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Approved as to Form and Legality

**DRAFT**

City Attorney's Office

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

INTRODUCED BY VICE MAYOR ANNIE CAMPBELL WASHINGTON

**RESOLUTION IN SUPPORT FOR SB 300 (MONNING) REQUIRING A HEALTH WARNING LABEL BE PLACED ON SUGAR SWEETENED BEVERAGES SOLD IN CALIFORNIA THAT CONTAIN ADDED SWEETENERS AND 75 CALORIES OR MORE PER 12 OUNCES.**

**WHEREAS**, we are currently facing a public health crisis in Oakland and across the country; and

**WHEREAS**, one third of all children and nearly half of African-American and Latino children are predicted to develop Type 2 diabetes in their lifetimes; and

**WHEREAS**, dental decay in children is the most common chronic childhood disease, affecting more than two thirds of our children in Alameda County and in California; and

**WHEREAS**, dental decay is a leading cause of school absences in school-aged children; and

**WHEREAS**, currently 37% of Oakland adolescents are overweight or obese which puts them at risk of developing Type 2 diabetes and other chronic diseases; and

**WHEREAS**, Type 2 diabetes rates have greatly increased in both adults and children to the point where 7.6% of Oakland adult residents are diagnosed with Type 2 diabetes and Alameda County had an estimated 94,000 people living with Type 2 diabetes in 2010; and

**WHEREAS**, this health burden falls more heavily on our low-income communities and communities of color; and

**WHEREAS**, scientific research shows consumption of sugar sweetened beverages (SSBs) significantly contributes to Type 2 diabetes, obesity, tooth decay and a myriad of other chronic health problems; and

**WHEREAS**, drinking sugar and other sweeteners is far more harmful than consuming the same amount of sugar when it is in foods because of its damaging effect on the body's metabolism, liver and pancreas; and

**WHEREAS**, by forcing the body to quickly absorb sugar in liquid form, blood sugar levels spike, the liver becomes fatty, and the body becomes insulin resistant – all major risk factors for developing Type 2 diabetes and heart disease; and

**WHEREAS**, California Senate Bill 300 is a critical component in a broad public health campaign to promote better health outcomes and help consumers make an informed choice about the adverse health impacts of sugary drinks; and

**WHEREAS**, health warning labels have been proven to curb against the use of harmful products, such as the prominent warnings on cigarette packages; and

**WHEREAS**, recently, a randomized trial showed the presence of SSB warning labels encouraged adolescents to purchase more healthful beverages, while displaying "calorie per bottle" labels had no such impact; and

**WHEREAS**, the Health Warning Label will read: "State of California Safety Warning: Drinking beverages with added sugar(s) contributes to obesity, type 2 diabetes, and tooth decay."; now, therefore, be it

**RESOLVED**, That the City of Oakland supports California Senate Bill 300 requiring a health warning label be placed on sugar sweetened beverages sold in California that contain added sweeteners and 75 calories or more per 12 ounces..

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN,  
REID AND PRESIDENT GIBSON MCELHANEY

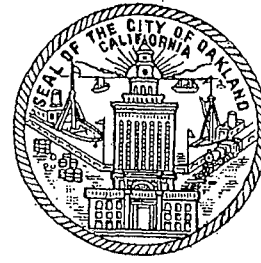
NOES –  
ABSENT –  
ABSTENTION –

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the City  
of Oakland, California

# CITY OF OAKLAND

## BILL ANALYSIS



**Date:** March 9, 2017

**Bill Number:** SB 300

**Bill Author:** Senator William Monning

### DEPARTMENT INFORMATION

**Contact:** Jamila A. English

**Department:** City Council – Vice Mayor Annie Campbell Washington

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**RECOMMENDED POSITION:** SUPPORT

### Summary of the Bill

Senate Bill (SB) 300 requires a health-warning label be placed on sugar-sweetened beverages (SSBs) sold in California that contain added sweeteners and 75 calories or more per 12 ounces. SB 300 provides information about the harmful effects of consuming sugary drinks, such as sodas, sports drinks, energy drinks, and sweetened teas. The warning label informs consumers about the risks that link sugary drink consumption to obesity, Type 2 diabetes and tooth decay. The Health Warning Label will read: "State of California Safety Warning: Drinking beverages with added sugar(s) contributes to obesity, type 2 diabetes, and tooth decay."

### Positive Factors for Oakland

We are currently facing a public health crisis in Oakland and across the country. One third of all children and nearly half of African-American and Latino children are predicted to develop Type 2 diabetes in their lifetimes. Dental decay in children is the most common chronic childhood disease, affecting more than two thirds of our children in Alameda County and in California. Dental decay is a leading cause of school absences in school-aged children.

Currently 37% of Oakland adolescents are overweight or obese which puts them at risk of developing Type 2 diabetes and other chronic diseases. This health burden falls more heavily on our low-income communities and communities of color. Type 2 diabetes rates have greatly increased in both adults and children to the point where 7.6% of Oakland adult residents are diagnosed with Type 2 diabetes and Alameda County had an estimated 94,000 people living with Type 2 diabetes in 2010.

Scientific research shows consumption of sugar-sweetened beverages (SSBs) significantly contributes to Type 2 diabetes, obesity, tooth decay, and a myriad of other chronic health problems. Drinking sugar and other sweeteners is far more harmful than consuming the same amount of sugar when it is in foods because of its damaging effect on the body's metabolism, liver and pancreas. By forcing the body to quickly absorb sugar in liquid form, blood sugar levels

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spike, the liver becomes fatty, and the body becomes insulin resistant – all major risk factors for developing Type 2 diabetes and heart disease.

SB 300 is a critical component in a broad public health campaign to promote better health outcomes and help consumers make an informed choice about the adverse health impacts of sugary drinks.

Health warning labels have been proven to curb against the use of harmful products, such as the prominent warnings on cigarette packages. Recently, a randomized trial showed the presence of SSB warning labels encouraged adolescents to purchase more healthful beverages, while displaying “calorie per bottle” labels had no such impact.

**Negative Factors for Oakland**

N/A

**PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:**

- ☐ Critical (top priority for City lobbyist, city position required ASAP)
- ☒ Very Important (priority for City lobbyist, city position necessary)
- ☐ Somewhat Important (City position desirable if time and resources are available)
- ☐ Minimal or ☐ None (do not review with City Council, position not required)

**Known support:**

None at this time.

**Known Opposition:**

None at this time.

**Attach bill text and state/federal legislative committee analysis, if available.**

Respectfully Submitted,



\_\_\_\_\_  
Annie Campbell Washington  
City of Oakland Vice Mayor and Councilmember, District 4

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**Introduced by Senator Monning**  
**(Principal coauthor: Senator Wiener)**  
**(Coauthors: Senators Allen, Mitchell, Newman, Pan, and Stern)**  
**(Coauthors: Assembly Members Chiu, McCarty, and Wood)**

February 13, 2017

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An act to add Article 15 (commencing with Section 111224) to Chapter 5 of Part 5 of Division 104 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 300, as introduced, Monning. Sugar-sweetened beverages: health warnings.

(1) Existing federal law, the Federal Food, Drug, and Cosmetic Act, regulates, among other things, the quality and packaging of foods introduced or delivered for introduction into interstate commerce and generally prohibits the misbranding of food. Existing federal law, the Nutrition Labeling and Education Act of 1990, governs state and local labeling requirements, including those that characterize the relationship of any nutrient specified in the labeling of food to a disease or health-related condition. Existing state law, the Sherman Food, Drug, and Cosmetic Law, generally regulates misbranded food and provides that any food is misbranded if its labeling does not conform with the requirements for nutrient content or health claims as set forth in the Federal Food, Drug, and Cosmetic Act and the regulations adopted pursuant to that federal act. Existing law requires that a food facility, as defined, make prescribed disclosures and warnings to consumers, as specified. A violation of these provisions is a crime.

Existing state law, the Pupil Nutrition, Health, and Achievement Act of 2001, also requires the sale of only certain beverages to pupils at

schools. The beverages that may be sold include fruit-based and vegetable-based drinks, drinking water with no added sweetener, milk, and in middle and high schools, an electrolyte replacement beverage if those beverages meet certain nutritional requirements.

This bill would establish the Sugar-Sweetened Beverages Health Warning Act, which would prohibit a person from distributing, selling, or offering for sale a sugar-sweetened beverage in a sealed beverage container, or a multipack of sugar-sweetened beverages, in this state unless the beverage container or multipack bears a health warning, as prescribed. The bill also would require every person who owns, leases, or otherwise legally controls the premises where a vending machine or beverage dispensing machine is located, or where a sugar-sweetened beverage is sold in an unsealed container, to place a specified safety warning in certain locations, including on the exterior of any vending machine that includes a sugar-sweetened beverage for sale.

(2) Under existing law, the State Department of Public Health, upon the request of a health officer, as defined, may authorize the local health department of a city, county, city and county, or local health district to enforce the provisions of the Sherman Food, Drug, and Cosmetic Law. Existing law authorizes the State Department of Public Health to assess a civil penalty against any person in an amount not to exceed \$1,000 per day, except as specified. Existing law authorizes the Attorney General or any district attorney, on behalf of the State Department of Public Health, to bring an action in a superior court to grant a temporary or permanent injunction restraining a person from violating any provision of the Sherman Food, Drug, and Cosmetic Law.

This bill, commencing July 1, 2018, would provide that any violation of the provisions described in (1) above, or regulations adopted pursuant to those provisions, is punishable by a civil penalty of not less than \$50, but no greater than \$500.

This bill would also create the Sugar-Sweetened Beverages Safety Warning Fund for the receipt of all moneys collected for violations of those provisions. The bill would allocate moneys in this fund, upon appropriation by the Legislature, to the department for the purpose of enforcing those provisions.

The bill would make legislative findings and declarations relating to the consumption of sugar-sweetened beverages, obesity, and dental disease.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Over the past 30 years, adult diabetes rates have nearly  
4 tripled in the United States. Currently, 9 percent of adults in the  
5 United States have diabetes and more than one-third have  
6 prediabetes. In California, an estimated 14 percent of adults have  
7 diabetes. Over the past 10 years, the percentage of teens nationwide  
8 that have diabetes or prediabetes has increased from 9 percent to  
9 23 percent. One in three children born today, including one-half  
10 of African American and Latino children, is expected to develop  
11 diabetes in their lifetime. Complications of diabetes include heart  
12 disease, nerve damage, gum infections, kidney disease, hearing  
13 impairment, blindness, amputation of toes, feet, or legs, and  
14 increased risk of Alzheimer's disease.

15 (b) Diabetes costs the state at least \$24.5 billion each year in  
16 total health care expenses and lost productivity. Average medical  
17 expenditures for people with diabetes are 2.3 times higher than for  
18 those without diabetes. One in three California hospital stays is  
19 for people with diabetes. Hospital stays for patients with diabetes,  
20 regardless of the primary diagnosis, cost \$2,200 more than other  
21 patients, which adds an extra \$1.6 billion each year to California's  
22 hospitalization costs, including \$254 million in Medi-Cal costs  
23 alone.

24 (c) The prevalence of obesity in the United States has increased  
25 dramatically over the past 30 years. In California, 60 percent of  
26 adults are overweight or obese and adult obesity rates have nearly  
27 tripled increasing from 8.9 percent in 1984 to 25.0 percent in 2012,  
28 and if current trends continue, the rate is expected to increase to  
29 46.6 percent in 2030. Nearly 40 percent of California children are  
30 currently overweight or obese and obesity rates have tripled for  
31 adolescents and quadrupled for 6 to 11 year olds. Although no  
32 group has escaped the epidemic, low income and communities of  
33 color are disproportionately affected.

34 (d) The obesity epidemic is of particular concern because obesity  
35 increases the risk of diabetes, heart disease, arthritis, asthma, and  
36 certain types of cancer. Depending on their level of obesity, from  
37 60 percent to over 80 percent of obese adults currently suffer from

1 type 2 diabetes, high blood cholesterol, high blood pressure, or  
2 other related conditions.

3 (e) The medical costs for people who are obese are dramatically  
4 higher than those of normal weight. Overweight and obesity  
5 account for \$147 billion in health care costs nationally, or 9 percent  
6 of all medical spending, with one-half of these costs paid publicly  
7 through the Medicare and Medicaid programs.

8 (f) There is overwhelming evidence of the link between obesity  
9 and the consumption of sweetened beverages, such as soft drinks,  
10 energy drinks, sweet teas, and sports drinks. The 2010 Dietary  
11 Guidelines for Americans recommend that everyone reduce their  
12 intake of sugar-sweetened beverages. California adults who drink  
13 one soda or more per day are 27 percent more likely to be  
14 overweight or obese, regardless of income or ethnicity.

15 (g) According to nutrition experts, sweetened beverages, such  
16 as soft drinks, energy drinks, sweet teas, and sports drinks, offer  
17 little or no nutritional value, but massive quantities of added sugars.  
18 A 20-ounce bottle of soda contains the equivalent of approximately  
19 17 teaspoons of sugar. Yet, the American Heart Association  
20 recommends that Americans consume no more than five to nine  
21 teaspoons of sugar per day.

22 (h) Sugar-sweetened beverages are the single largest source of  
23 added sugars in the American diet, with the average American  
24 drinking nearly 42 gallons of sweetened beverages a year, the  
25 equivalent of 39 pounds of extra sugar every year. Over 50 percent  
26 of the United States population drinks one or more sugar-sweetened  
27 beverages per day.

28 (i) In California, 19 percent of two to five year olds drink a  
29 sugar-sweetened beverage each day. That number climbs to 32  
30 percent among 6 to 11 year olds, and 65 percent among 12 to 17  
31 year olds. Additionally, major disparities now exist between races  
32 and ethnicities. Seventy-four percent of African American  
33 adolescents drink at least one sugar-sweetened beverage each day,  
34 compared to 73 percent of Latinos, 63 percent of Asians, and 56  
35 percent of whites.

36 (j) Sugar-sweetened beverages are a unique contributor to excess  
37 caloric consumption. Research shows that calories from  
38 sugar-sweetened beverages do not satisfy hunger the way calories  
39 from solid food or fat or protein-containing beverages, such as  
40 those containing milk and plant-based proteins, do. As a result,

1 sugar-sweetened beverages tend to add to the calories people  
2 consume rather than replace them. Drinking one or two sodas a  
3 day increases the risk of developing type 2 diabetes by 26 percent.  
4 Drinking just one soda a day increases an adult's likelihood of  
5 being overweight by 27 percent, and for children the likelihood  
6 doubles to 55 percent.

7 (k) Consistent evidence shows a positive relationship between  
8 sugar intake and dental caries (cavities) in adults and fewer caries  
9 when sugar intake is restricted. Children who frequently consume  
10 beverages high in sugar are at an increased risk for dental caries.  
11 Untreated dental caries can lead to pain, infection, tooth loss, and  
12 in severe cases, death.

13 (l) Evidence suggests that health warnings can increase  
14 knowledge and reduce consumption of harmful products. Studies  
15 show that prominent health warnings on the face of cigarette  
16 packages can increase health knowledge, perceptions of risk, and  
17 can promote smoking cessation of both youth and adults.

18 SEC. 2. Article 15 (commencing with Section 111224) is added  
19 to Chapter 5 of Part 5 of Division 104 of the Health and Safety  
20 Code, to read:

21  
22 Article 15. Sugar-Sweetened Beverages Health Warning Act  
23

24 111224. This article shall be known and may be cited as the  
25 Sugar-Sweetened Beverages Health Warning Act.

26 111224.05. It is the intent of the Legislature, by enacting this  
27 article, to protect consumers and to promote informed purchasing  
28 decisions by requiring a warning about the harmful health effects  
29 that result from the consumption of drinks with added sugars.

30 111224.10. For purposes of this article, unless the context  
31 clearly requires otherwise, the following definitions shall apply:

32 (a) "Animal milk" means natural liquid milk, which is secreted  
33 by an animal and consumed by humans. For purposes of this  
34 definition, "animal milk" includes natural milk concentrate and  
35 dehydrated natural milk, whether or not reconstituted.

36 (b) "Beverage container" means any sealed or unsealed container  
37 regardless of size or shape, including, without limitation, those  
38 made of glass, metal, paper, plastic, or any other material or  
39 combination of materials that is used or intended to be used to hold  
40 a sugar-sweetened beverage for individual sale to a consumer.

1 (c) "Beverage dispensing machine" means any device that mixes  
2 concentrate with any one or more other ingredients and dispenses  
3 the resulting mixture into an unsealed container as a ready-to-drink  
4 beverage.

5 (d) "Caloric sweetener" means any substance containing  
6 calories, suitable for human consumption, that humans perceive  
7 as sweet and includes, without limitation, sucrose, fructose,  
8 glucose, and other sugars and fruit juice concentrates. "Caloric"  
9 means a substance that adds calories to the diet of a person who  
10 consumes that substance.

11 (e) "Concentrate" means a syrup or powder that is used or  
12 intended to be used for mixing, compounding, or making a  
13 sugar-sweetened beverage.

14 (f) "Consumer" means a person who purchases a  
15 sugar-sweetened beverage for a purpose other than resale in the  
16 ordinary course of business.

17 (g) "Department" means the State Department of Public Health,  
18 and any agency or person lawfully designated by the department  
19 to enforce or implement this article pursuant to Section 111020.

20 (h) "Distribute" means to sell or otherwise provide a product  
21 to any person for resale in the ordinary course of business to a  
22 consumer within this state.

23 (i) "Milk substitute" means a plant-based beverage in which the  
24 principal ingredients by weight are (1) water and (2) grains, nuts,  
25 legumes, or seeds. For purposes of this definition, "milk substitute"  
26 includes, without limitation, almond milk, coconut milk, flax milk,  
27 hazelnut milk, oat milk, rice milk, and soy milk.

28 (j) "Natural fruit juice" means the original liquid resulting from  
29 the pressing of fruit, the liquid resulting from the reconstitution of  
30 natural fruit juice concentrate, or the liquid resulting from the  
31 restoration of water to dehydrated natural fruit juice.

32 (k) "Natural vegetable juice" means the original liquid resulting  
33 from the pressing of vegetables, the liquid resulting from the  
34 reconstitution of natural vegetable juice concentrate, or the liquid  
35 resulting from the restoration of water to dehydrated natural  
36 vegetable juice.

37 (l) "Person" means any natural person, partnership, cooperative  
38 association, limited liability company, corporation, personal  
39 representative, receiver, trustee, assignee, any other legal entity,  
40 any city, county, city and county, district, commission, the state,

1 or any department, agency, or political subdivision thereof, any  
2 interstate body, and, to the extent permitted by federal law, the  
3 United States and its agencies and instrumentalities.

4 (m) "Powder" means a solid mixture with added caloric  
5 sweetener used in making, mixing, or compounding a  
6 sugar-sweetened beverage by mixing the powder with any one or  
7 more other ingredients, including, without limitation, water, ice,  
8 syrup, simple syrup, fruits, vegetables, fruit juice, or carbonation  
9 or other gas.

10 (n) "Sale" or "sell" means any distribution or transfer for a  
11 business purpose, whether or not consideration is received.

12 (o) "Sealed beverage container" means a beverage container  
13 holding a beverage that is closed or sealed before being offered  
14 for sale to a consumer.

15 (p) (1) "Sugar-sweetened beverage" means any sweetened  
16 nonalcoholic beverage, carbonated or noncarbonated, intended for  
17 human consumption that has added caloric sweeteners and contains  
18 75 calories or more per 12 fluid ounces. "Nonalcoholic beverage"  
19 means any beverage that contains less than one-half of 1 percent  
20 alcohol per volume.

21 (2) "Sugar-sweetened beverage" does not include any of the  
22 following:

23 (A) Any beverage containing 100 percent natural fruit juice or  
24 natural vegetable juice with no added caloric sweeteners.

25 (B) Any product manufactured for any of the following uses  
26 and commonly referred to as a "dietary aid":

27 (i) An oral nutritional therapy for persons who cannot absorb  
28 or metabolize dietary nutrients from food or beverages.

29 (ii) A source of necessary nutrition used as a result of a medical  
30 condition.

31 (iii) An oral electrolyte solution for infants and children  
32 formulated to prevent dehydration due to illness.

33 (C) Any product for consumption by infants and that is  
34 commonly referred to as "infant formula."

35 (D) Any beverage whose principal ingredient by weight is  
36 animal milk or a milk substitute.

37 (q) "Syrup" means a liquid mixture with added caloric sweetener  
38 used in making, mixing, or compounding a sugar-sweetened  
39 beverage by mixing the syrup with any one or more other  
40 ingredients, including, without limitation, water, ice, powder,

1 simple syrup, fruits, vegetables, fruit juice, vegetable juice, or  
2 carbonation or other gas.

3 (r) "Unsealed beverage container" means a beverage container  
4 into which a beverage is dispensed or poured at the business  
5 premises where the beverage is purchased, including, without  
6 limitation, a container for fountain drinks.

7 111224.15. (a) A person shall not distribute, sell, or offer for  
8 sale a sugar-sweetened beverage in a sealed beverage container in  
9 this state unless the container bears the following safety warning  
10 and otherwise meets all of the requirements under this section:

11 "STATE OF CALIFORNIA SAFETY WARNING: Drinking  
12 beverages with added sugar(s) contributes to obesity, type 2  
13 diabetes, and tooth decay."

14 (b) (1) The safety warning required by subdivision (a) shall be  
15 prominently displayed and readily legible under ordinary conditions  
16 on the front of the sealed beverage container, separate and apart  
17 from all other information, and shall be on a contrasting  
18 background. The first five words of the safety warning required  
19 under subdivision (a), "STATE OF CALIFORNIA SAFETY  
20 WARNING" shall appear in capital letters. The entire safety  
21 warning shall appear in bold type.

22 (2) The safety warning required under subdivision (a) shall  
23 appear in a type size and in a maximum number of characters (i.e.,  
24 letters, numbers, and marks) per inch, as follows:

25 (A) For beverage containers of 8 fluid ounces or less, the safety  
26 warning shall be in script, type, or printing not smaller than 1  
27 millimeter, and there shall be no more than 40 characters per linear  
28 inch.

29 (B) For beverage containers of more than 8 fluid ounces and  
30 less than 1 liter, the safety warning shall be in script, type, or  
31 printing not smaller than 2 millimeters, and there shall be no more  
32 than 25 characters per linear inch.

33 (C) For beverage containers of 1 liter or more, the safety warning  
34 shall be in script, type, or printing not smaller than 3 millimeters,  
35 and there shall be no more than 12 characters per linear inch.

36 (c) If the safety warning required under subdivision (a) is not  
37 printed directly on the beverage container, the safety warning shall  
38 be affixed to the beverage container in such a manner that it cannot  
39 be removed without thorough application of water or other solvents.

1 (d) A person shall not distribute, sell, or offer for sale a  
2 multipack of sugar-sweetened beverages in sealed beverage  
3 containers in this state unless the multipack of beverages bears the  
4 safety warning required under subdivision (a). The safety warning  
5 shall be posted conspicuously on at least two sides of the multipack,  
6 in addition to being posted on each individual sealed beverage  
7 container.

8 (e) A person shall not distribute, sell, or offer for sale a  
9 concentrate in this state unless the packaging of the concentrate,  
10 which is intended for retail sale, bears the safety warning required  
11 under subdivision (a). The safety warning shall be posted  
12 conspicuously on the front of the packaging of the concentrate.

13 111224.20. (a) Every person who owns, leases, or otherwise  
14 legally controls the premises where a vending machine or beverage  
15 dispensing machine is located, or where a sugar-sweetened  
16 beverage is sold in an unsealed beverage container, shall place, or  
17 cause to be placed, a safety warning in each of the following  
18 locations:

19 (1) On the exterior of any vending machine that includes a  
20 sugar-sweetened beverage for sale.

21 (2) On the exterior of any beverage dispensing machine used  
22 by a consumer to dispense a sugar-sweetened beverage through  
23 self-service.

24 (3) At the point-of-purchase where any consumer purchases a  
25 sugar-sweetened beverage in an unsealed beverage container, when  
26 the unsealed beverage container is filled by an employee of a food  
27 establishment rather than the consumer.

28 (b) The safety warning required by subdivision (a) shall contain  
29 the following language:

30 "STATE OF CALIFORNIA SAFETY WARNING: Drinking  
31 beverages with added sugar(s) contributes to obesity, type 2  
32 diabetes, and tooth decay."

33 (c) The safety warning required by subdivision (a) shall be  
34 prominently displayed and readily legible under ordinary  
35 conditions, separate and apart from all other information, and shall  
36 be on a contrasting background. The first five words of the safety  
37 warning in subdivision (b), "STATE OF CALIFORNIA SAFETY  
38 WARNING" shall appear in capital letters. The entire safety  
39 warning shall appear in bold type.

1 111224.30. (a) Notwithstanding Section 111825, subdivision  
2 (b) of Section 111855, or any other law, commencing July 1, 2018,  
3 any violation of this article, or a regulation adopted pursuant to  
4 this article, is punishable by a civil penalty of not less than fifty  
5 dollars (\$50), but no greater than five hundred dollars (\$500). The  
6 department may assess the civil penalty according to the procedures  
7 set forth in Section 111855. A person shall not be found to violate  
8 this article more than once during any one inspection visit.

9 (b) There is hereby created in the State Treasury the  
10 Sugar-Sweetened Beverages Safety Warning Fund. The fund shall  
11 consist of moneys collected for the violation of this article. The  
12 department shall remit to the Treasurer any civil penalties collected  
13 pursuant to subdivision (a) on a biannual basis, no later than March  
14 15 and September 15 of each year. Notwithstanding any other law,  
15 moneys in the fund, upon appropriation by the Legislature, shall  
16 be allocated to the department for the purpose of enforcing this  
17 article.

18 111224.35. Notwithstanding Section 111224.15 or 111224.20,  
19 if, after appropriate investigation and consultation with the state  
20 health officer, the department finds that available scientific  
21 information would justify a change in the language of the safety  
22 warnings set forth in Sections 111224.15 and 111224.20, the  
23 department may adopt regulations to develop new language for  
24 the safety warning and may require that the alternative language  
25 be adopted in lieu of the language set forth in Sections 111224.15  
26 and 111224.20.

27 111224.40. It is the intent of the Legislature that nothing in  
28 this article shall be construed to preempt or prohibit the adoption  
29 and implementation of local ordinances related to sugar-sweetened  
30 beverages, except any local ordinance that is inconsistent with this  
31 article. An ordinance is not deemed inconsistent with this article  
32 if it affords greater protection than the requirements set forth in  
33 this article.

34 SEC. 3. The provisions of this act are severable. If any  
35 provision of this act or its application is held invalid, that invalidity  
36 shall not affect other provisions or applications that can be given  
37 effect without the invalid provision or application.