**

- **Miami-Dade County, FL** - Miami-Dade Parks and Recreation Department is developing healthy beverage policies that will require 100% of vending machines it manages to comply with healthier vending guidelines. Installation of healthy vending machines at parks and recreation facilities will be determined by the community's burden of obesity, percentage of population in high risk groups for obesity and the potential impact or reach. <sup>16</sup>
- **California**<sup>17</sup> - Alameda, Contra Costa, Los Angeles, Monterey, Orange, San Diego, San Francisco, San Mateo and Santa Clara counties have healthy beverage standards or policies.
  - **Monterey County** - Requires that 50% of beverages offered in vending machines located within any county owned, leased or operated space be one or a combination of the following:
    - Water
    - Coffee or tea
    - Reduced fat milk (including soy or cow's milk, chocolate or other flavored milk not containing more than 15 grams of added sugar per 250 gram serving or three teaspoons of sugar per one cup of milk)
    - 100% fruit/vegetable juice
    - Fruit-based drinks containing at least 50% juice and no added caloric sweeteners
    - All other non-caloric beverages, including diet sodas<sup>18</sup>

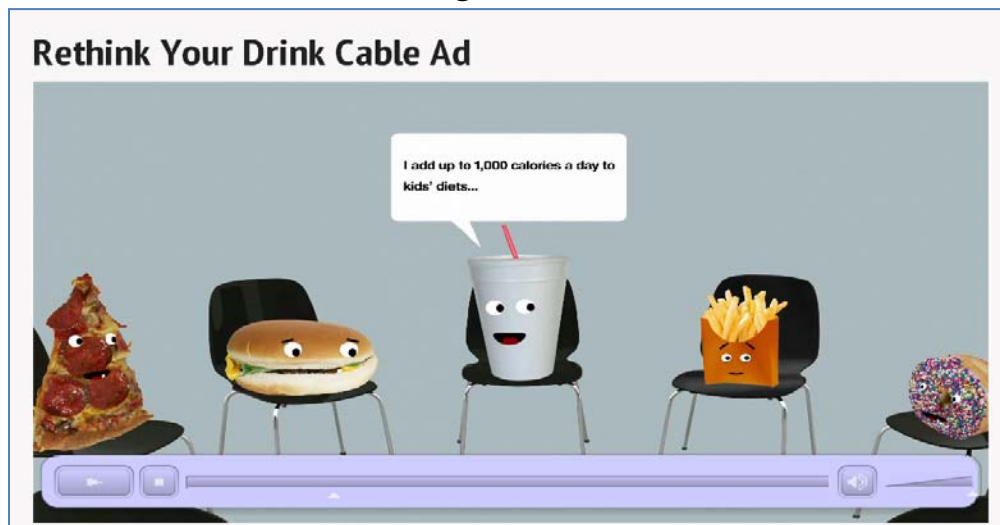
<sup>15</sup> City of San Jose, Vending Policy, [http://www.sanjoseca.gov/clerk/Agenda/031406/031406\\_03.04att.pdf](http://www.sanjoseca.gov/clerk/Agenda/031406/031406_03.04att.pdf) and [http://www.sanjoseca.gov/clerk/Agenda/061306/061306\\_02.13.pdf](http://www.sanjoseca.gov/clerk/Agenda/061306/061306_02.13.pdf)

<sup>16</sup> Miami-Dade County, Healthy Miami-Dade, *available at* [http://www.healthymiamidade.org/system/js/back/ckfinder/userfiles/files/CTGTool\\_CAPSimplified\[1\]\(1\).pdf](http://www.healthymiamidade.org/system/js/back/ckfinder/userfiles/files/CTGTool_CAPSimplified[1](1).pdf).

<sup>17</sup> For an excellent overview of local food and beverage policies in California, please see the California Center for Public Health Advocacy's recent publication "Local Beverage Policies adopted by California Cities and Counties February 2012", *available at* [http://www.publichealthadvocacy.org/\\_PDFs/beverage\\_policies/CABeveragePolicies\\_Cities\\_Counties.pdf](http://www.publichealthadvocacy.org/_PDFs/beverage_policies/CABeveragePolicies_Cities_Counties.pdf)

<sup>18</sup> Monterey County, Healthy Vending Policy, *available at* <http://www.co.monterey.ca.us/admin/pdfs/HealthyVendingPolicy.pdf>

- **[Cherokee Nation Health Service Group, Oklahoma](#)** - The Cherokee Nation Healthy Nation/Foods Project changed food and beverage vending policies and required that all Cherokee Nation concession stands sell only healthy foods and drinks along with traditional native fare.<sup>19</sup>
- **Funding programs to promote healthy beverage choices**
  - **[New York State Association of County Health Officials](#)** (NYSACHO) is working with local health departments to promote healthier beverage choices in county buildings and other public spaces. NYSACHO received a \$289,760 federal grant through the New York State Department of Health to provide technical assistance, develop a website and disseminate tool kits to counties throughout New York State to promote healthier drink options.<sup>20</sup>
- **Local health department-sponsored education and campaigns**
  - **[Tri-County Health Department, CO](#)** - Tri-County Health has launched a public health campaign to educate parents about the effects of extra calories from sugary drinks. The “Sugary Drinks Reduction Campaign” website includes fact sheets on the risks of sugary drinks, as well as links to other resources, posters, print ads, and radio and TV announcements on the risks of SSB consumption.<sup>21</sup>
  - **[Cook County, IL](#)** - The Department of Health hosts an educational website, a “Healthier Drink Guide,” and a “Rethink Your Drink” campaign to educate consumers on the risks of drinking soda.<sup>22</sup>



**Cook County, IL**

<sup>19</sup> CDC, Tribal Public Health Archives, *available at* <http://www.cdc.gov/stltpublichealth/haveyouheard/topic/tribal.html>

<sup>20</sup> NYSAC News, Preventing Obesity by Reducing Access to Sugary Soda, *available at* <http://nysac.org/news/nysac-news-fall-2011/preventing-obesity-by-reducing-access-to-sugary-soda/>

<sup>21</sup> Tri-County Health Department, <http://www.tchd.org/sugar.htm>

<sup>22</sup> Cook County Dept. of Public Health, <http://www.cookcountypublichealth.org/healthy-communities/healthy-eating/sugar-sweetened-beverages>

- **Boston, MA** – Boston Public Health Commission spearheads an educational website to “to spread the word about the health impact of sugary drinks, and offer resources to help improve the drinking habits of Boston residents.”<sup>23</sup>



Boston, MA “fatsmack” website

- **Albany County, NY** - Department of Health hosts an educational website targeted at kids and parents. The site highlights “Soda Facts” and “Soda’s Hidden Hazards.”<sup>24</sup>
- **California City and County Health Departments** - These departments are launching public awareness campaigns on the risks of SSB consumption designed to help consumers make healthier beverage choices: Bay Area, CA;<sup>25</sup> Central Valley;<sup>26</sup> Los Angeles;<sup>27</sup> Santa Clara County;<sup>28</sup> and San Francisco.<sup>29</sup>
- **Multnomah County, OR (includes Portland)** - Multnomah County's public awareness media campaign and “Sugary Drinks Toolkit” are part of the Health Department's comprehensive strategy to reverse the obesity epidemic. The campaign educates residents about the health impacts of consuming sugary drinks and asks them to “find out where the sugar is hiding.”<sup>30</sup>
- **Philadelphia, PA** – The Philadelphia Department of Public Health’s “Food Fit Philly” campaign includes a “Say No to Sugary Drinks” initiative. This website includes a “Get the Facts” section on the health risks associated with SSB consumption.<sup>31</sup>

<sup>23</sup> Boston Public Health Commission, <http://fatsmack.org/>

<sup>24</sup> Albany County Department of Health, <http://www.albanycounty.com/departments/health/kids.asp?id=483>

<sup>25</sup> Bay Area Nutrition and Physical Activity Collaborative (Workshop curriculum of foods/beverages healthier choices) available at [http://www.banpac.org/resources\\_sugar\\_savvy.htm](http://www.banpac.org/resources_sugar_savvy.htm)

<sup>26</sup> California Project LEAN, Central Valley, CA, available at <http://www.californiaprojectlean.org/ryd/default.html>

<sup>27</sup> Los Angeles County, CA, “Choose Health,” available at <http://www.choosehealthla.com/eat-healthy/sugar-loaded-beverages>

<sup>28</sup> Santa Clara County, “Potter the Otter Loves to Drink Water!”, available at <http://www.potterloveswater.com/>

<sup>29</sup> San Francisco, “Shape up San Francisco!” – Rethink Your Drink, available at <http://www.sfgov3.org/index.aspx?page=1872>

<sup>30</sup> Multnomah County, *Sugary Drinks Toolkit*, <http://www.multco-itstartshere.org/links-and-resources/toolkit-sugary-drinks>

<sup>31</sup> Philadelphia, PA, Food Fit Philly, available at <http://foodfitphilly.org/all-about-sugary-drinks/facts/>



- **Portland, ME** - The City of Portland’s Public Health Division initiated the “Power Up Portland” initiative to increase access to healthy foods and includes a public education campaign to promote healthy foods and beverages.<sup>32</sup>
- **Seattle and King County, WA** - “[Let’s Do This!](#)” and “Soda Free Sundays” campaigns provide information, posters and media materials to educate the public and raise awareness about the risks of sugary drinks.<sup>33</sup>



Seattle & King County, WA campaign

➤ **Local health department-sponsored SSB pledges, contests and challenges**

- Local health departments have developed pledges or challenges to support people in their efforts to limit personal SSB consumption:
  - Alameda County, CA: “[Soda Free Summer Pledge](#)”<sup>34</sup>
  - Boston, MA: “[Soda-Free Summer Challenge](#)” and the “[Sugarsmarts](#)” contest<sup>35</sup>
  - Cook County, IL: “[Rethink Your Drink – Take the Pledge](#)”<sup>36</sup>
  - Howard County, MD: “[Soda-free 30](#)” participants pledge to be soda-free for 30 days.<sup>37</sup>

<sup>32</sup> Health and Human Services, “Communities Putting Prevention to Work Grantees By State,” available at <http://www.hhs.gov/recovery/programs/cppw/granteesbystate.html#ca>

<sup>33</sup> Seattle & King County, WA “Let’s Do This!”, available at <http://www.letsdothiskingcounty.org/>

<sup>34</sup> Alameda County, CA, “Soda Free Summer,” available at <http://sodafreesummer.org/>

<sup>35</sup> Boston, MA, “Soda-Free Summer Challenge,” available at,

<http://www.bphc.org/programs/cib/chronicdisease/health/sodafreesummer/Pages/Home.aspx>, see also Sugarsmarts Contest website, available at <http://www.sugarsmarts.com/pages/home.aspx>

<sup>36</sup> Cook County, IL, “Rethink Your Drink”, available at <http://www.rethinkyourdrinknow.com/>



Boston, MA



Howard County, MD

## Institutional – Hospitals

- **Hospitals are focusing on the SSB sales in cafeterias and vending machines.**
  - **Poudre Valley Health System** (Fort Collins and Loveland, CO) – Poudre Valley formed a nutrition task force to examine the hospital food environment and establish criteria for healthy food options. A new vending contract requires 50% of items to meet the new criteria, which defines healthy beverages as those having no added sugar. Later this year, the hospital cafeteria will be launching a pilot program featuring pricing strategies to encourage the purchase of healthier foods.
  - **Healthy Eating Active Living (HEAL) Hospital Forum** (CO) – HEAL is a statewide forum for Colorado hospitals and partners to share best practices, create peer learning and enhance communication. In the Fall/Winter 2011, the Forum sponsored a three-part webinar series on creating a healthy food environment facilitated by the North Carolina Prevention Partners. A key topic was pricing strategies to influence healthy food and beverage consumption.
  - **Denver Health** (Denver, CO) -- Denver Health has a committee focusing specifically on the development of healthy vending policies, including requirements for healthy beverages.
  - **Penrose-St. Francis Health Services** (Colorado Springs, CO) – Penrose has launched the *Better Bites* program that is using pricing manipulation and marketing to promote affordable and healthy foods to hospital employees and visitors. Penrose also is promoting drinking water from non-bottled sources to reduce the negative environmental impact. An SSB strategy was considered but not implemented in 2011-2012 because healthy food options were deemed a higher and more immediate priority.

<sup>37</sup> Howard County, MD, "Soda-free 30," available at <http://www.howardcountymd.gov/DisplayPrimary.aspx?id=6442463639>

- **Kaiser Permanente, Southern California** – In 2011, Kaiser eliminated sugar sweetened beverages from the cafeterias and vending machines of its regional offices in Southern California. In their place, Kaiser increased the supply of sugar free beverages, natural juices and fruit-flavored waters.
- **Healthy Food Hospitals Campaign** – This volunteer program in Michigan provides assistance to hospitals to transition to a healthier food environment, including “Transition to Healthy Beverages.”<sup>38</sup> Approximately 140 hospitals around Michigan have committed to transitioning to healthy beverage choices.<sup>39</sup>
- **Cleveland Clinic** (Cleveland, OH) - The Cleveland Clinic and its system affiliates no longer sell food or drinks that have added sugar or sugar variants with names ending in “ose.”<sup>40</sup>
- **San Mateo Medical Center** (San Mateo, CA) – SMMC banned sugary drink sales.<sup>41</sup>
- **Massachusetts** – Under the leadership of the Boston Public Health Commission, 10 Boston hospitals – Beth Israel Deaconess Medical Center, Boston Medical Center, Brigham and Women’s Hospital, Carney Medical Center, Children’s Hospital Boston, Dana-Farber Cancer Institute, Faulkner Hospital, Massachusetts General Hospital, St. Elizabeth’s Medical Center and Tufts Medical Center – have pledged to reduce consumption of sugary beverages.<sup>42</sup> Efforts include removing high-sugar beverages and replacing them with healthier options; installing free water dispensers; providing patient education and staff training; and displaying educational “Red-Yellow-Green” stoplight images to encourage healthy beverage choices (*see image below*). Some hospitals have implemented a labeling system that puts healthy beverages (water, skim milk, and 1% milk) behind a green door; drinks that are okay to consume occasionally (diet soda, low-sugar, low-calorie beverages, and 100-percent juice) behind a yellow door; and drinks that are best to avoid (sodas, energy and sports drinks) behind a red door.<sup>43</sup> See **Appendix A** for more details and information on healthy beverage programs in Massachusetts hospitals.

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<sup>38</sup> Healthy Food Hospitals, *available at* [http://healthyfoodhospitals.org/hosp\\_tools.htm](http://healthyfoodhospitals.org/hosp_tools.htm)

<sup>39</sup> *Id.* at [http://www.healthyfoodhospitals.org/documents/hfh\\_honor\\_roll\\_for\\_web.pdf](http://www.healthyfoodhospitals.org/documents/hfh_honor_roll_for_web.pdf)

<sup>40</sup> Cleveland Hospital, [http://www.cleveland.com/healthfit/index.ssf/2010/07/sugar-sweetened\\_food\\_beverages.html](http://www.cleveland.com/healthfit/index.ssf/2010/07/sugar-sweetened_food_beverages.html)

<sup>41</sup> See Yale Rudd Center For Food Policy & Obesity, “U.S. Campaigns to Reduce Soda Consumption and Increase Healthy Beverages” (Jan. 11, 2012), *available at*

[http://yaleruddcenter.org/resources/upload/docs/what/SSB/Healthy\\_Beverage\\_Campaigns.ppt](http://yaleruddcenter.org/resources/upload/docs/what/SSB/Healthy_Beverage_Campaigns.ppt).

<sup>42</sup> See, [http://www.cityofboston.gov/news/uploads/24633\\_13\\_17\\_31.pdf](http://www.cityofboston.gov/news/uploads/24633_13_17_31.pdf) (overview of selected Massachusetts hospital health beverage policies).

<sup>43</sup> City of Boston, *Mayor Menino and Ten Boston Hospitals Work Together to Reduce Consumption of Sugary Beverages Among Patients, Staff, Visitors*, February 17 Press Release, *available at* <http://www.cityofboston.gov/news/default.aspx?id=5484>



**“Stop Light Program”**

- **Sociedad Latina** - A Boston nonprofit that works with Latino youth and families to end destructive cycles of poverty, health inequities and lack of educational and professional opportunities in the Boston community asked various institutions to remove sugar-sweetened beverages from vending machines, cafes and cafeterias. The targeted institutions include: Beth Israel Deaconess Medical Center (BIDMC), Brigham and Women’s Hospital, Children’s Hospital Boston, Dana-Farber Cancer Institute, Harvard Medical School, Harvard School of Public Health (HSPH), Joslin Diabetes Center and New England Baptist Hospital.<sup>44</sup>
- **Alabama** – Hospitals here, including Baptist Health Systems in Birmingham, Jackson Hospital in Montgomery and East Alabama Medical Center in Opelika are offering healthier vending machine options.<sup>45</sup>

## FEDERAL & STATE CAMPAIGNS

The U.S. Centers for Disease Control (CDC) and state health departments are informing the public about SSB health-related problems and providing resources to help change beverage consumption patterns.

<sup>44</sup> Mission Hill Gazette, “Group Seeks Hospital Soda Ban” (June 3, 2011), *available at* <http://missionhillgazette.com/2011/06/03/group-seeks-hospital-soda-ban/>

<sup>45</sup> State of Alabama, Press Release, “Choose Healthful Vending Machine Fare” (Oct. 17, 2011), *available at* <http://media.alabama.gov/pr/pr.aspx?id=5749&t=1>

- **Centers for Disease Control and Prevention** - CDC offers an informational webpage and a “Rethink Your Drink” brochure to help consumers understand the health risks of sugary beverage consumption.<sup>46</sup>



Cover of CDC’s “Rethink Your Drink” brochure

- **Hawaii** - The State Department of Health (DOH) launched an SSB-related public awareness campaign. Its tag line warns consumers “Don’t Drink Yourself Fat.” The campaign is an important component of a comprehensive approach to reduce obesity and chronic disease in Hawaii.<sup>47</sup>
- **Kansas** - The Kansas Department of Health and Environment initiated the “Refresh Kansas Campaign” as a public health intervention to raise awareness about the benefits to parents and children of water, and the risks associated with consumption of sugary drinks.<sup>48</sup>

<sup>46</sup> CDC, *Rethink Your Drink*, [http://www.cdc.gov/healthyweight/healthy\\_eating/drinks.html](http://www.cdc.gov/healthyweight/healthy_eating/drinks.html)

<sup>47</sup> Hawaii State Dept. of Health, News Release, “DOH launches media campaign encouraging consumers to choose beverages with less sugar” (May 31, 2011), *available at* <http://hawaii.gov/health/about/pr/2011/11-037.pdf>

<sup>48</sup> Refresh Kansas.org was created by the Bureau of Health Promotion at the Kansas Department of Health and Environment (KDHE), *available at* <http://refreshkansas.org/>



### Kansas Dept. of Health

- **Rhode Island** - The Department of Health’s “[Sugar Sweetened Beverage](#)” web page provides information, research and resources on the dangers and health risks associated with SSB consumption. The site also provides a “What You Can Do” section to empower visitors on how to reduce their SSB consumption.<sup>49</sup>

## PUBLIC AWARENESS & EDUCATION CAMPAIGNS

Around the world, across the U.S. and in local neighborhoods, public awareness campaigns are educating consumers on the risks of SSB consumption.

### International Campaigns

- **Health Care without Harm** - An international coalition of more than 500 organizations in 53 countries is working to transform the health care sector.
  - The “Healthy Beverage” initiative focuses on creating healthy vending criteria, reducing advertising of unhealthy beverages, increasing access and signage for public drinking water on hospital grounds, and shifting pricing structures to encourage healthy beverage choices.<sup>50</sup>
  - Hospitals commit to a number of activities to help them provide fresh, healthy foods to their patients and staff, and to serve as models for healthier choices outside the hospital setting.

<sup>49</sup> State of Rhode Island Dept. of Health, Sugar-Sweetened Beverages webpage available at <http://www.health.ri.gov/healthrisks/sugarsweetenedbeverages/>

<sup>50</sup> Healthcare without Harm, Healthy Food Systems, available at <http://www.healthyfoodinhealthcare.org/healthybeverage.php>

- **Dump Soft Drinks Campaign** – This international campaign aims to reduce consumption of high-calorie carbonated colas and other unhealthy beverages in primary and secondary schools to improve student health and diet. It is a project of the Center for Science in the Public Interest (CSPI), and the International Association of Consumer Food Organizations (IACFO).<sup>51</sup>

## National Campaigns

- **Yale Rudd Center for Food Policy & Obesity**
  - A nonprofit research and public policy organization devoted to improving diet, preventing obesity and reducing weight stigma
  - Provides research on SSB’s relationship to health; a revenue calculator for SSB taxes; technical assistance; and a legislative database that tracks, organizes and archives SSB and other food policy-related legislation<sup>52</sup>
- **National Policy & Legal Analysis Network (NPLAN)**
  - A nonprofit that provides information and legal technical assistance on a range of public health law topics.
  - Produces a range of products and tools addressing SSBs, and public health law, including: “Developing Healthy Beverage Vending Agreement” fact sheet; “Breaking Down the Chain: A Guide to the Soft Drink Industry;” “Sugar-Sweetened Beverage Taxes: Model Legislation;” “Creating Healthy Food Zones Around Schools” fact sheet; “Restricting Food and Vending Advertising in Schools” fact sheet; “Model Ordinance for Health Food Zones” and “Understanding Healthy Procurement Guide.”<sup>53</sup>
- **Kick the Can**
  - California Center for Public Health Advocacy’s “Kick the Can” website, launched Feb. 3, 2012, provides information about the negative health effects of sugary drinks; summarizes policy developments; and provides links to key reports, studies and media coverage.<sup>54</sup>
- **Center for Science in the Public Interest (CSPI)**
  - “Liquid Candy” website educates consumers on the risks of drinking SSBs.<sup>55</sup>

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<sup>51</sup> Dump Soda Campaign, available at <http://www.dumpsoda.org>

<sup>52</sup> Yale RUDD Center for Food Policy & Obesity, <http://www.yaleruddcenter.org/>

<sup>53</sup> NPLAN, <http://www.nplanonline.org/nplan/foods> and <http://www.nplanonline.org/childhood-obesity/products/model-SSB-tax-legislation>

<sup>54</sup> [www.kickthecan.info](http://www.kickthecan.info), see also California Center for Public Health Advocacy

<sup>55</sup> Liquid Candy Campaign, <http://www.cspinet.org/liquidcandy/>

- Contains a tax-revenue calculator, FAQs on SSB taxation, obesity fact sheets and other information on SSB tax policies and initiatives
  - **“Life’s Sweetener”**
    - CSPI website offering information and resources on SSB consumption and related health risks, as well as a challenge to individuals, families and organizations to reduce sugary drink consumption.<sup>56</sup>
    - Hosting a Sugary Drinks Summit June 7 and 8 in Washington, D.C.
- In Boston, Health Care without Harm and the Boston Public Health Commission are coordinating the “Hospital Learning Network,” composed of leading health care organizations across the city. The Network’s goal is to reduce Boston obesity and chronic disease rates by reducing access to sugar-sweetened beverages.<sup>57</sup>

## State Coalitions

- **Arizona in Action** - This coalition encourages businesses, schools, cities, counties and government agencies to provide more nutritional options in vending machines.<sup>58</sup>
- **Alliance For A Healthier Rhode Island** - The alliance works with state leaders and a stakeholders’ group to advance healthy beverage policy goals. Its 2012 policy priorities are to: 1) Impose an excise tax of 1 cent per ounce, with revenues going to cities and towns for obesity prevention; (Approximately 68% of Rhode Islanders support an SSB tax.<sup>59</sup>); 2) Create healthy, evidence-based standards for the procurement and sale of SSBs in all state-owned indoor and outdoor facilities; 3) Require K–12 school health or science curricula to include comprehensive education on reducing consumption of SSBs and prohibit advertising of sugar-sweetened beverages on school buses and other school property; and 4) Require hospitals that receive public funding to establish wellness committees to address health risks, such as SSB consumption, with the ultimate goal of eliminating SSBs on hospital grounds.<sup>60</sup>
- **Be The Catalyst** - “Be the Catalyst” is a statewide movement of young people based in Minnesota working on healthy eating issues. The coalition focuses on hands-on activism

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<sup>56</sup> Life’s Sweetener Campaign, available at <http://www.fewersugarydrinks.org/>

<sup>57</sup> Boston Medical, *Healthy Beverages in Health Care:*

*The Boston Experience in Progress*, Presentation, available at <http://www.foodmed.org/2011/presentations/B3-Morris.pdf> (see slide 6)

<sup>58</sup> Arizona in Action, available at <http://arizonainaction.org/default.htm>

<sup>59</sup> *Id.* at <http://www.powerprism.org/Alliance-RIVotersSupportSSB.pdf>

<sup>60</sup> Alliance for a Healthier Rhode Island, available at <http://www.powerprism.org/ahri-alliance-ssb-policy-prior.htm>



and advocacy to spread messages about the underlying advertising strategies of soda marketers.<sup>61</sup>



Be the Catalyst Promotional Materials (posters and pins) “Liquid Lies”

- **Drink Well Texas Campaign** - Described as “An initiative to put Big SODA back in its place,” “Drink Well Texas” works to bring the cost of sugary drinks into better alignment with their real cost to Texans and to ensure that Texas children have access to healthy drinks in schools and child care environments.<sup>62</sup>
- **Illinois Alliance to Prevent Obesity** - This is a statewide coalition addressing obesity issues. It works to decrease the consumption of SSBs and increase the understanding of the link between SSB consumption and health.<sup>63</sup>
- **Alliance for a Healthier Vermont** - This is a coalition of health care providers, advocates for low-income Vermonters, consumer advocates and seniors who are concerned about the increased role that SSBs play in the prevalence of obesity. The Alliance supports a penny-an-ounce excise tax on SSBs, with funds earmarked to support health-related programs.<sup>64</sup> A 2011 *Vermont Sugar-Sweetened Beverage Tax Study* by the University of Vermont found that 58% of Vermonters supported a penny-per-ounce SSB excise tax.
- **Community Catalyst (Connecticut, Maine, Massachusetts, Rhode Island, Vermont)** - A project of the New England Alliance for Children’s Health, this coalition

<sup>61</sup> Be the Catalyst, available at <http://bethecatalyst.org/colleen/posts/451-catalyst-to-celebrate-food-day-with-teen-activism-kits>

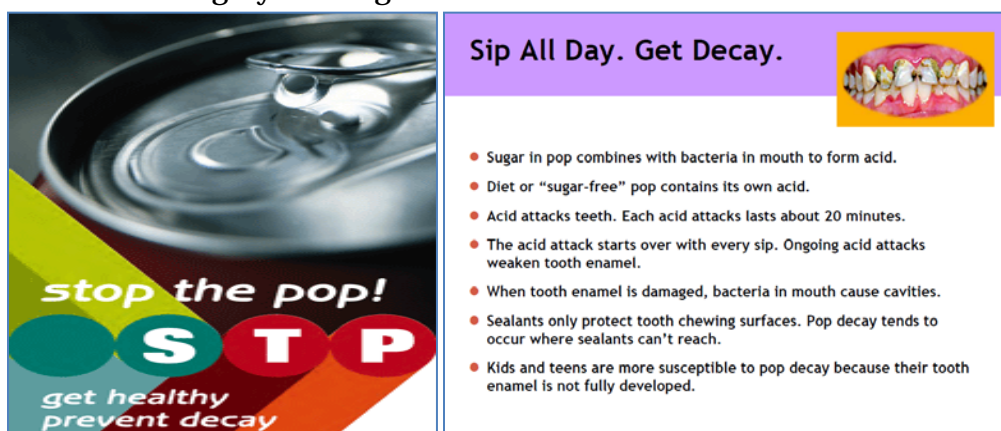
<sup>62</sup> Drink Well Texas, available at <http://texanscareforchildren.org/DrinkWell>

<sup>63</sup> Illinois Alliance to Prevent Obesity, available at <http://www.preventobesityil.org/index.html>

<sup>64</sup> Alliance for a Healthier Vermont, available at, <http://www.allianceforahealthiervt.org/index.php>

supports a tax on sugar-sweetened beverages to generate revenue for supporting health care programs while also reducing consumption.<sup>65</sup>

- **Dental Associations** - Dental Associations are developing public awareness campaigns to minimize SSB consumption because of its link to tooth decay:
  - **Minnesota Dental Association:** The “Sip All Day, Get Decay” campaign is nationally recognized as a critical educational tool for dental offices and public health agencies. The campaign provides research, educational materials, an informational presentation on the public health risks associated with SSB consumption and a “take action” center. The association has distributed nearly 500,000 informational brochures, posters, flyers and refrigerator magnets for use in dental offices, medical clinics and health agencies.<sup>66</sup>
  - **Missouri Dental Association:** Provides public resources, including brochures, display toolkits and presentation Power Points to promote its “Stop the Pop” campaign urging consumers to “get healthy, prevent decay.”<sup>67</sup>
  - **Pennsylvania Dental Association:** The association hosts a “Stop the Pop” educational website to provide the public with facts, tips and resources on the harmful effects sugary beverages can have on teeth.<sup>68</sup>



Missouri Dental Association

Minnesota Dental Association

## Local and Regional Campaigns

- **Chippewa County, WI** - “Challenge Chippewa,” a community coalition initiative of the Chippewa Health Improvement Partnership, is working to reduce the consumption of sugar-sweetened beverages to promote lifelong fitness and well-being for county residents.

<sup>65</sup> Community Catalyst, Sugar-Sweetened Beverage Tax Issue Area, available at <http://neach.communitycatalyst.org/issue/sugar>.

<sup>66</sup> Minnesota Dental Assoc., [http://www.mndental.org/public\\_home/educational\\_activities/sip\\_all\\_day\\_get\\_decay](http://www.mndental.org/public_home/educational_activities/sip_all_day_get_decay)

<sup>67</sup> Missouri Dental Assoc., <http://www.modental.org/mx/hm.asp?id=stopthepop>

<sup>68</sup> Pennsylvania “Stop the Pop!”

<http://www.padental.org/AM/Template.cfm?Section=Teachers2&Template=/CM/HTMLDisplay.cfm&ContentID=16316>

The coalition supports a beverage labeling recommendation, policy and training for daycare providers about the relationship of sweetened beverages and child obesity, and a community awareness campaign to reduce consumption of sweetened beverages.<sup>69</sup>

- **Kaiser Permanente, Northern California** - In August 2011, Kaiser Permanente announced grants totaling \$10 million to promote healthy living in seven underserved Northern California communities. The three-year grants will establish Healthy Eating Active Living (HEAL) zones in low-income communities, with a goal of decreasing calorie consumption, especially of sugar-sweetened beverages, while increasing consumption of fresh fruits and vegetables.

## EXISTING REGULATION, TAXATION, & LICENSING

### State Nutritional Standards for Vending

- **Alabama** - With 48% of Alabama state workers obese in 2009, the state launched the Alabama Healthy Vending Machine Project in October 2011. This project is a collaborative effort of the Alabama Department of Public Health and the Alabama Department of Rehabilitation Services to develop and implement a healthy vending machine policy for pilot building locations in state agencies. The new policy requires that between 30% - 100% of beverages in each vending machine be:
  - Water: non-carbonated, flavored, and vitamin-enhanced without artificial sweeteners; plain water preferred
  - 100% fruit/vegetable juice with no added sweeteners
  - Diet soda<sup>70</sup>

### Schools - Regulation of on-campus access and sales of SSBs

- **Prohibitions** - Three states – Alabama, Connecticut and Massachusetts – have banned all SSB drinks from school property.
- **Restrictions** - Twenty-four states have adopted restrictions on the sale and consumption of sweetened drinks on school property.<sup>71</sup> For example, Colorado law requires minimum

<sup>69</sup> Challenge Chippewa, *available at* [http://www.chippewahealth.org/current\\_initiatives.phtml](http://www.chippewahealth.org/current_initiatives.phtml)

<sup>70</sup> Alabama Dept. of Public Health, Vending Machines, *available at*, <http://www.adph.org/NUTRITION/assets/AlabamaHealthyVendingPolicyOct2011.pdf>

<sup>71</sup> These states are: AZ, AR, CA, CO, HI, IL, IN, IA, KY, LA, MD, MS, NV, NJ, NM, NC, OH, OR, RI, SC, TN, TX, WA, WV. *See*, Trust for America's Health, Supplement to "F as in Fat: How Obesity Threatens America's Future, 2011" Obesity-Related Legislation Action in States, Update, *available at* <http://healthyamericans.org/assets/files/FasinFat2011LegislativeSupplement.pdf>

nutrition standards for beverages sold in school cafeterias, vending machines and school stores - and during fund-raising activities conducted on school campuses. The nutrition standards vary depending on whether the school is elementary or high school. For example, elementary schools only may provide 8 oz. milk, water and 100% juice to students, whereas high school campuses can provide “other drinks, up to 12-ounce servings with no more than 66 calories per 8 ounces.”<sup>72</sup>

- **Bennett, CO** - The school district eliminated SSBs from football concession stands and replaced them with bottled water. School vending machines are stocked with zero-calorie sports drinks and water. The district also increased the price of soda to \$1, double that of bottled water.<sup>73</sup>

➤ **Other approaches to SSB restrictions in schools include:**<sup>74</sup>

- Content restrictions - limits on certain types of beverages or beverage ingredients
- Portion restrictions - limits on size of beverage containers or calories per serving
- Ratio rules - all or a percentage of beverages sold in schools must meet content and portion standards
- Time and event requirements – restricting times of day or school events during which beverages may be sold or distributed
- Age or grade requirements – uniform rules for all grades or varied requirements for different grade levels
- Marketing provisions - rules for beverage contracts and advertising
- Access to water – ensuring an alternative to SSBs

➤ **Other considerations to SSB restrictions or prohibitions in schools:**

- How multiple stakeholders are involved
- Evaluation requirements
- Funding provisions
- Pilot programs
- Timing and phasing of requirements
- Enforcement provisions and regulatory authority
- Responsibilities of state and local authorities

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<sup>72</sup> Colorado State Board of Education, 1 CCR 301-79, Rules for the Administration of the Healthy Beverages Policy

<sup>73</sup> The Denver Post, “Bennett is reshaping views of what’s healthy for rural towns” (9/23/2011), [http://www.denverpost.com/popular/ci\\_18958812](http://www.denverpost.com/popular/ci_18958812)

<sup>74</sup> Adapted from Yale Rudd Center For Food Policy & Obesity, “U.S. Campaigns to Reduce Soda Consumption and Increase Healthy Beverages” (Jan. 11, 2012), available at [http://yaleruddcenter.org/resources/upload/docs/what/SSB/Healthy\\_Beverage\\_Campaigns.ppt](http://yaleruddcenter.org/resources/upload/docs/what/SSB/Healthy_Beverage_Campaigns.ppt).

## Excise Taxes or Licensing

Excise taxes are imposed on selected products, often at the producer, wholesaler or distributor level. They can be specific, based on quantity, weight or volume; or ad valorem, based on price. In contrast, sales taxes are imposed on a broad range of goods and services and are generally assessed at the point of sale to consumers as a percentage of price. To deter SSB consumption, excise taxes are preferable to sales taxes because excise taxes are generally passed onto consumers, who will see a higher shelf price.

### **Cities**

- **Baltimore, MD** - In April 2010, the Baltimore City Council approved a three-year, two-cent excise tax on every distributor of certain beverages sold in non-reusable containers.<sup>75</sup> However, the Baltimore ordinance taxes soda water and carbonated natural spring water, not just SSBs.
  - Taxed beverages include soft drinks, alcohol, fruit juice with less than 10% natural fruit juice, ready-to-drink tea, soda water, carbonated water and natural spring water.
  - Tax-exempt beverages include milk and non-dairy milks, any beverage with more than 10% natural fruit juice and beverages in containers of two liters or larger.
  - In January 2011, the Pepsi plant in Baltimore closed its manufacturing operations — a decision the company partially blamed on the beverage tax in the city.<sup>76</sup>

**States** — *The taxes or license fees levied on soda in the following four states are nominal and were instituted for revenue-raising purposes, not to address SSB consumption, obesity or chronic disease prevention.*<sup>77</sup>

- **Alabama** - This state requires a nominal retailer license fee for soda dispensing. Persons selling soft drinks in bottles, cans or other sealed containers must pay an annual license tax of \$2.50. Persons selling soft drinks by means of taps or other dispensing devices must pay annual fees ranging from \$10 to \$25, depending on the size of the town or city (Ala. Code 40-12-69) (1935). There have been no legal challenges to this tax.
- **Arkansas** - Requires a distributor, manufacturer or retailer to pay a privilege tax for soda powder or mix at 21 cents per gallon, and for soda syrup at \$2 per gallon (Ark. Code 26-57-904) (1992, *amended* in 2009). This tax has been challenged twice in the Arkansas Supreme Court.

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<sup>75</sup> City of Baltimore, Ordinance 10-0474, *available at* <http://legistar.baltimorecitycouncil.com/detailreport/?key=4693>

<sup>76</sup> The Baltimore Sun, "Pepsi to Stop Making Beverages in Baltimore" (Jan. 10, 2011), *available at* [http://articles.baltimoresun.com/2011-01-10/business/bs-bz-pepsi-job-losses-20110110\\_1\\_beverage-tax-pepsi-officials-diet-pepsi](http://articles.baltimoresun.com/2011-01-10/business/bs-bz-pepsi-job-losses-20110110_1_beverage-tax-pepsi-officials-diet-pepsi)

<sup>77</sup> Washington passed a 2 cent per 12 ounces excise tax on soda in 2010; however, it was quickly repealed by Initiative Measure No. 1107 in the same year.

- During the first case in 1996, soft drink retailer Foxsmith brought action against Coca-Cola, the soft drink distributor. Foxsmith alleged that Coca-Cola unlawfully “passed the tax through” to them in its invoices, increasing the price of wholesale soda. The court dismissed the complaint, holding that the distributor was permitted to pass on the soft drink excise tax to soft drink retailers so long as the pass through was shown separately on a sale invoice.<sup>78</sup>
  - In 2001, the tax was challenged again. Ghegan, a soft drink retailer, brought an “illegal-exaction” action against the Arkansas Director of Department of Finance and Admission. Ghegan alleged that the tax violated the U.S. Constitution Equal Protection provisions, because it imposed a higher tax per gallon of soft drink produced from syrup than per gallon of soft drink produced from powder or per gallon of bottled soft drink. The Supreme Court held that the tax did not discriminate between people; it differentiated between products, and therefore was not a violation of the Constitution’s Equal Protection Clause.<sup>79</sup>
- **Virginia** - The Soft Drink Excise Tax Act applies to every wholesaler or distributor of carbonated soft drinks. The tax amount is based upon the gross receipts of each wholesaler or distributor from the sale of soft drinks, i.e., if gross receipts are \$100,000 or less, the tax is \$50; if gross receipts are \$25 million – \$50 million, the tax is \$18,000 (Vir. Code § 58.1-1700) (1984).
- Revenue is dedicated to the Litter Control and Recycling Fund.
  - There have been no legal challenges to this tax.
- **West Virginia** - This state’s excise tax is charged to distributors, manufactures, retailers and wholesalers on soda powder or mix. The tax is 1 cent per ounce or 84 cents per gallon on soda syrup (West Vir. Code 11-19-2) (1951).
- Revenue is dedicated to the maintenance and operation of a state funded four-year medical school.
  - There have been no legal challenges to this tax.

## Sales Tax

Sales tax is levied on a product at the point of sale. Many states assess a sales tax on soda, but not all categories of SSBs, e.g., sugar-sweetened iced teas and coffee drinks, energy drinks or sweetened juices, are subject to a state sales tax.

- 34 states and the District of Columbia apply the sales tax to soda.

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<sup>78</sup> *Foxsmith, Inc. v. Coca-Cola Bottling Co. of Ne. Arkansas*, 323 Ark. 13, 912 S.W.2d 923 (1996).

<sup>79</sup> *Ghegan & Ghegan, Inc. v. Barclay*, 345 Ark. 514, 49 S.W.3d 652 (2001)

- Colorado has a 2.9% sales tax on soda. Colorado’s definition of soda does not include other SSBs.<sup>80</sup>

## 2012 PENDING LEGISLATION: WHAT’S ON THE HORIZON

### Excise and Sales Taxes

#### **Local**

- **Chicago, IL** – On Feb. 15, 2012 George Cardenas, chairman of the Chicago City Council Health Committee, introduced a resolution, [R2012-172.pdf](#), calling for hearings on the “effect of sugar beverages on obesity” and on the “implications of imposing higher sales taxes on such beverages.” At the Council meeting, Cardenas said he plans to take testimony from medical experts, with the intent to propose an SSB excise tax large enough to discourage consumption.<sup>81</sup>
- **Multnomah County (Portland), OR** - A 2012 county tax initiative calls for a 1-cent-per-fluid-ounce tax on most sweetened drinks.
  - Spearheaded by Portland physician Gregg Coodley and the “Yes for a Stronger Multnomah County” citizens’ alliance.<sup>82</sup>
  - Money would be spent to: 1) subsidize small and medium-sized businesses if they hire unemployed workers; 2) create jobs in schools for physical education positions; and 3) start new after school and summer activities aimed at improving health.
  - The initiative needs 17,000 signatures to make the county ballot in November.
- **Richmond, CA** - On Dec. 6, 2011, the Richmond City Council directed staffers to prepare a measure for the November 2012 ballot that would impose a sales tax on “sweetened beverages.” The Council will be deciding whether to put a ballot measure on SSBs before the voters.<sup>83</sup>

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<sup>80</sup> See, C.R.S. 39-26-707 (1.5) (2011).

<sup>81</sup> Resolution [R2012-172.pdf](#); see also, <http://chicago.legistar.com/LegislationDetail.aspx?ID=1051402&GUID=DOE18970-210B-4E47-B076-B84684F32DD3&Options=&Search=>; and The Sun Times, “Sugar-drink tax to get Chicagoans, budget in shape?”, available at <http://www.suntimes.com/10691227-417/sugar-drink-tax-to-get-chicagoans-budget-in-shape.html>

<sup>82</sup> “Yes for a Stronger Multnomah County” Facebook page, available at <http://www.facebook.com/pages/Yes-for-a-Stronger-Multnomah-County/160350987400867?sk=wall&filter=12>

<sup>83</sup> See, Richmond, CA, City Council Agenda, December 6, 2011, available at <http://sireweb.ci.richmond.ca.us/sirepub/mtgviewer.aspx?meetid=358&doctype=AGENDA>; see also Richmond Pulse, *City Council Proposes Sugar Sweetened Beverage Tax* (December 18, 2011), available at <http://richmondpulse.org/city-council-proposes-sugar-sweetened-beverage-tax/>

## Excise and Sales Taxes

### States

- **Hawaii** - HB 1188 would impose a tax on distributors of sugar-sweetened beverages -- a 10 cent tax per deposit container less than or equal to 12 fl oz and 25 cent per deposit container greater than 12 fl oz.
- **Hawaii** - SB 1179 would establish a per gallon excise tax on SSBs (tax amount not yet determined).
- **Hawaii** - SB 2480 would impose an excise tax of 1 cent per teaspoon of added sugar on beverages; revenue would be dedicated to community health centers, the trauma system<sup>84</sup> and a medical loan forgiveness program.
- **Hawaii** - SB 3019 would impose a 1-cent-per-teaspoon excise tax on sugar-sweetened beverages. Revenue would be deposited in special funds for community health centers and the trauma system.
- **Illinois** – SB 396 would impose a 1 cent per ounce tax on sugar-sweetened beverages and create the Illinois Health Promotion Fund with the revenues.
- **Nebraska** - LB 753 would impose sales tax on sugar-sweetened beverages with revenues going toward the Obesity Prevention Fund.
- **Rhode Island** - HB 7342 would impose an excise tax of \$1.28 per gallon of sugar-sweetened beverage.
- **Rhode Island** – HB 5432 would impose a tax of 1 cent per ounce on distributors, manufacturers and wholesalers. Revenues would go to fund public health efforts and programs focused on eradicating obesity.
- **Tennessee** – HB 537 would impose a 1 cent per ounce tax on bottled, sugar-sweetened beverages in exchange for a 1% reduction in state sales tax on food. This has been called "swap legislation" (Companion Bill SB 521).
- **Vermont** - HB 615 would impose a 1 cent per ounce excise tax on sugar-sweetened beverages. Revenue would be used to create a Vermont oral health improvement fund.
- **Vermont** – HB 151 would impose an excise tax of 1 cent per ounce on sugar-sweetened beverages.
- **West Virginia** - HB 2968 would impose a 1 cent excise tax on bottled soft drinks, syrups and dry mixtures.

### Proposed 2012 Dedicated Funds - excerpted from proposed bills listed above

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<sup>84</sup> Hawaii Code § 321-22.5; The trauma systems is a statutorily mandated fund that seeks to ensure the availability of care for trauma patients in the state.



- **Illinois** – Fifty percent of the revenue collected from Illinois’ proposed tax (SB 396) would be paid into the Illinois Health Promotion Fund. Funds would first be used to cover all costs of the SSB tax program, with remaining funds allocated as follows:
  - Twenty percent of funds will be used to coordinate grants to state-certified public health departments to improve public health infrastructure.
  - Thirty percent of funds will be used for community-based childhood obesity prevention programs.
  - Thirty percent of funds will be used for elementary and secondary schools for educational, environmental, policy and other public health approaches that promote nutrition and physical activity.
  - Ten percent of funds will be used for chronic disease prevention and treatment programs.
  - Ten percent of fund will be used for oral health treatments and services to underserved populations.
  
- **Vermont** - Revenue from Vermont’s proposed excise tax (HB 615) would be dedicated to a Vermont oral health improvement fund and support:
  - Medicaid dental reimbursement rates administered by the department of Vermont health access
  - Repayment of educational loans owed by dentists licensed and practicing dentistry in Vermont
  - Head Start and school-based Tooth Tutor programs
  - Costs incurred by entities that own or control water systems in complying with fluoridation requirements
  - “Baby Bottle Tooth Decay” education program
  
- **Rhode Island** - Revenue from Rhode Island’s proposed excise tax (HB 5432) would be dedicated to the state health department to coordinate evidence-based statewide childhood obesity prevention programs. This funding would support programs that use educational, environmental, policy and other public health approaches to achieve the following goals:
  - Eliminate racial, ethnic and socio-economic disparities in childhood obesity rates
  - Improve access to and consumption of healthy, safe and affordable foods
  - Reduce access to and consumption of calorie-dense, nutrient-poor foods
  - Encourage physical activity and decrease sedentary behavior
  - Raise awareness about the importance of nutrition and physical activity to childhood obesity prevention
  - Evidence-based community childhood obesity prevention programs
  - Evidence-based prevention, early recognition, monitoring and weight-management intervention activities in the medical setting

- Elementary and secondary schools for educational, environmental, policy and other public health approaches that promote nutrition and physical activity
- **Hawaii** - Revenue from Hawaii’s proposed excise tax (HB 1179) would be dedicated to the Children’s Health Promotion Fund as follows:
  - Statewide childhood obesity prevention activities and programs
  - Community-based childhood obesity prevention programs
  - Evidence-based prevention, early recognition, monitoring and weight management intervention activities in the medical setting
  - Promotion of nutrition and physical activity in elementary and secondary schools
- **Hawaii** - Revenue from Hawaii’s proposed excise tax of 1 cent per teaspoon of added sugar on beverages (SB 2480) would be deposited into a community health center special fund, a trauma system special fund<sup>85</sup> and the John A. Burns School of Medicine medical loan forgiveness program special fund.
- **Hawaii** - Revenues from Hawaii’s proposed SSB excise tax (HB 3019) would be directed to community health centers.
- **West Virginia** - The proposed SSB excise tax revenues (HB 2968) would be dedicated to the Special State Parks Maintenance and Improvements Fund.

## Check-Out Lanes/Display Regulations

- **New York** - HB 8812 would prohibit grocery stores, markets, supermarkets or general stores with more than 10 employees from displaying sugared beverages at the checkout counter or in the aisle next to the register.

## Schools – Regulation of on-campus access and sales of SSBs

- **California** - AB 1746 would ban the sale of sugary electrolyte-replacement drinks such as Gatorade from California school campuses during school hours, with some exceptions, such as school fundraisers. Elementary school students would never be allowed to buy such beverages on campus, whether school is in session or not.

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<sup>85</sup> Hawaii Code §321-22.5; The trauma systems is a statutorily mandated fund that seeks to ensure the availability of care for trauma patients in the state.

## - LOOKING AHEAD - OTHER HEALTHY BEVERAGE POLICY APPROACHES

There are a variety of other approaches that governments and organizations can take to create a healthy beverage environment. A number of the strategies below have been used successfully in youth tobacco prevention efforts.<sup>86</sup>

- **Early Childhood and Afterschool Programs** - restricts sales of SSB in childcare and afterschool programs.
- **Density of Retailers** - modifies local zoning laws to limit the number and/or density of SSB vendors near schools and playgrounds.
- **Public Funds Used for Procurement** - prohibits use of government funds to purchase SSBs.
- **Signage and Labeling** - strengthens signage ordinances to limit the amount and type of signage on stores and in buildings, and uses labeling or signage to discourage consumption of sugar-sweetened beverages, promote healthier choices and give consumers nutrition information.
- **Youth Venues** - eliminates the sale and marketing of SSBs at youth venues, e.g., zoos, museums, teen centers, and parks.

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<sup>86</sup> Adapted from [kickthecan.info](http://kickthecan.info), a project of the California Center for Public Health Advocacy, to provide up-to-date information about the negative health effects of sugary drinks and related policy activity around the country.

## APPENDIX A

### Healthy Beverage Policies and Programs in Selected Massachusetts Hospitals



“Stop Light” used in MA hospital healthy beverage programs

- **Beth Israel Deaconess Medical Center** (Boston, MA): In addition to labeling vending options with “stoplight” color coding, the medical center has reduced the number of sugary drinks in fountain service, increased healthy vending options, and replaced advertisement of sugary drinks on coolers with ads for healthy options.<sup>87</sup>
- **Boston Medical Center** (Boston, MA): Boston Medical Center (BMC) first formed a task force to evaluate the culture at BMC and perform a baseline survey of the environment. The hospital’s extensive educational campaign has

<sup>87</sup> Boston Public Health Commission, *Healthy Beverages in Hospitals Campaign*, [http://www.cityofboston.gov/news/uploads/24633\\_13\\_17\\_31.pdf](http://www.cityofboston.gov/news/uploads/24633_13_17_31.pdf)

made use of signage, product placement, facts in the BMC Weekly Huddle and table tents in the hospital café.<sup>88</sup>

- **Brigham and Women's Hospital** (Boston, MA): Brigham and Women's Hospital has color-coded all cafeteria food and beverages under a new "Your Health, Your Choice" program and will be evaluating its impact. Over time, Green beverages will be more favorably priced.<sup>89</sup>
- **Carney Hospital** (Boston, MA): On April 4, 2011, Carney Hospital became the first Boston hospital to eliminate sugar-sweetened beverages. Carney Hospital has completely eliminated Red beverages, including from patient tray service. Since the healthy beverage program was implemented in April 2011, the sale of Yellow and Green beverages has surged, with 7,809 more Yellow beverages and 1,976 more Green beverages sold compared to the previous year.<sup>90</sup>
- **Children's Hospital Boston** (Boston, MA): Children's Hospital Boston began its healthy beverage initiative by establishing the Healthy Hospital Workgroup and surveying employees about their habits and attitudes towards sugary drinks. Then, the hospital's Children's Café implemented the Stop Light Program. Since then, the sale of Red beverages has decreased and the sale of healthy beverages has increased. The hospital also has stopped offering sugary drinks on patient trays and in the catering service.<sup>91</sup>
- **Codman Square Community Health Center** (Boston, MA): In 2010, the Center became the first community health center in the nation to create a soda-free policy.<sup>92</sup>
- **Dana Farber Cancer Institute** (Boston, MA): The Institute will be launching an educational campaign utilizing Red, Yellow and Green beverage labeling.<sup>93</sup>

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<sup>88</sup> *Id.*

<sup>89</sup> Brigham and Women's Hospital, *Your Health, Your Choice* Program, [http://www.brighamandwomens.org/Patients\\_Visitors/pcs/nutrition/YourHealthYourChoice.aspx](http://www.brighamandwomens.org/Patients_Visitors/pcs/nutrition/YourHealthYourChoice.aspx)

<sup>90</sup> Carney Hospital, [http://www.redorbit.com/news/health/2029437/carney\\_hospital\\_supports\\_public\\_health\\_with\\_ban\\_on\\_sugar\\_sweetened/?source=r\\_health](http://www.redorbit.com/news/health/2029437/carney_hospital_supports_public_health_with_ban_on_sugar_sweetened/?source=r_health); see also, [http://www.cityofboston.gov/news/uploads/24633\\_13\\_17\\_31.pdf](http://www.cityofboston.gov/news/uploads/24633_13_17_31.pdf)

<sup>91</sup> Children's Hospital Boston, "Serving Up A Healthier Hospital" available at <http://childrenshospital.org/newsroom/Site1339/mainpageS1339P826.html>

<sup>92</sup> Boston Public Health Commission, Healthy Beverage Toolkit, available at <http://www.bphc.org/programs/cib/chronicdisease/healthybeverages/Forms%20%20Documents/toolkit/HealthyBeverageToolkitFinal.pdf>

<sup>93</sup> Boston Public Health Commission, Healthy Beverages in Hospitals Campaign, [http://www.cityofboston.gov/news/uploads/24633\\_13\\_17\\_31.pdf](http://www.cityofboston.gov/news/uploads/24633_13_17_31.pdf)

- **Fairview Hospital** (Great Barrington, MA): Fairview eliminated SSBs sales in spring 2010. In 2009, Fairview changed the pricing structure of sugar-sweetened beverages by increasing the price of sodas in its vending machines and retail establishments from \$1.25 to \$1.50.<sup>94</sup>
- **Faulkner Hospital** (Boston, MA): Faulkner Hospital's broad array of healthy beverage strategies includes offering education to employees; labeling bottled beverages with Red, Yellow and Green dots; rearranging coolers to provide easier access to healthy options; and increasing the price of sugary drinks relative to water. These efforts resulted in a 9% drop in the sale of unhealthy drinks.<sup>95</sup>
- **Massachusetts General Hospital:** Mass General's color-coded *Choose Well, Eat Well* program included various beverage mix and placement strategies. The March 2012 American Journal of Public Health published an [article](#) by Anne Thorndike documenting results, including that Red beverage sales dropped by 26% and Green beverage sales grew by 14%. The study concluded that labeling all foods and beverages with a simple red, yellow and green color scheme led patrons to purchase more of the healthy and fewer of the unhealthy items. Product placement led to further improvement in the nutritional quality of items purchased." <sup>96</sup>
- **Saint Anne's Hospital** (Fall River, MA): On Nov. 30, 2011, Saint Anne's launched a "Stop. Rethink Your Drink" campaign. The campaign includes an increase in healthy beverage products stocked in vending machines and coolers; the labeling of drink choices according to recommended intake; on-site education sessions; and ongoing education on the benefits of choosing healthier drinks.
  - In the cafeteria, lined up under each bottle or can is a strip of sugar packets representing the amount of sugar in each container.<sup>97</sup>

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<sup>94</sup> Boston Public Health Commission, Healthy Beverage Toolkit, *available at* <http://www.bphc.org/programs/cib/chronicdisease/healthybeverages/Forms%20%20Documents/toolkit/HealthyBeverageToolkitFinal.pdf>

<sup>95</sup> Boston Public Health Commission, Healthy Beverages in Hospitals Campaign, [http://www.cityofboston.gov/news/uploads/24633\\_13\\_17\\_31.pdf](http://www.cityofboston.gov/news/uploads/24633_13_17_31.pdf)

<sup>96</sup> Massachusetts General Hospital, *Live Well, Eat Well Program*, <http://www.massgeneral.org/heartcenter/news/newsarticle.aspx?id=3262> and <http://www.massgeneral.org/doctors/news/pressrelease.aspx?id=1431>

<sup>97</sup> The Herald News, "Saint Anne's Hospital asking employees to rethink their sugary drinks and make healthier choices." (December 18, 2011) *available at* <http://www.heraldnews.com/lifestyle/health/x2320076/Saint-Annes-Hospital-asking-employees-to-rethink-their-sugary-drinks-and-make-healthier-choices>

- **St. Elizabeth's Medical Center** (Brighton, MA) – The healthy beverage program at St. Elizabeth's Medical Center was rolled out in the cafeteria, where 40 varieties of Red beverages have been removed and more than 40 Yellow and Green beverages have been added. In addition to changing the product mix, St. Elizabeth's has implemented pricing changes, placement strategies and a color-coded beverage education system in the cafeteria. Red beverage sales dropped 54%, while Green beverage sales have jumped more than 30%.<sup>98</sup>
- **Tufts Medical Center** (Boston, MA) - Tufts Medical Center has prioritized healthy beverage choices by incorporating them into its “Wellness 1,2,3” employee wellness program. Tufts has posted consumer education signage about healthy beverage choices and is pricing water lower than sugary drinks in all vending and retail locations.<sup>99</sup>

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<sup>98</sup> Boston Public Health Commission, Healthy Beverages in Hospitals Campaign, [http://www.cityofboston.gov/news/uploads/24633\\_13\\_17\\_31.pdf](http://www.cityofboston.gov/news/uploads/24633_13_17_31.pdf)

<sup>99</sup> *Id.*