
UNFINISHED BUSINESS

Bill No: SB 869
Author: Weber Pierson (D)
Amended: 8/18/26
Vote: 21

SENATE HEALTH COMMITTEE: 9-0, 4/8/26

AYES: Weber Pierson, Caballero, Durazo, Gonzalez, Menjivar, Padilla, Pérez, Rubio, Smallwood-Cuevas

NO VOTE RECORDED: Valladares, Grove

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

SENATE FLOOR: 29-4, 5/27/26

AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Laird, Limón, McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NOES: Alvarado-Gil, Choi, Grove, Seyarto

NO VOTE RECORDED: Dahle, Hurtado, Jones, Niello, Ochoa Bogh, Strickland, Valladares

ASSEMBLY FLOOR: 56-11, 8/27/26 - See last page for vote

SUBJECT: Restaurant menus: added sugar warnings

SOURCE: American Diabetes Association

DIGEST: This bill 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 the daily value for added sugar.

Assembly Amendments revised the definition of “high added sugar” to mean 100% or more of the daily value rather than 50%, added a definition of the added sugar icon to mean an image of a sugar cube inside a black triangle, revised how a restaurant is required to display the added sugar icon by requiring it directly on drive through menus and permitting a restaurant to use a quick response (QR) code for other menu locations, and delayed the implementation date by one year to January 1, 2029.

ANALYSIS:

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 United States Code (USC) §343(q)(5)(H)]

Existing state 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 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]

- 4) 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]
- 5) 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]
- 6) 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]
- 7) 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]

This bill:

- 1) Requires a chain restaurant that offers a standard menu beverage item with high added sugar content, by January 1, 2029, to display both of the following:
 - a) An added sugar icon 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 contains or exceeds 100% of the daily value for added sugar used by the FDA; and,
 - b) A clear and conspicuous warning indicating that the added sugar icon means that the added sugar content of a standard menu beverage item contains or exceeds the total daily recommended limit. Specifies that this does not

require a restaurant to use the word “warning.”

- 2) Requires the added sugar icon, when a standard menu beverage item is listed or delineated by beverage size on a menu, to be displayed adjacent to the beverage item listing and to each corresponding size with high added sugar content. If the beverage sizes are listed on a menu without corresponding beverage item names, requires the added sugar icon to be displayed adjacent to each size for which any standard beverage offering available in that size has high added sugar content.
- 3) Requires a chain restaurant to display the information required by this bill directly on its drive-through menus, and in addition, to display the information in either of the following manners:
 - a) Directly on the chain restaurant’s menus; or,
 - b) In a digital format, including, but not limited to, by using a quick response (QR) code that links to the chain restaurant’s digital menu or nutritional guide.
- 4) Requires the chain restaurant, if it elects to display the information in a digital format, to provide a clear and conspicuous statement to the customer indicating that added sugar information can be accessed digitally.
- 5) Requires the chain restaurant, if it elects to display the information in a digital format, to also use an alternative method to display the information to customers who are not able to access the digital format, including by using a menu handout, booklet, chart, grid, or other written materials.
- 6) 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.
- 7) Permits an enforcement agency to utilize either of the following methods to evaluate a chain restaurant’s compliance with this bill:

- a) Visual verification of high added sugar content disclosure, by confirming that required information is displayed on physical menus, digital menus, or the alternative methods described in this bill; or,
 - b) Other reasonable methods of verification.
- 8) Defines “high added sugar content” as 100% or more per serving of the daily value for added sugar used by the U.S. Food and Drug Administration (FDA) on January 1, 2026, to calculate the percent daily value for nutrition labeling of food.
- 9) Defines “added sugar icon” as an image of a sugar cube inside a black triangle.
- 10) Defines “standard menu beverage item” as a beverage item that is prepared or poured at, and listed on a menu of, a chain restaurant and that is intended to be consumed by drinking, including a fountain drink, a blended beverage, or a variable beverage item that comes in different flavors, varieties, or combinations and is listed as a single item.
- 11) 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 a total of 60 days per calendar year or fewer than 90 consecutive days in order to test consumer acceptance;
 - 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;
 - d) Frozen dairy products that are intended to be eaten with a spoon; and,
 - e) Beverage items that contain alcohol.
- 12) Defines “menu” as the primary writing, regardless of how the writing is divided, of a chain restaurant from which a customer makes an order selection, including driver-through menus, digital menus with the exception of menus listed on a third-party platform not controlled by the restaurant, and menu boards or physical menus.

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.

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 100% 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 50 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.

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.

Comments

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.

Related/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.

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

According to the Assembly Appropriations Committee minor and absorbable costs to the California Department of Public Health and local environmental health agencies.

SUPPORT: (Verified 8/28/26)

American Diabetes Association (source)

American Academy of Pediatrics, California

American College of Obstetricians and Gynecologists, District IX

California Chapter American College of Cardiology
California Chiropractic Association
California Chronic Care Coalition
California Dental Association
California Hospital Association
California Medical Association
California Podiatric Medical Association
California State Alliance of YMCAs
Informed Policy Advocates
Public Health Institute
United Domestic Workers of America/American Federation of State, County and
Municipal Employees

OPPOSITION: (Verified 8/28/26)

None received

ARGUMENTS IN SUPPORT: This bill is co-sponsored by the American Diabetes Association. The American Diabetes Association 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, and 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 American Diabetes Association states 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.

ASSEMBLY FLOOR: 56-11 8/27/26

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Rogers, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Ward, Wicks, Wilson, Zbur, Rivas
NOES: Alanis, Davies, DeMaio, Dixon, Ellis, Jeff Gonzalez, Hadwick, Johnson, Lackey, Macedo, Tangipa

NO VOTE RECORDED: Carrillo, Castillo, Chen, Flora, Hoover, McKinnor,
Patterson, Michelle Rodriguez, Blanca Rubio, Sanchez, Ta, Wallis

Prepared by: Vincent D. Marchand / HEALTH / (916) 651-4111
8/28/26 9:22:31

**** **END** ****