

SENATE No. 1217

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>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/2/2017</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>2/1/2017</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>2/2/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/8/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/8/2017</i>

SENATE No. 1217

By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1217) of Jason M. Lewis, Steven Ultrino, Paul R. Heroux, Jack Lewis and other members of the General Court for legislation to expand access to healthy food choices in vending machines on state property. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

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 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 "Health and
30 Sustainability Guidelines for Federal Concessions and Vending Operations," issued by the
31 federal general services administration, or “Healthy Workplace Food and Beverage Toolkit,”

32 issued by the American Heart Association or “Model Beverage and Food Vending Machine
33 Standards,” issued by the National Alliance for Nutrition and Activity. The commissioner shall
34 periodically review such nutritional and procurement standards and amend the regulations to
35 reflect advancements in nutrition science, dietary data, and new product availability. The
36 commissioner shall also establish by regulation rules regarding requirements for display of
37 nutritional information on or near vending machines located in government buildings or on
38 property owned or managed by the commonwealth about products sold in such vending
39 machines. The Commissioner shall also establish regulation regarding that food and beverage
40 items that meet the nutrition standards should be placed so as to be prominently and easily
41 visible, and in the prime selling positions; that food and beverage items that meet the nutrition
42 standards should be available at prices equal to or less than the prices for similar products that
43 are available and that do not meet the nutrition standards; and that food and beverage items that
44 do not meet the nutrition standards options should not be promoted through discounted prices,
45 bundled meals, or promotional signs. The commissioner shall also establish by regulation a
46 schedule for compliance by vendors and non-RSA vendors with the nutritional standards
47 established by the commissioner.

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

55 (d) The commissioner shall take the following actions: (1) notify current vendors and
56 non-RSA vendors of the nutritional standards and the required schedule for compliance.