

# House Bill 3222

Sponsored by Representative KOTEK

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits sale of single serving of high-calorie beverage in prepackaged container that contains more than 12 ounces.

Authorizes Department of Human Services to impose penalty for violation.

## A BILL FOR AN ACT

1  
2 Relating to high-calorie beverages.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1)(a) As used in this section, "high-calorie beverage" means a beverage that**  
5 **contains 10 or more calories per eight ounces.**

6 **(b) "High-calorie beverage" does not include:**

7 **(A) Fruit or vegetable juice, if the beverage item is 100 percent juice with no added**  
8 **sweeteners and contains no more than 120 calories per eight ounces; or**

9 **(B) Milk or a nutritionally equivalent milk alternative, if the beverage item is fat free**  
10 **or low fat and, if flavored, contains no more than 150 calories per eight ounces.**

11 **(2) A person may not sell a high-calorie beverage that:**

12 **(a) Is prepackaged for use by a consumer;**

13 **(b) Is intended to contain a single serving; and**

14 **(c) Contains more than 12 ounces.**

15 **SECTION 2. The Department of Human Services may impose a civil penalty of not less**  
16 **than \$250 and not more than \$1,000 for each violation of section 1 of this 2011 Act.**

17 **SECTION 3. Sections 1 and 2 of this 2011 Act apply to sales of high-calorie beverages**  
18 **made on or after the effective date of this 2011 Act.**

19  

---

  
**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.