

APPENDIX A

# Findings for Model Sugar-Sweetened Beverage Tax Legislation

Developed by the National Policy & Legal Analysis Network  
to Prevent Childhood Obesity (NPLAN), a project of  
Public Health Law & Policy (PHLP)

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## Appendix A. Findings.

The Legislature finds that over the past thirty years, the obesity rate in the United States has more than doubled. According to statistics compiled by the Centers for Disease Control and Prevention, in 2008 26.7 percent of the country's adult population was considered obese (body mass index (BMI) of 30 and above). In [\_\_\_\_\_], [*Insert State's obese population percentage here*] of our State's adult residents were considered obese in 2008.

**COMMENT:** Source: Centers for Disease Control and Prevention (CDC). *Behavioral Risk Factor Surveillance System Survey Data*. Atlanta, Georgia, 1995-2008.  
<http://apps.nccd.cdc.gov/BRFSS/list.asp?cat=OB&yr=2008&qkey=4409&state=MS>.

The Legislature further finds that for children, the increase in obesity has been even more dramatic, with the obesity rate among children ages 6-11 more than quadrupling over the last four decades. The State of [\_\_\_\_\_] is not immune to the problem. [*Insert State's school-age children obesity percentage here*] of [\_\_\_\_\_] school-age children were obese in 2007.

**COMMENT:** Source: Ogden CL, Carroll MD, Curtin LR, Lamb MM and Flegal KM. "Prevalence of High Body Mass Index in US Children and Adolescents, 2007–2008." *Journal of the American Medical Association*, 303(3): 242–249, January 2010.

Several organizations provide state-specific information breaking down the extent of the obesity epidemic in a specific state. Two thorough sources are:

Trust for America's Health. *F as in Fat: How Obesity Policies are Failing America*. July 2009.  
Available at: [www.healthyamericans.org/state](http://www.healthyamericans.org/state).

Centers for Disease Control and Prevention (CDC). *YRBSS: Youth Risk Behavior Surveillance System*. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 1999-2007. Available at: <http://apps.nccd.cdc.gov/yrbss>.

The Legislature further finds that obese children are at least twice as likely as non-obese children to become obese adults. Research indicates that the likelihood of an obese child becoming an obese adult increases with age; adolescents who are obese have a greater likelihood of being obese in adulthood, as compared with younger children.

**COMMENT:** Source: Serdula MK, Ivery D, Coates RJ, et al. "Do Obese Children Become Obese Adults? A Review of the Literature." *Preventive Medicine*, 22(2): 167-177, 1993.

The Legislature further finds that the obesity epidemic has led to a dramatic increase in obesity-related health conditions, such as early onset of type 2 diabetes, asthma, heart disease, cancer and strokes. In an eight-year study, women who consumed one or more servings of sugar-sweetened beverages a day had twice the risk of developing type 2 diabetes and a 23 percent higher risk of coronary heart disease than women who consumed less than one serving of sugar-sweetened beverages a month.

**COMMENT:** Source: Brownell KD, Farley T, Willett WC, Popkin BM, Chaloupka FJ, Thompson JW, Ludwig DS. "The Public Health and Economic Benefits of Taxing Sugar-Sweetened Beverages." *New England Journal of Medicine*, September 2009. Available at: [www.yaleruddcenter.org/resources/upload/docs/what/policy/BenefitsSodaTaxNEJM9.09.pdf](http://www.yaleruddcenter.org/resources/upload/docs/what/policy/BenefitsSodaTaxNEJM9.09.pdf).

For a complete overview of the impact of sugar-sweetened beverages on public health, see: Chaloupka et al. *Sugar-Sweetened Beverage Taxes and Public Health*. Healthy Eating Research, 2009. Available at: [www.rwjf.org/files/research/20090731ssbbrief.pdf](http://www.rwjf.org/files/research/20090731ssbbrief.pdf).

Obesity-related health conditions cost the nation billions of dollars in health care costs and lost productivity; adult overweight and obesity account for \$147 billion in health care costs nationally, or 9 percent of all medical spending, per year. Childhood obesity alone is estimated to cost \$14 billion annually in direct health expenses, and children covered by Medicaid account for \$3 billion of those expenses. Annually, the average total health expenses for a child treated for obesity under Medicaid is \$6,730, while the average health cost for all children covered by Medicaid is \$2,446. The average total health expenses for a child treated for obesity under private insurance is \$3,743, while the average health cost for all children covered by private insurance is \$1,108. Obesity-related annual medical expenditures in the State of [ ] are estimated at [Insert State's cost of adult obesity here] million in 2003 dollars. Almost 60 percent of these costs nationally are paid by public funds through Medicare and Medicaid.

**COMMENT:** Sources: Finkelstein E, Fiebelkorn I and Wang G. "State-level estimates of annual medical expenditures attributable to obesity." *Obesity Research*, 12(1): 18-24, 2004. Available at: [www.ncsl.org/default.aspx?tabid=14367](http://www.ncsl.org/default.aspx?tabid=14367).

Marder W and Chang S. Childhood Obesity: Costs, Treatment Patterns, Disparities in Care, and Prevalent Medical Conditions. Thomson Medstat Research Brief, 2006. Available at: [www.medstat.com/pdfs/childhood\\_obesity.pdf](http://www.medstat.com/pdfs/childhood_obesity.pdf).

The Legislature further finds that according to nutritional standards, sugar-sweetened beverages such as non-diet soft drinks, energy drinks, sweet teas, and sports drinks offer little or no nutritional value but massive quantities of added sugars. For example, a 12-ounce can of soda contains the equivalent of approximately 10 teaspoons of sugar; the U.S. Department of Agriculture recommends that a person eating a 2,200-calorie diet should eat no more than 12 teaspoons of refined sugar in a day.

**COMMENT:** Source: Jacobson MF. *Liquid Candy: How Soft Drinks Are Harming Americans' Health*. Washington, DC: Center for Science in the Public Interest, 2005. Available at: [www.cspinet.org/new/pdf/liquid\\_candy\\_final\\_w\\_new\\_supplement.pdf](http://www.cspinet.org/new/pdf/liquid_candy_final_w_new_supplement.pdf).

The Legislature further finds that numerous studies strongly support a link between obesity and consumption of sugar-sweetened beverages such as soft drinks, energy drinks, sweet teas, and sports drinks. Long-term studies have shown that women who increased their consumption of sugar-sweetened beverages for four years gained an average of 17.6 pounds, whereas women who decreased their consumption of sugar-sweetened beverages for four years gained only 6.2 pounds. The effect of sugar-sweetened beverage consumption in children is even more staggering; for every additional serving of sugar-sweetened beverage that a child consumes a day, the likelihood of the child becoming obese increases by 60 percent.

**COMMENT:** Source: Brownell KD, Farley T, Willett WC, Popkin BM, Chaloupka FJ, Thompson JW, Ludwig DS. "The Public Health and Economic Benefits of Taxing Sugar-sweetened Beverages." *New England Journal of Medicine*, September 2009. Available at: [www.yaleruddcenter.org/resources/upload/docs/what/policy/BenefitsSodaTaxNEJM9.09.pdf](http://www.yaleruddcenter.org/resources/upload/docs/what/policy/BenefitsSodaTaxNEJM9.09.pdf).

For a more detailed description of the negative impact of sugar-sweetened beverages on children's health, see: Gortmaker et al. *Negative Impact of Sugar-Sweetened Beverages on Children's Health*. 2009. Available at: [www.rwjf.org/files/research/20091203herssb.pdf](http://www.rwjf.org/files/research/20091203herssb.pdf).

The Legislature further finds that Americans are drinking more sugar-sweetened beverages than ever before. From 1977 to 2002, Americans doubled the amount of sugar-sweetened beverages they consumed. Currently, children and adult Americans consume 172 and 175 calories respectively from sugar-sweetened beverages a day. Children and adolescents now consume 10 to 15 percent of their daily caloric intake from sugar-sweetened beverages.

**COMMENT:** Source: Brownell KD, Farley T, Willett WC, Popkin BM, Chaloupka FJ, Thompson JW, Ludwig DS. “The Public Health and Economic Benefits of Taxing Sugar-Sweetened Beverages.” *New England Journal of Medicine*, September 2009. Available at: [www.yaleruddcenter.org/resources/upload/docs/what/policy/BenefitsSodaTaxNEJM9.09.pdf](http://www.yaleruddcenter.org/resources/upload/docs/what/policy/BenefitsSodaTaxNEJM9.09.pdf).

For details on consumption of sugar-sweetened beverages across California counties, go to: [www.publichealthadvocacy.org/PDFs/Bubbling\\_adultconsumption\\_county.pdf](http://www.publichealthadvocacy.org/PDFs/Bubbling_adultconsumption_county.pdf).

The Legislature further finds that in order to reverse the obesity epidemic, it is important that our citizens have access to programs and services that promote a healthy lifestyle. In addition to treatment, every adult and child must have access to coverage for preventive medical services, including nutrition and obesity counseling and screening for obesity-related diseases such as type 2 diabetes. It is equally important to increase the number of programs available in communities, schools, and childcare settings that help make nutritious foods more affordable and accessible and provide safe and healthy places for people to engage in physical activity. Providing a dedicated source of funding for these programs is vital to their success.

**COMMENT:** For the discussion of the importance of creating a dedicated source of revenues for public health prevention, see: Trust for America’s Health. *F as in Fat: How Obesity Policies are Failing America*. July 2009, section 7. Available at: [www.healthyamericans.org/state](http://www.healthyamericans.org/state).

Many states have reduced or eliminated funding for the services mentioned in this finding. Local statistics illustrating this will strengthen this finding and support earmarking the proceeds of the tax.

It is the intent of the Legislature, by adopting the Sugar-Sweetened Beverages Tax Law and creating the Children’s Health Promotion Fund, to diminish the human and economic costs of obesity in the State of [\_\_\_\_\_]. This Act is intended to discourage excessive consumption of sugar-sweetened beverages and to create a dedicated revenue source for programs designed to prevent and treat childhood obesity and reduce the burden of resulting health conditions.