

SENATE No. 1399

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to expanding access to healthy food choices in vending machines on state property.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/6/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/20/2023</i>

SENATE No. 1399

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1399) of Jason M. Lewis and James B. Eldridge for legislation to expand access to healthy food choices in vending machines on state property. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1467 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to expanding access to healthy food choices in vending machines on state property.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 133A of chapter 6 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out, in lines 18 to 19, the words “no later than
3 December thirty-first, nineteen hundred and eighty-three” and inserting in place thereof the
4 following words:- annually, on or before December 31.

5 SECTION 2. Chapter 111 of the General Laws, as so appearing, is hereby amended by
6 adding the following section: - Section 235. (a) As used in this section, the following words
7 shall, unless the context clearly indicates otherwise, have the following meanings:-

8 “Commissioner”, the commissioner of public health

9 “Department”, the department of public health

10 “Government property”, all property owned or managed by the commonwealth including
11 government office buildings, road-side rest stops, state parks and recreation centers, state
12 colleges and universities and state-supported hospitals.

13 “Non RSA-vendor”, any person who by contract, agreement or ownership is responsible
14 for furnishing, installing, servicing, operating or maintaining a vending machine or vending
15 facility who is not licensed by the commission for the blind to operate such machine or facility.

16 "Nutritional standards”, the standards promulgated by the department in accordance with
17 subsection (b).

18 “Vending machine”, any self-service device offered for public use which, upon insertion
19 of a coin, coins, token, paper currency, or by any other means, dispenses servings of food or
20 beverage, either in bulk or in package.

21 “Vendor”, a blind person licensed by the commission for the blind to operate a vending
22 facility under the terms of the Randolph-Shepard Act, 20 U.S.C. chapter 6A, section 107; 29
23 U.S.C. sections 701 et. seq.; and sections 129, 130, 131J and 133 through 133E, inclusive, of
24 chapter 6 of the General Laws.

25 (b) All foods or beverages sold through vending machines located in government
26 buildings or on property owned or managed by the commonwealth shall be limited to food and
27 beverage items that comply with the nutritional standards established by the commissioner of
28 public health. The commissioner shall promulgate regulations establishing evidence-based
29 nutrition and food procurement standards that meet or exceed those set forth in "Food Service

30 Guidelines for Federal Facilities.” issued by the federal general services administration, . These
31 standards shall apply to any new contracts with the state (c) A non-RSA vendor may meet the
32 requirements in subsection (b) by: (i) offering 20 per cent of the food or beverages in a vending
33 machine that meet nutritional standards by one year after implementation; (ii) offering 40 per
34 cent of the food or beverages required to meet nutritional standards by two years after
35 implementation; (iii) offering 60 per cent of the food or beverages required to meet nutritional
36 standards by three years after implementation; (iv) offering 75% per cent of the food or
37 beverages or higher required to meet nutritional standards by four years after implementation and
38 thereafter.

39 (4) A vendor licensed by the state licensing agency pursuant to sections 133A to 133F,
40 inclusive, of chapter 6 may meet the requirements in subsection (b) by: (i) offering 10 per cent of
41 the food or beverages in a vending machine that meet nutritional standards by one year after
42 implementation; (ii) offering 30 per cent of the food or beverages required to meet nutritional
43 standards by two years after implementation; (iii) offering 50 per cent of the food or beverages
44 required to meet nutritional standards by three years after implementation; (iv) offering 60 per
45 cent of the food or beverages required to meet nutritional standards by four years after
46 implementation; and (v) 75% per cent of the food or beverages or higher required to meet
47 nutritional standards by five years after implementation and thereafter. (d) Five years after
48 enactment of this act and every 5 years thereafter, the department shall review, and if necessary,
49 revise and update the nutritional standards set forth subsections (b) and (c) to reflect
50 advancements in nutrition science, dietary data, and new product availability.

51 The commissioner shall periodically review such nutritional and procurement standards
52 and amend the regulations to reflect advancements in nutrition science, dietary data, and new

53 product availability. The commissioner shall also establish by regulation rules regarding
54 requirements for display of nutritional information on or near vending machines located in
55 government buildings or on property owned or managed by the commonwealth about products
56 sold in such vending machines. The Commissioner shall also establish regulation regarding that
57 food and beverage items that meet the nutrition standards should be placed so as to be
58 prominently and easily visible, and in the prime selling positions; The commissioner shall also
59 establish by regulation a schedule for compliance by vendors and non-RSA vendors with the
60 nutritional standards established by the commissioner. (c) To assist in the implementation of the
61 nutritional standards set forth in this section, the commissioner shall designate an appropriate
62 position within the department to disseminate information and train staff on the nutritional
63 standards to ensure compliance. The designated position shall monitor compliance and report to
64 the commissioner every year on the status of implementation. The annual report shall include: an
65 assessment of compliance with the nutritional standards; a description of any issues encountered
66 in implementation of the nutritional standards; and recommendations for improvement of the
67 nutritional standards and compliance. (d) The commissioner shall take the following actions: (1)
68 notify current vendors and non-RSA vendors of the nutritional standards and the required
69 schedule for compliance. (2) require future procurement or vending contracts to include a
70 provision stipulating that all food and beverage items will meet the nutritional standards; and
71 (3) determine whether products sold through vending machines located in government
72 buildings or on property owned or managed by the commonwealth meet the nutritional standards
73 established by the commissioner.

74 (4) Any vendor or non-RSA vendor who is found to be in noncompliance shall be subject
75 to termination of contract within any state facility or on state property; provided, however, that

76 any such vendor or non-RSA vendor shall have 60 days to cure any such non-compliance before
77 termination.

78 (i) Nothing in this section shall be construed to require a state agency, institute, property,
79 administrator, or manager to place vending machines on government property.