HOUSE . . . . . No. 3988

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 4, 2016.

The committee on Public Health to whom was referred the petition (accompanied by bill, House, No. 2005) of Stephen Kulik and others relative to expanding access to healthy food choices in vending machines on state property, reports recommending that the accompanying bill (House, No. 3988) ought to pass.

For the committee,

KATE HOGAN.

HOUSE DOCKET, NO. FILED ON: 2/1/2016

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The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

SECTION 1. Section 133A of chapter 6 of the General Laws, as appearing in the 2014 Official Edition, is hereby amended by striking out, in lines 18 to 19, the words "no later than December thirty-first, nineteen hundred and eighty-three" and inserting in place thereof the following words:- annually, on or before December 31

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

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

"Non RSA-vendor", any person who by contract, agreement or ownership is responsible for furnishing, installing, servicing, operating or maintaining a vending machine or

13 vending facility who is not licensed by the commission for the blind to operate such machine or
14 facility.

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

17 "Vending facility", snack bars, cart service, shelters, counters, and such other auxiliary
18 equipment necessary for the sale of newspapers, periodicals, confections, tobacco products,
19 foods, beverages, and other articles or services dispensed automatically or manually and
20 prepared on or off the premises in accordance with all applicable health laws, and including the
21 vending or exchange of chances for any lottery authorized by law, and conducted by any agency
22 of the commonwealth.

23 "Vending machine", any self-service device offered for public use which, upon insertion
24 of a coin, coins, token, paper currency, or by any other means, dispenses servings of food or
25 beverage, either in bulk or in package.

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

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

35 Sustainability Guidelines for Federal Concessions and Vending Operations," issued by the
36 federal general services administration, “Healthy Workplace Food and Beverage Toolkit,” issued
37 by the American Heart Association or “Model Beverage and Food Vending Machine Standards,”
38 issued by the National Alliance for Nutrition and Activity. The commissioner shall periodically
39 review such nutritional and procurement standards and amend the regulations to reflect
40 advancements in nutrition science, dietary data, and new product availability.

41 The commissioner shall also establish by regulation rules regarding requirements for
42 display of nutritional information on or near vending machines located in government buildings
43 or on property owned or managed by the commonwealth about products sold in such vending
44 machines.

45 The commissioner shall also establish by regulation a schedule for compliance by
46 vendors and non-RSA vendors with the nutritional standards established by the commissioner.

47 (c) To assist in the implementation of the nutritional standards set forth in this section, the
48 commissioner shall designate an appropriate position within the department to disseminate
49 information and train staff on the nutritional standards to ensure compliance. The designated
50 position shall monitor compliance and report to the commissioner every year on the status of
51 implementation. The annual report shall include: an assessment of compliance with the
52 nutritional standards; a description of any issues encountered in implementation of the nutritional
53 standards; and recommendations for improvement of the nutritional standards and compliance.

54 (d) The commissioner shall take the following actions:

55 (1) notify current vendors and non-RSA vendors of the nutritional standards and the
56 required schedule for compliance.

57 (2) require future procurement or vending contracts to include a provision stipulating that
58 all food and beverage items will meet the nutritional standards; and

59 (3) determine whether products sold through vending machines located in government
60 buildings or on property owned or managed by the commonwealth meet the nutritional standards
61 established by the commissioner.

62 (4) Any vendor or non-RSA vendor who is found to be in noncompliance shall be subject
63 to termination of contract within any state facility or on state property; provided, however, that
64 any such vendor or non-RSA vendor shall have 60 days to cure any such non-compliance before
65 termination.

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