

Senate Bill No. 869

CHAPTER 723

An act to add Article 8.7 (commencing with Section 114094.15) to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, relating to restaurant menus.

[Approved by Governor September 28, 2026. Filed with
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LEGISLATIVE COUNSEL'S DIGEST

SB 869, Weber Pierson. Restaurant menus: added sugar warnings.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for, and provides for regulation by the State Department of Public Health of, retail food facilities, and requires local health agencies to enforce those provisions. Existing law makes a person who violates a provision of the code guilty of a misdemeanor. Existing law requires certain food facilities to provide written notification of the major food allergens that the food facility knows or reasonably should know are contained as an ingredient in each menu item, either directly on its menu or in a digital format, as specified.

This bill, on or before January 1, 2029, would require a chain restaurant offering a standard menu beverage item with high added sugar content, as defined, to display on its menus an added sugar icon immediately adjacent to each standard menu beverage item with high added sugar content, as specified. The bill would require a chain restaurant to display a clear and conspicuous warning explaining the added sugar icon. The bill would require a chain restaurant to display the information directly on its drive-through menus and, additionally, either on its physical menus or in a digital format, as specified. By expanding the scope of an existing crime and by imposing new duties on local health officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. Article 8.7 (commencing with Section 114094.15) is added to Chapter 4 of Part 7 of Division 104 of the Health and Safety Code, to read:

Article 8.7. Added Sugar Safety Warnings

114094.15. For purposes of this article, the following definitions apply:

(a) “Added sugar icon” means an image of a sugar cube inside a black triangle.

(b) “Beverage size” means a description of the volume of a beverage. “Beverage size” includes, but is not limited to, small, medium, large, and variations thereof, or the number of fluid ounces in a beverage.

(c) “Chain restaurant” means a food facility that is both of the following:

(1) Restaurant or similar retail food establishment. This paragraph includes a cafe or deli that serves food for immediate consumption and that is located within another retail establishment, regardless of whether the retail establishment owns the cafe or deli.

(2) Part of a chain with 20 or more locations doing business under the same name and offering for sale substantially the same menu items, regardless of the type of ownership of the locations.

(d) “High added sugar content” means 100 percent or more per serving of the daily value for added sugar used by the United States Food and Drug Administration on January 1, 2026, to calculate the percent daily value for nutrition labeling of food.

(e) “Menu” means the primary writing, regardless of how the writing is divided, of a chain restaurant from which a customer makes an order selection, including, but not limited to, all of the following:

(1) Drive-through menus.

(2) Digital menus, excluding menus listed on a third-party platform not controlled by the chain restaurant.

(3) Menu boards or physical menus.

(f) (1) “Standard menu beverage item” means a beverage item that is prepared or poured at, and listed on a menu of, a chain restaurant and that is intended to be consumed by drinking, including a fountain drink, a blended beverage, or a variable beverage item that comes in different flavors, varieties, or combinations and is listed as a single item.

(2) “Standard menu beverage item” does not include any of the following:

(A) Prepackaged beverage items with added sugar content labeling that are served directly to customers.

(B) Beverage items appearing on a menu for less than a total of 60 days per calendar year or fewer than 90 consecutive days in order to test consumer acceptance.

(C) Beverage items without high added sugar content that are then modified or customized by the customer either while ordering or while at a beverage dispenser.

(D) Beverage items that contain alcohol.

(E) Frozen dairy products that are intended to be eaten with a spoon.

(g) “Third-party platform” means an internet website, application, or other online platform from which consumers can access a chain restaurant’s menu.

114094.16. On or before January 1, 2029, a chain restaurant offering a standard menu beverage item with high added sugar content shall display, subject to Section 114094.17, both of the following:

(a) (1) An added sugar icon clearly and in a conspicuous manner on its menus, immediately adjacent to each standard menu beverage item with high added sugar content, indicating that the added sugar content of this item contains or exceeds 100 percent or more per serving of the daily value for added sugar used by the United States Food and Drug Administration on January 1, 2026, to calculate the percent daily value for nutrition labeling of food.

(2) (A) If a standard menu beverage item is listed or delineated by beverage size on a menu, the added sugar icon shall be displayed clearly, conspicuously, and adjacent to the beverage item listing and to each corresponding size with high added sugar content.

(B) If the beverage sizes are listed on a menu without corresponding beverage item names, the added sugar icon shall be displayed clearly, conspicuously, and adjacent to each size for which any standard beverage offering available in that size has high added sugar content.

(b) A clear and conspicuous warning indicating that the added sugar icon means that the added sugar content of a standard menu beverage item contains or exceeds the total daily recommended limit. This subdivision does not require a chain restaurant to use the word “warning” on its menus.

114094.17. (a) A chain restaurant shall display the information described in Section 114094.16 directly on its drive-through menus.

(b) In addition to subdivision (a), a chain restaurant shall display the information described in Section 114094.16 in either of the following manners:

(1) Directly on the chain restaurant’s menus, as defined in paragraph (3) of subdivision (e) of Section 114094.15.

(2) (A) In a digital format, including, but not limited to, by using a quick response (QR) code that links to the chain restaurant’s digital menu or nutritional guide. The digital menu or nutritional guide shall display the information described in Section 114094.16.

(B) If the chain restaurant elects to display the information in a digital format, the chain restaurant shall provide a clear and conspicuous statement to the customer indicating that added sugar information can be accessed digitally.

(C) If the chain restaurant elects to display the information in a digital format, the chain restaurant shall also use an alternative method to display

the information to customers who are not able to access the digital format. For purposes of this subparagraph, “alternative method” includes, but is not limited to, any of the following:

- (i) A menu handout.
- (ii) A menu booklet.
- (iii) A menu chart.
- (iv) A menu grid.
- (v) Other written materials.

(c) An enforcement agency may utilize either of the following methods to evaluate a chain restaurant’s compliance with this article:

(1) Visual verification of high added sugar content disclosure. An enforcement officer may confirm that required information is displayed on physical menus, digital menus, or the alternative methods described in subparagraph (C) of paragraph (2) of subdivision (b).

(2) Other reasonable methods of verification consistent with the intent of this article.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.