
SENATE COMMITTEE ON HEALTH

Senator Dr. Akilah Weber Pierson, Chair

BILL NO: SB 869
AUTHOR: Weber Pierson
VERSION: March 18, 2026
HEARING DATE: April 8, 2026
CONSULTANT: Vincent Marchand

SUBJECT: Restaurant menus: added sugar warnings

SUMMARY: Requires chain restaurants to include an icon next to beverage items on menus indicating that the beverage has added sugar content that is greater than one-half of the daily value for added sugar.

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). [HSC §113700, et seq.]
- 2) Establishes misdemeanor penalties for violations of the CalCode, with a fine of up to \$1,000, or up to six months in the county jail, or both, unless otherwise specified. Permits a permit to be suspended or revoked by a local enforcement officer for violations, under a specified process that includes the ability for a permit holder to request a hearing. [HSC §114395 and §114405]
- 3) 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]
- 4) 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]
- 5) Requires a chain restaurant with 20 or more locations, as defined in federal law, to provide written notification of major food allergens contained as an ingredient in each menu item beginning July 1, 2026. [HSC §114093.5]
- 6) 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]
- 7) Specifies that the requirement in 6) 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]
- 8) Specifies that a violation of the children's meal requirements described in 6) 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]

Existing federal law: Defines chain restaurants, for purposes of disclosing nutritional information on menu items, as a retail food establishment that is part of a chain with 20 or more locations doing business under the same name (regardless of the type of ownership of the locations) and offering for sale substantially the same menu items. [21 USC §343(q)(5)(H)]

This bill:

- 1) Requires a chain restaurant that offers a standard menu beverage item with high added sugar content, by January 1, 2028, to display:
 - a) An added sugar icon prominently, clearly, and in a conspicuous manner on its menus, immediately adjacent to each standard menu beverage item with high added sugar content, indicating that the added sugar content of this item exceeds one-half the total daily recommended limit; and,
 - b) The following factual warning statement prominently, clearly, and conspicuously at the point of selection:
“(Insert icon and accompanying text here) indicates that the added sugar content of this item exceeds one-half the total daily recommended limit.”
- 2) Defines “chain restaurant,” for purposes of this bill, as a food facility that is:
 - a) A restaurant or similar retail food establishment, which includes a café or deli that serves food for immediate consumption and is located within another retail establishment, regardless of whether the retail establishment owns the café or deli; and,
 - b) 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.
- 3) Defines “high added sugar content” as 50% or more per serving of the daily reference value for added sugar used by the FDA on January 1, 2026, to calculate the percent daily value for nutrition labeling of food.
- 4) Defines “point of selection” as a place where a customer may view menu options and make their selection when purchasing food from a chain restaurant.
- 5) Defines “standard menu beverage item” as a beverage item that is prepared or poured at, and listed on a menu of, a chain restaurant, including a fountain drink or a variable beverage item that comes in different flavors, varieties, or combinations and is listed as a single item.

- 6) Excludes from the definition of “standard menu beverage item:”
 - a) Prepackaged beverage items with added sugar content labeling that are served directly to customers;
 - b) Beverage items appearing on a menu for less than 30 days per calendar year;
 - c) Beverage items without high added sugar content that are then modified or customized by the customer either while ordering or while at a beverage dispenser; and,
 - d) Beverage items that contain alcohol.
- 7) Defines “menu” as the primary writing of a chain restaurant from which a customer makes an order selection, including breakfast, lunch, and dinner menus, dessert menus, beverage menus, child menus, other specialty menus, drive-through menus, electronic menus, menu boards, and menus on the internet. Specifies that menus on the internet include, but are not limited to, menus on chain restaurant websites and applications, and on third-party platforms where chain restaurants post and control their menus.

FISCAL EFFECT: This bill has not been analyzed by a fiscal committee.

COMMENTS:

- 1) *Author’s statement.* According to the author, as a physician, I and many others know that excessive consumption of added sugar is associated with increased risk of obesity, type 2 diabetes, heart disease, and other chronic health conditions. Sugary beverages are a significant source of added sugars in the American diet and are often consumed without a clear understanding of how much sugar they contain. Consumers frequently make purchasing decisions quickly, especially in restaurant settings, and may not have access to detailed nutrition information at the point of selection. Clear, standardized labels placed directly on menus can help address this information gap. This bill addresses this information gap by requiring chain restaurants with 20 or more locations to display a clear and conspicuous added sugar warning icon next to beverage items that contain high levels of added sugar.
- 2) *Background.* According to a fact sheet published by the Centers for Disease Control and Prevention (CDC fact sheet), frequently drinking sugar-sweetened beverages is associated with negative health consequences, and limiting sugary drinks can help individuals maintain a healthy weight and healthy diet. The CDC fact sheet states that sugary drinks are leading sources of added sugars in the American diet, and frequently drinking sugary drinks is associated with weight gain, obesity, type 2 diabetes, heart disease, non-alcoholic liver disease, tooth decay and cavities, and gout, a type of arthritis. Consumption of sugar-sweetened beverages varies by age, sex, race, and ethnicity, and sociodemographic status. Data from 2011-2014 show that 49% of adults drank a sugar-sweetened beverage on a given day, compared to 63% of youths aged 6 to 10. Sugar-sweetened beverage intake is higher among males, young adults, non-Hispanic Black or Mexican American adults, or adults with low incomes.
- 3) *What is the daily value for sugar?* This bill requires chain restaurant menus to include a symbol indicating when a beverage has “high added sugar content.” High added sugar content is defined in this bill as 50% or more per serving of the FDA’s “daily reference value” for added sugar. The FDA calculates a “daily value” for various nutrients, based on a person consuming a diet of 2,000 calories per day. According to the FDA, for saturated fat, sodium, and added sugars, the daily value represents a recommended limit that you should not exceed, often framed as “less than” or “lower than” the 100% daily value. For beneficial

nutrients like dietary fiber, vitamin D, calcium, etc., the daily value acts as a target minimum to reach each day.

The daily value for added sugars is 50 grams per day. Under this bill, any beverage that has 25 or more grams of added sugar would be labeled as having “high added sugar content.” For example, a standard 12-ounce can of Coca-Cola contains 39 grams of added sugar (or 78% of the daily value). A McDonald’s medium-size Coca-Cola fountain drink, which is 21 ounces, contains 70 grams of added sugar, or 140% the recommended daily limit of added sugar. A large size would increase the added sugars in a Coca-Cola fountain drink to 100 grams. An In-N-Out chocolate shake contains 61 grams of added sugar.

- 4) *Nutrition information on menus of chain restaurants.* SB 1420 (Padilla, Chapter 600, Statutes of 2008) required every food facility, which is part of a chain of at least 20 with the same name that sells 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. However, local enforcement was retained, with state-specific penalties for violations of the menu labeling requirements, as described in existing law 4) above. 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.
- 5) *Prior legislation.* SB 68 (Menjivar, Chapter 741, Statute of 2025), requires a chain restaurant with 20 or more locations to provide written notification of major food allergens contained as an ingredient in each menu item, commencing July 1, 2026.

SB 764 (Weber Pierson of 2025) would have required a chain restaurant that sells a children’s meal to offer at least one children’s meal that meets specified nutritional requirements. *SB 764 was vetoed by the Governor, who stated, in part, that his administration has championed multiple efforts to ensure that children in California are not only fed, but also receive more nutritious meals. However, this bill regulates restaurants in a way that is unnecessary and overly burdensome. Parents understand their children’s needs and how to determine appropriate meals for them when eating at restaurants.*

SB 347 (Monning of 2019) would have established the Sugar-Sweetened Beverages Safety Warning Act to require a safety warning on all sealed sugar-sweetened beverage containers, as specified. Would have additionally required the safety warning label to be posted in a place that is easily visible at the point-of-purchase of an establishment. *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 1420 (Padilla and Migden, 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 excludes specified facilities, such as grocery stores, convenience stores, public and private school cafeterias, and vending machines from these requirements. SB 1420 provides definitions for calorie content information, drive-through, menu board, and others, for the purpose of the bill, and describes nutritional information to include total number of calories, grams of carbohydrates, grams of saturated fat; and milligrams of sodium.

- 6) *Support.* This bill is co-sponsored by the American Heart Association and the American Diabetes Association. The co-sponsors state that restaurants are a frequent source of food for American families, with families dining out at an average of four to five times each week. But restaurant foods can contain high levels of added sugars, including sugary drinks that can exceed the recommended daily intake in a single serving. Sugary drinks are the number one source of added sugars in U.S. diets. The co-sponsors argue that providing warning icons on menus works. In 2015, New York City implemented sodium menu icons for chain restaurants, and a 2025 study found declining hypertension rates, particularly among women and black residents following implementation. The co-sponsors state that this bill does not restrict choice, but simply ensures transparency, giving consumers the information they need to take control of their own health. Californians deserve to have clear, easy-to-understand information at the point of purchase.
- 7) *Opposition.* The California Restaurant Association (CRA) opposes this bill, stating that under current law, chain restaurants are already required to designate, on the menu, the number of calories in a standard menu item, as well as provide customers with detailed nutritional information for both food and drinks, including sugar. Additionally, beginning on July 1, these restaurants will have to begin listing major allergens on menu boards. The CRA states that requiring these same restaurants to produce warning icons and text on every single menu would be duplicative, given how accessible this information already is. By implementing yet another menu labeling mandate, this bill would crowd out other essential information that eating establishments would otherwise provide to guests. The CRA points to legislation passed in 2018 that prohibits sugar-sweetened beverages from being the default beverage in a children's meal as an example of restaurants partnering with legislators to protect children and reduce health risks associated with sugar consumption. The CRA states that chain restaurants were recently subject to a \$20 minimum wage requirement, effective in April of 2024, and economic reports have illustrated the drastic price increases that restaurant operators have had to pass on to guests to meet the numerous and recent costs imposed by the Legislature. CRA argues that menu labeling mandates of all kinds add tremendous cost, and the California restaurant landscape is more fragile than ever.
- 8) *What is the line between beverage and dessert?* This bill is limited to "standard menu beverage items," which is defined as a beverage item that is "prepared or poured at" a chain restaurant, "including a fountain drink or a variable beverage item that comes in different flavors, varieties, or combinations and is listed as a single item." While milkshakes may be commonly understood as a beverage to many people, on the McDonald's menu, milkshakes

are listed under “Sweets and Treats,” while the beverage menu includes, among other items, frozen smoothies. While milkshakes are typically served with a straw, other items on the “Sweets and Treats” menu include various flavors of McFlurrys, which are typically served with a spoon. Are shakes beverages? What about a McFlurry? At Wendy’s, the closest thing to a “milkshake” is called a Frosty, which is thicker than a typical milkshake, and is served with a spoon (sometimes with a straw as well). The Wendy’s Frosty is not on the beverage menu, but is instead on its own “Frosty” menu with various different flavors. On Dairy Queen’s online menu, the “Drinks Menu” includes blended beverages which include shakes and malts, while their famous Blizzards are included on the “Treats” menu. The author may wish to consider further clarifying the definition of beverages to make it clear whether frozen dairy-based products are intended to be included in the definition of “standard beverage items,” and if so, what type of frozen dairy products should or should not be included.

- 9) *Technical amendment.* In addition to the icon indicating high added sugar content that is required next to the beverage item on the restaurant menu, this bill also requires a warning statement at the point of selection explaining that the icon indicates that the added sugar content exceeds one-half of the total daily recommended limit. However, this required warning statement also mentions inserting “accompanying text,” which the author’s office intends to delete, as follows:

On Page 4, lines 16-19, amend as follows:

“The following factual warning statement prominently, clearly, and conspicuously at the point of selection: “(Insert icon ~~and accompanying text~~ here) indicates that the added sugar content of this item exceeds on-half of the total daily recommended limit.”

SUPPORT AND OPPOSITION:

Support: American Diabetes Association (co-sponsor)
American Heart Association (co-sponsor)

Oppose: California Restaurant Association

-- END --