

FACT SHEET: AB 766 (CHIU)

## Portion Cap Rule



### LEGISLATIVE CONCEPT

*This bill would ban the sale of "sugar sweetened beverages" larger than 16 ounces at food-service establishments, including at restaurants with self-service soda fountains. The bill is similar to the New York City Portion Cap Rule, introduced by Mayor Bloomberg in 2012.*

### BACKGROUND

In 2012, the New York City Board of Health prohibited restaurants from selling sugary drinks in containers that could hold more than 16 ounces. While the state court ruled that the board did not have the authority to implement the policy, the policy itself was not ruled on and it remains a viable option for state governments.<sup>1</sup>

Under the NYC plan, all city regulated restaurants, fast-food establishments, delis, movie theaters, sports stadiums and mobile food facilities were banned from selling sugar-sweetened beverages in cups larger than 16 ounces. This regulation did not apply to drinks sold in grocery stores, including 7-Eleven, which were regulated by the state.

In California, the Legislature has acted to ban restaurants from offering single-use plastic straws, required caloric labeling on menus and established specific nutritional standards for children's meals. These policies have created a foundation for providing healthy food environments for California's families.

Our food environments directly affect our consumption and therefore our health, a rule or cap on the size of allowable unsealed beverage containers would help to reduce consumption of sugary beverages served in retail, restaurant and entertainment settings.

<sup>1</sup> <https://www.ncbi.nlm.nih.gov/pubmed/28362567>

According to the California Department of Public Health, the costs of obesity and its consequences continue to burden the physical and economic health of the state.<sup>2</sup> When we compare portion sizes from twenty years ago with today's portions we quickly see extra calories add up.

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*Twenty years ago, a single serving of regular soda was 6.5 ounces. Today, that number has grown to 20 ounces and 165 more calories.*

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As restaurants and other food establishments serve larger sizes, sugar sweetened beverages have become a leading source of added sugars in our diet.

Portion size drastically influences consumption. The portion cap rule is a modest response to addressing today's obesity epidemic, a significant public health issue.

### LEGISLATIVE ACTION

*AB 766 establishes a maximum beverage size for beverages that are purchased in unsealed containers to be no larger than 16 fluid ounces. California could prohibit the sale of unsealed containers larger than 16 ounces. This prohibition would apply to all unsealed beverages sold in the state, including grocery or consignment stores, fountain drinks at retail food locations, restaurants, movie theaters, mobile food facilities, and sports arenas.*

<sup>2</sup> Obesity in California: The Weight of the State, 200-2014  
[https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/NEOPB/CDPH%20Document%20Library/RES\\_ObesityReport20002014.pdf](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/NEOPB/CDPH%20Document%20Library/RES_ObesityReport20002014.pdf)

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