Regulating Sugary Drinks
Curriculum Guide

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Sugary Drinks: Public Health Hazard or Personal Choice?

Health experts say that sugary drinks like soda may contribute to major health problems in the United States, like obesity and diabetes. As a result, some people have suggested that the government take action to regulate these types of drinks to try to limit how much people consume. Last year, Berkeley became the first city to add a tax to sugary drinks. State lawmakers have introduced similar tax measures, but so far none have passed.

The efforts to regulate sugary drinks have sparked a debate both in California and across the nation. Although obesity and diabetes are considered major health issues in our country, the public is divided about whether government regulation of sugary drinks will help solve the problem. That is why LegiSchool wants to hear from you! Do you think government regulation of sugary drinks will help cut down on health problems? Or should it be a personal choice?

What is the problem?

According to a fact sheet by the Harvard School of Public Health, 2 out of 3 adults and 1 out of 3 children in the US are overweight or obese. Many experts say this trend may be because of an increase in how many sugary drinks we consume.

Harvard’s fact sheet on this issue finds that before the 1950s, a soft drink was usually around 6.5 ounces. Today, 20 ounce bottles are more typical. In the 1970s, sugary drinks were only about 4% of the United States’ daily calories but rose to 9% by 2001. According to the California Center for Public Health Advocacy, almost two-thirds of teens (ages 12-17) drink at least one soda or other sugary drink a day.

Harvard links sugary drinks with increased risk of obesity, diabetes, heart disease and gout. They also found studies showing that cutting back on sugary drinks helps people control their weight.

Obesity, diabetes and other health problems can result in huge health costs, and the Harvard fact sheet estimates that treating weight-related illnesses in the US costs an estimated $190 billion every year.

Although experts cite soda and other sugary drinks as the number one source of sugar in our diets, sugar can come from many other sources too, like cereals, pastries, candies and other sweet treats.

CLASSROOM ACTIVITY

Often people from different parts of the political spectrum agree on the existence of a problem, but disagree on the best way to address it.

Have students read this Harvard School of Public Health fact sheet and define the problem in a way that is evidence-based. The “problem statement” should be just 1-2 sentences long. Students should write the problem statement in a way that would allow for policy discussions by people from different political perspectives.
What is a “sugary drink”?
Many drinks contain sugar, including drinks that are generally viewed as healthy, like 100% fruit juices. So what exactly is the government seeking to regulate? In recent years, lawmakers have mostly focused on drinks that include caloric sweeteners. A caloric sweetener is typically an added sugar like sucrose, fructose, glucose or fruit juice concentrate. This includes drinks like soft drinks, sports drinks, energy drinks and some sweetened coffee drinks. This does not include the non-caloric sweeteners that many diet sodas use, like aspartame, saccharin or stevia. In addition, regulations usually exempt, milk and milk alternatives, and fruit juices with only natural sugars.

How do governments regulate sugary drinks?
When a government wants to regulate any product, there are many laws they can pass to limit how, when and where the product is used. Think of the limits on alcohol and tobacco. There are age limits on when you can consume them and locations where smoking or alcohol is prohibited. These are the types of regulations that governments can also use for sugary drinks. For example:

- Taxing the drink to make it more expensive
- Limiting where the drink is sold (for example schools or government buildings)
- Limiting the size of the drink (also known as the “portion size”)
- Putting warning labels about a drink’s health effects on bottles, cans and advertisements

The Two-Thirds Requirement: Passing Taxes Can Be Difficult
California requires a super-majority vote of the Legislature to increase taxes. That means more than two-thirds of the Legislature has to vote yes to pass the tax measure.

Non-tax laws only require a majority vote, or more than half of the Legislature voting yes.

So, passing a tax measure for sugary drinks may be much more difficult than passing some of the other measures you see listed above.

Critical Thinking
Which of these regulations would make you change your sugary drink consumption? Can you explain why some types of interventions may impact your behavior while others may not?

Classroom Activity – Sin Taxes
There are many different types of taxes, and some of them are called sin taxes. Governments add sin taxes to products or services that they see as harmful to the public, in an effort to curb consumption. Alcohol and cigarettes are two examples of products with sin taxes.

A sin tax is one of the many options lawmakers have considered when it comes to regulating sugary drinks, though none of the proposed statewide taxes have passed into law.

Split students into two groups. Have students from one group read the article in favor of taxing sugary drinks and the other group read the article against it. Then, facilitate a classroom debate about taxation. In the end, have students vote on whether or not they would pass a sugary drink tax. Remember, two-thirds of the class will have to vote yes for the tax to pass!

Obesity Action Coalition, A SODA Tax – Will it Change Anything?
Tax Foundation, Soda Tax Proposals Bubbling Up in California
State lawmakers in California have tried to regulate sugary drinks many times. Let’s look at a quick snapshot of some of the most recent proposed state laws and their outcomes:

<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Year</th>
<th>Regulation</th>
<th>Outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 1357</td>
<td>2015</td>
<td>Sugary drink tax of two cents per ounce</td>
<td>Did not pass</td>
</tr>
<tr>
<td>SB 203</td>
<td>2015</td>
<td>Warning Label on sugary drinks</td>
<td>Did not pass</td>
</tr>
<tr>
<td>SB 1000</td>
<td>2014</td>
<td>Warning Label on sugary drinks</td>
<td>Did not pass</td>
</tr>
<tr>
<td>SB 622</td>
<td>2013</td>
<td>Sugary drink tax of one cent per ounce</td>
<td>Did not pass</td>
</tr>
<tr>
<td>AB 669</td>
<td>2011</td>
<td>Sugary drink tax of one cent per ounce</td>
<td>Did not pass</td>
</tr>
<tr>
<td>SB 1210</td>
<td>2010</td>
<td>Sugary drink tax of one cent per ounce</td>
<td>Did not pass</td>
</tr>
<tr>
<td>AB 2100</td>
<td>2010</td>
<td>Sugary drink tax of one cent per ounce</td>
<td>Did not pass</td>
</tr>
<tr>
<td>SB 441</td>
<td>2008</td>
<td>Healthier drink options in vending machines on state property</td>
<td>Passed</td>
</tr>
<tr>
<td>SB 1118</td>
<td>2006</td>
<td>2% tax on sale, storage or consumption of carbonated drinks</td>
<td>Did not pass</td>
</tr>
<tr>
<td>SB 965</td>
<td>2005</td>
<td>Prohibits sugary drinks from being sold at high schools</td>
<td>Passed</td>
</tr>
<tr>
<td>SB 677</td>
<td>2003</td>
<td>Prohibits sugary drinks from being sold at elementary schools and middle schools</td>
<td>Passed</td>
</tr>
</tbody>
</table>

The state government is not the only place where sugary drinks can be regulated. Local governments can also pass laws. In California, two cities recently passed sugary drink regulation:

- In San Francisco, warning labels must be placed on all advertisements for sugary beverages. The warning label reads, “WARNING: Drinking beverages with added sugar(s) contributes to obesity, diabetes, and tooth decay. This is a message from the City and County of San Francisco.”
- In Berkeley, there is now a one cent per ounce tax on sugary drinks. The tax is paid by the companies that distribute the drink, not necessarily the people buying the drinks. A tax set-up like this does not necessarily mean the price of the drink will be higher, but there have been reported price increases on the cost of sugary drinks in Berkeley.

**CASE STUDY – The Navajo Nation: Comprehensive Regulations**

In November of 2014, the Navajo Nation Council passed the Healthy Dine Nation Act, which imposed a 2% tax on junk food and sweetened beverages. The tax includes items like pastries, chips, soda, desserts, fried foods, sweetened drinks and other products that are determined to have “minimal-to-no-nutritional value”. The tax applies only to products sold within the borders of the Navajo reservation. Money earned from the tax will be spent on wellness projects, including greenhouses, traditional foods cooking classes, community gardens and farmers’ markets. More information can be found in this press release.

The Navajo Nation intends on using the money raised from the taxes on junk foods and drink to help build healthy new lifestyles in their community. How could you evaluate the effectiveness of these reforms in 10 years? Be specific. What evidence and data would you look for to determine if the plan worked?
The debate: should we regulate sugary drinks?

Proponents of regulation cite evidence that shows sugary drinks are the number one source of sugar in American’s diets, and they link consumption of these drinks with health risks including obesity, heart disease, diabetes and tooth decay. In addition, they note that soda and other sugary drinks are full of empty calories that have no nutritional value. By reducing how much sugar people drink, proponents hope to reduce how many sugar-related health issues our communities face and the health costs associated with those issues. Proponents also note that money generated by taxing sugary drinks can be used to promote healthier living, increase access to healthy foods, and cover healthcare services and costs caused by sugar-related health issues.

While opponents of regulation typically share the proponent's concerns about sugar-related health issues, they disagree with them on what the solution should be. Some opponents believe the government should not intervene to limit people’s personal choice about the beverages they drink. In addition, sugary drinks are only one source of sugar in the American diet. Limiting access may simply result in people choosing a different source of sugar. Opponents also cite the complexity of health problems like obesity and diabetes, and note sugar is only one contributing risk factor. They also question whether regulations like taxes or warning labels will actually change people’s behavior. When it comes to taxing sugary drinks, opponents note that the type of taxes being proposed are regressive, and that means they will affect low-income people more. They believe this is an unfair system, and the taxes will ultimately be ineffective in making people healthier.

CRITICAL THINKING – Using Political Cartoons

New York City Mayor Michael Bloomberg wanted to ban the sale of “over-sized” sugary drinks by limiting the size to 16 ounces. This regulation was nicknamed the “Big Gulp Ban”. The approach ended up being unpopular with much of the public, and was ultimately rejected. Many political cartoonists used this policy as material for their cartoons. Look at this Dave Granlund cartoon. What is your interpretation of the message? Do you agree or disagree?

Are there options other than government regulation?

A Pew Research Center survey found that 54% of Americans do not want the government playing a significant role in reducing obesity, which speaks to the issue of personal choice. While people acknowledge that sugar-related health problems are an issue, they may not want the government to be a part of the solution. So what are some other options? ChangeLab Solutions offers a few interesting ideas, which are already happening in communities in California:

- You could launch a public awareness campaign in your community about the harms of sugary drinks
- Individual businesses or organizations can limit access to sugary drinks in their physical locations

In addition, schools, business and organizations can implement “wellness policies” that promote healthier lifestyles among their students and employees. Communities can also focus on increasing access to healthy foods, particularly in places we call “food deserts”. And, according to this article by NPR, the soda industry itself may change to stay relevant with changing cultural ideal (for example, the industry is already increasing its offerings of low-calorie and zero-calorie drinks).

No matter the solution, the problem remains the same: California, along with the rest of the United States, faces an epidemic of obesity and diabetes. So what do you think we should do about it?