

# **HOUSE . . . . . No. 4281**

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## **The Commonwealth of Massachusetts**

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HOUSE OF REPRESENTATIVES, March 6, 2018.

The committee on Public Health to whom was referred the petition (accompanied by bill, House, No. 1191) 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. 4281) ought to pass.

For the committee,

KATE HOGAN.

# HOUSE . . . . . No. 4281

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court  
(2017-2018)  
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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 2016  
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 236. (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.

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

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

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

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

(b) All foods or beverages sold through vending machines located in government buildings or on property owned or managed by the commonwealth shall be limited to food and beverage items that comply with the nutritional standards established by the commissioner of public health. The commissioner shall promulgate regulations establishing evidence-based nutrition and food procurement standards that meet or exceed those set forth in "Health and Sustainability Guidelines for Federal Concessions and Vending Operations," issued by the federal general services administration, or “Healthy Workplace Food and Beverage Toolkit,” issued by the American Heart Association or “Model Beverage and Food Vending Machine Standards,” issued by the National Alliance for Nutrition and Activity. The Commissioner shall complete these regulations no later than 180 days after this is signed into law.

35           The commissioner shall periodically review such nutritional and procurement standards  
36 and amend the regulations to reflect advancements in nutrition science, dietary data, and new  
37 product availability. The commissioner shall also establish by regulation rules regarding  
38 requirements for display of nutritional information on or near vending machines located in  
39 government buildings or on property owned or managed by the commonwealth about products  
40 sold in such vending machines. The commissioner shall also establish by regulation a schedule  
41 for compliance by vendors and non-RSA vendors with the nutritional standards established by  
42 the commissioner.

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

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

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

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

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

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

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