
UNFINISHED BUSINESS

Bill No: SB 764
Author: Weber Pierson (D), et al.
Amended: 6/19/25 in Assembly
Vote: 21

SENATE HEALTH COMMITTEE: 11-0, 4/9/25

AYES: Menjivar, Valladares, Durazo, Gonzalez, Grove, Limón, Padilla,
Richardson, Rubio, Weber Pierson, Wiener

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25

AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab

NO VOTE RECORDED: Dahle

SENATE FLOOR: 38-0, 5/29/25

AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear,
Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez,
Grayson, Grove, Hurtado, Jones, Laird, McGuire, McNerney, Menjivar, Niello,
Ochoa Bogh, Padilla, Pérez, Richardson, Rubio, Seyarto, Smallwood-Cuevas,
Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

NO VOTE RECORDED: Limón, Reyes

ASSEMBLY FLOOR: 74-0, 8/28/25 (Consent) - See last page for vote

SUBJECT: Chain restaurants: children's meals

SOURCE: American Diabetes Association (co-source)
American Heart Association (co-source)

DIGEST: This bill requires a chain restaurant that sells a children's meal, to offer at least one children's meal that meets specified nutritional requirements.

Assembly Amendments of 6/19/25 deleted a requirement that a local enforcement agency provide written notice of the requirements of this bill to chain restaurants in

its jurisdiction, added a requirement that restaurants include an icon or symbol on the menu to identify the children's meal that meets the requirements of this bill, specified that 100% fruit juice is considered a serving of fruit, and revised the employee training requirement to permit the training to be included in an employee's existing training program.

ANALYSIS:

Existing law:

- 1) Establishes the California Retail Food Code (CalCode) to provide for the regulation of retail food facilities. Health and sanitation standards are established at the state level through the CalCode, while enforcement is charged to local agencies, carried out by the 58 county environmental health departments, and four city environmental health departments (Berkeley, Long Beach, Pasadena, and Vernon). [Health and Safety Code (HSC) §113700, et seq.]
- 2) Defines a "food facility" as an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level. Excludes various entities from the definition of a "food facility," including a cottage food operation, and a church, private club, or other nonprofit association that gives or sells food to its members and guests, and not to the general public, at an event that occurs no more than three days in any 90-day period. [HSC §113789]
- 3) Requires a restaurant that sells a children's meal to make the default beverage offered with the children's meal one of the following:
 - a) Water, sparkling, or flavored water, with no added natural or artificial sweeteners;
 - b) Unflavored milk; or,
 - c) A nondairy milk alternative that contains no more than 130 calories per container or serving that meets the standards for the National School Lunch Program. [HSC §114379.20]
- 4) Defines "children's meal," for purposes of the requirement in 3) above, to mean a combination of food items and a beverage, or a single food item and a beverage, sold together at a single price, intended primarily for consumption by a child. [HSC §114379.10]

- 5) Specifies that the requirement in 3) above, does not prohibit a restaurant's ability to sell an alternative beverage instead of the default beverage offered with the children's meal, if requested by the purchaser of the children's meal. [HSC §114379.30]
- 6) Specifies that a violation of the Children's Meal requirements described in 3) above, notwithstanding existing misdemeanor penalties with fines of up to \$1,000 for other violations of the CalCode, is an infraction, with a first violation only resulting in a notice of violation, a second violation within a five-year period from the initial notice of violation subject to a \$250 fine, and a third or subsequent violation within a five-year period subject to a fine of up to \$500. [HSC §114379.50]
- 7) Requires a food facility, as defined in federal law, as a chain restaurant with 20 or more locations, to comply with federal menu labeling requirements that provide calorie and other nutritional information. Provides for local enforcement of the menu labeling requirement, and provides for a fine of between \$50 and \$500 for a first violation, between \$100 and \$1,000 for a second violation in a five-year period, and a fine of between \$250 and \$2,500 for subsequent violations. [HSC §114094]

This bill:

- 1) Requires a chain restaurant, as defined, that sells a children's meal, to offer at least one children's meal that meets specified nutrition standards.
- 2) Prohibits the children's meal required to be offered under this bill from containing more than any of the following:
 - a) 550 calories;
 - b) 700 milligrams of sodium;
 - c) 10% of calories from saturated fat;
 - d) 15 grams of added sugar; or,
 - e) Zero grams of trans fat.
- 3) Requires a children's meal required to be offered under this bill to include at least two of the following servings:
 - a) A serving of one-half cup or more of fruit, and specifies that 100% fruit juice is considered a serving of fruit;
 - b) A serving of one-half cup or more of vegetables;
 - c) A serving of one-half cup or more nonfat or low-fat dairy;

- d) A serving of eight or more grams of whole grains in which the serving contains 50% or more of whole grain ingredients, or the first ingredient in the serving's ingredient list is whole grains; or,
 - e) A serving of meat or a meat alternative equal to at least one of the following:
 - i) One ounce of meat, poultry, or seafood;
 - ii) One egg;
 - iii) One-fourth of a cup of soy products or pulses, including beans, peas, or lentils;
 - iv) Two tablespoons of nut butter; or,
 - v) One ounce of nuts and seeds.
- 4) Requires a chain restaurant that sells children's meals to include an icon or symbol on the menu to identify the children's meal that meets the requirements of this bill. Requires the icon or symbol and accompanying text to be displayed prominently, clearly, and conspicuously next to or directly under the name of the health children's meal, and at a height no smaller than the largest letter in the name of the item.
- 5) Requires a chain restaurant that sells a children's meal, by July 1, 2026, to include information on how to comply with this bill's requirements during an employee's ongoing training program and a new employee's training process.
- 6) Defines "chain restaurant," as a restaurant or similar retail food establishment that is part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items, regardless of the type of ownership of the locations.
- 7) States that the Legislature finds and declares that the nutrition standards in this bill are informed by the Dietary Guidelines for Americans and the National Restaurant Association's 2021 Kids LiveWell 2.0 nutrition standards for children's meals.

Comments

According to the author of this bill:

I am deeply committed to ensuring that all children in California have access to healthy meals that support their growth and development. As a physician, I've seen the alarming impact of poor nutrition on children's health, and as a mother, I know how challenging it can be to find healthy options when dining out. Currently, our state faces a childhood obesity crisis, and we must

take action now to reverse these trends. This bill is an important step forward. This bill will require chain restaurants to offer healthier meal options for children, helping families make better food choices when dining out. By setting clear nutritional standards and providing training for restaurant employees, we are making it easier for parents to provide healthy meals for their kids, no matter where they eat. As a mother, I know how important it is to set our children up for a healthy future. This bill will help ensure that children's meals not only meet basic nutritional standards but also support their long-term health. It's time to prioritize our children's well-being and take steps toward a healthier California for all.

Background

According to information provided by the author, restaurants are a key source of food for families in California. Families with children consume food away from home four to five times a week on average. Between 2015 and 2018, children ages two to 11 years old consumed an average of 11.4% of their daily calories from fast food alone. While some chain restaurants such as McDonald's have made their kids' meals healthier, much of the food offered on restaurant children's menus does not meet minimum nutrition standards for healthy meals. A 2018 analysis of kids' meal combinations at the top 50 U.S. restaurant chains (as ranked by revenue) found that, among the chains with kids' menus, 71.9% of kids' meals did not meet expert nutrition standards for calories, total fat, saturated fat and trans fat combined, and sodium. California is facing a childhood nutrition and weight crisis. In 2017, 40% of 5th graders, 38% of 7th graders, and 36% of 9th graders were overweight or obese for their age. Native Hawaiian, Pacific Islander, Latino and Black children had disproportionately higher rates of obesity than other racial and ethnic groups. Compared with children at a healthy weight, children with obesity are at higher risk for a range of health problems, including asthma, high blood pressure, high cholesterol, and type 2 diabetes; they also are more likely to become obese as adults.

Based on the National Restaurant Association's voluntary Kids LiveWell program. According to its website, the National Restaurant Association launched Kids LiveWell (KLW) in 2011 to help parents and children select better for you menu options when dining out. Restaurants that participate in this voluntary program commit to offering healthful meal items for children with a particular focus on increasing consumption of fruits and vegetables, lean protein, whole grains, and low-fat dairy while limiting unhealthy fats, sugars, and sodium. The National Restaurant Association "relaunched" this effort in 2021, which they refer to as KLW 2.0, to better align with the current nutrition science. The key changes

reflected in K LW 2.0 include omitting the total fat criterion to instead focus on limiting saturated fat and eliminating trans fat, and replacing the total sugars criterion to focus on added sugars, among other updates. Restaurants participating in K LW agree to offer at least 2 children's meals (compared to just one under this bill) that meet the specified criteria. The limits on calories, calories from saturated fat, added sugars, and sodium, as well as the exclusion of trans fat, are the same in both this bill and K LW. Likewise, both K LW and this bill require the meals to include servings from at least 2 of 5 specified food groups, and that at least one of the servings must be a fruit or vegetable. According to its website, 21 brands of restaurants have agreed to participate in the K LW program, including Applebee's Buffalo Wild Wings, Burger King, Chipotle, Denny's, IHOP, Panda Express, and Subway.

Builds on existing requirements on children's meals. SB 1192 (Monning, Chapter 608, Statutes of 2018) established a requirement for restaurants that sell children's meals to make either water, milk, or a nondairy milk alternative the default beverage that is offered with the children's meal. As part of this bill, "children's meals" were defined, and a softer enforcement structure was established with an initial warning letter, followed by fines that are capped at \$500 for repeated violations. This bill builds on SB 1192, amending the same chapter of law and utilizing the existing definition of "children's meals." Any violations of this bill therefore will be subject to the enforcement provisions established under SB 1192.

Nutrition information on menus of chain restaurants. SB 1420 (Padilla, Chapter 600, Statutes of 2008) required every food facility that is part of a chain of at least 20 food facilities with the same name that sell substantially the same menu items, to disclose to consumers specified nutritional information, including the calorie content, for all standard menu items. Subsequently, as part of the Patient Protection and Affordable Care Act of 2010 (ACA), the federal government enacted a similar requirement. Following the enactment of the ACA, the state menu labeling law was repealed (contingent on enactment of the federal implementing regulations) in order to have California conform to the very similar federal requirements. Under the federal regulations, chain restaurants must disclose the number of calories contained in standard items on menus and menu boards. For self-service foods and foods on display, the calories must be listed in close proximity and clearly associated with the standard menu item. The restaurants must also provide, upon request, the following written information for standard menu items: total calories; total fat; saturated fat; trans fat; cholesterol; sodium; total carbohydrates; sugars; fiber; and, protein. In addition, two statements must be displayed – one indicating this written information is available upon request, and the other about daily calorie

intake, indicating that 2,000 calories a day is used for general nutrition advice, but calorie needs may vary.

Related/Prior legislation

SB 348 (Skinner, Chapter 600, Statutes of 2023) requires schools to provide students with adequate time to eat following guidelines established by the California Department of Education (CDE); makes various conforming changes to the school meal program to implement the free universal school breakfast and lunch program; and, requires the CDE, in partnership with the California School Nutrition Association to develop guidelines to reduce the sugar and sodium content in school meals if the National School Lunch Program allows more added sugar or sodium than is recommended by the most recent Dietary Guidelines for Americans at any time in the future.

SB 347 (Monning of 2019) would have established the Sugar-Sweetened Beverages Health Warning Act, to be administered by the California Department of Public Health, and required a safety warning on all sealed sugar-sweetened beverage containers, as specified. Would have required the warning label to be posted in a place that is easily visible at the point-of-purchase of an establishment where a beverage container is not filled by the consumer. SB 347 was not heard in Assembly Health Committee.

SB 1192 (Monning, Chapter 608, Statutes of 2018) requires restaurants that sell children's meals to make either water, milk, or a nondairy milk alternative the default beverage that is offered with the children's meal.

SB 300 (Monning of 2017), SB 203 (Monning of 2015), and SB 1000 (Monning of 2014) were all substantially similar to SB 347 of 2019. SB 300 was not heard in Senate Health Committee, SB 203 failed passage in the Senate Health Committee, and SB 1000 failed passage in the Assembly Health Committee.

SB 1420 (Padilla, Chapter 600, Statutes of 2008) requires every food facility in the state that operates under common ownership or control or operates as a franchised outlet of a parent company, with at least 19 other food facilities or franchises with the same name that sell substantially the same menu items, to disclose to consumers specified nutritional information for all standard menu items. SB 1420 excluded specified facilities, such as grocery stores, convenience stores, public and private school cafeterias, and vending machines from these requirements. SB 1420 also provided definitions for calorie content information, drive-through, menu

board, and others, and describes nutritional information to include total number of calories, grams of carbohydrates, grams of saturated fat; and milligrams of sodium.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee, there are no state costs.

SUPPORT: (Verified 8/28/25)

American Diabetes Association (co-source)
American Heart Association (co-source)
American Academy of Pediatrics, California
California Medical Association
California State Alliance of YMCAs
California State PTA
Center for Science in the Public Interest

OPPOSITION: (Verified 8/28/25)

None received

ARGUMENTS IN SUPPORT: This bill is co-sponsored by the American Heart Association (AHA) and the American Diabetes Association (ADA).

According to AHA and ADA, research consistently shows that children who consume diets high in sodium, added sugars, and saturated fats face a significantly heightened risk of developing high blood pressure, type 2 diabetes, and other chronic conditions later in life. Restaurants are a frequent source of food for American families, and when families dine out, children tend to consume more calories, sugars, sugary drinks, saturated fat, and sodium than they would if they ate at home. By requiring chain restaurants to offer at least one children's meal that meets expert nutrition standards, this bill takes an important step toward improving the dietary environment for California's children and protecting them from early risk factors tied to obesity and cardiovascular disease. The Center for Science in the Public Interest (CSPI) states that when at restaurants, 64% of caregivers of children under the age of six reported ordering a kids' meal for their child. Children's menu items commonly include fried chicken, burgers, and fried potatoes, and as a result, children and parents are accustomed to seeing unhealthy foods on the kids menu. CSPI is supportive of the approach to require chain restaurants to serve at least one kids' meal to meet nutrition standards, and also encourages lawmakers to consider requiring chain restaurants to serve at least two kids' meals or 25% of the kids' menu, whichever is greater, that meet the nutrition

standard, so that healthy kids meal options are not lost amongst the many other options available.

Prepared by: Vincent D. Marchand / HEALTH / (916) 651-4111
8/28/25 16:50:16

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