

New Orleans Health Department
Proposed Regulations Governing Implementation of the Healthy Kids Meal Beverage Ordinance

- I. **Authority.** Pursuant to Article 4-107(3) of the Home Rule Charter of the City of New Orleans and Sections 2-1000 and 82-707 of the City Code, the Department of Health of the City of New Orleans proposes the following regulations relative to the implementation of Article XIII of Chapter 82 of the Code of Ordinances of the City of New Orleans, relative to the establishment of a default beverage for children’s meals in restaurants within the City of New Orleans.
- II. **Applicability.** These regulations shall apply to all restaurant types defined in Article 26 of the New Orleans Comprehensive Zoning Ordinance.
- III. **Implementation.** The Department of Health will engage with restaurants to educate restaurant owners and operators about the purpose and provisions of the Healthy Kids Meal Beverage Ordinance and regulations. The Department will provide assistance to restaurants to facilitate and ensure compliance with the ordinance. This assistance will be provided in the form of business information sessions, brochures, and other educational resources. Information and resources for use by restaurant owners and operators is available at: <https://www.nola.gov/health-department/health-policy/>
- IV. **Requirements.**
 - a. All restaurants applying for a new Certificate of Occupancy from the New Orleans Department of Safety and Permits that will sell a children’s meal shall submit their children’s meal menus as part of the Certificate of Occupancy application, for review and approval by the New Orleans Health Department.
 - b. Pursuant to Section 82-706 of City Code, any restaurant that sells a children's meal shall make the default beverage with the children's meal, and which shall be displayed on all printed menus, digital menus, and menu boards, one or more of the following:
 - i. Water (unflavored, unsweetened, uncarbonated); or
 - ii. Milk (plain, pasteurized cow’s milk with no added caloric sweeteners, low-calorie sweeteners, or flavorings), Nonfat or one (1) percent milk, or non-dairy milk alternatives containing no more than 130 calories per container and/or serving; or
 - iii. 100% juice or fruit juice combined with water or carbonated water with no added sweeteners, and no more than 6-6.75 ounces.
 - c. A restaurant that sells a children’s meal shall remove beverages not defined as a default beverage from the children’s meal beverage options

on printed menus, digital menus, and menu boards. This requirement does not apply to web-based ordering platforms where the customer does not interact with an employee of the restaurant when ordering.

V. Complaints.

- a. Violations of the ordinance by restaurants may be reported to the Health Department by calling 311 or completing and submitting a complaint form posted at <https://www.nola.gov/health-department/health-policy/>. Individuals may also obtain the complaint form by visiting the Health Department in person at City Hall, 1300 Perdido Street, Suite 8E18, New Orleans, Louisiana 70112.
- b. Complainants may also submit anonymous complaints by calling 311 or visiting <https://www.nola.gov/health-department/health-policy/>. Since it's not possible to follow-up with anonymous complainants, based upon the content included, the Health Department may exercise discretion in processing these complaints.
- c. Complainants are encouraged to submit time and date stamped photos, videos, or copies of restaurants menus with the completed complaint form.
- d. Complaints received prior to the effective date of the Healthy Kid's Meal Ordinance shall not result in violations under Section VI.

VI. Enforcement.

- a. All restaurants applying for a Certificate of Occupancy from the New Orleans Department of Safety and Permits that will sell a children's meal shall submit their children's meal menus as part of the Certificate of Occupancy application, for review and approval by the New Orleans Health Department.
- b. A restaurant shall not be required to offer a children's meal. However, if a children's meal is offered, then a beverage shall not be required.
- c. Restaurant applications that are not in compliance with the Healthy Kids Meals Beverage Ordinance will not receive a Certificate of Occupancy from the New Orleans Department of Safety and Permits.
- d. Following the receipt of a complaint as outlined in Section V, the Department of Health shall review all evidence and determine whether a violation occurred.
 - i. Every person or entity who violates Section IV shall, for a first violation thereof, be provided additional detailed education on how to comply with the requirements of the ordinance
 - ii. For a second violation, both of which were committed within a period of 12 months, be issued a warning of violation in the form of a certified letter.

- iii. For a third or subsequent violation, all of which were committed within a period of 12 months, the owner and/or operator shall be subject to fines or penalties up to \$200. Notice and hearing requirements for determining violation(s), fines, and penalties shall be in accordance with the administrative procedures provided in Chapter 6, Article II of the Code of the City of New Orleans.
- e. Nothing in this article prohibits any restaurant's ability to sell or substitute, or a customer's ability to purchase an alternative beverage instead of the default beverage offered with a children's meal, if requested by the purchaser of the children's meal.