

**SENATE . . . . . No.**

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**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:

*Jason M. Lewis*

DISTRICT/ADDRESS:

*Fifth Middlesex*

**SENATE . . . . . No.**

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1399 OF 2023-2024.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**  
\_\_\_\_\_

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:-

7           Section 245. (a) As used in this section, the following words shall, unless the context  
8 clearly indicates otherwise, have the following meanings:

9           “Commissioner”, the commissioner of public health

10 “Department”, the department of public health

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

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

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

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

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

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

31 Guidelines for Federal Facilities.” issued by the federal general services administration. These  
32 standards shall apply to any new contracts with the state.

33 (c) A non-RSA vendor may meet the requirements in subsection (b) by: (i) offering 20  
34 per cent of the food or beverages in a vending machine that meet nutritional standards by one  
35 year after implementation; (ii) offering 40 per cent of the food or beverages required to meet  
36 nutritional standards by two years after implementation; (iii) offering 60 per cent of the food or  
37 beverages required to meet nutritional standards by three years after implementation; and (iv)  
38 offering 75% per cent of the food or beverages or higher required to meet nutritional standards  
39 by four years after implementation and thereafter.

40 A vendor licensed by the state licensing agency pursuant to sections 133A to 133F,  
41 inclusive, of chapter 6 may meet the requirements in subsection (b) by: (i) offering 10 per cent of  
42 the food or beverages in a vending machine that meet nutritional standards by one year after  
43 implementation; (ii) offering 30 per cent of the food or beverages required to meet nutritional  
44 standards by two years after implementation; (iii) offering 50 per cent of the food or beverages  
45 required to meet nutritional standards by three years after implementation; (iv) offering 60 per  
46 cent of the food or beverages required to meet nutritional standards by four years after  
47 implementation; and (v) 75% per cent of the food or beverages or higher required to meet  
48 nutritional standards by five years after implementation and thereafter.

49 (d) Five years after enactment of this act and every 5 years thereafter, the department  
50 shall review, and if necessary, revise and update the nutritional standards set forth subsections  
51 (b) and (c) to reflect advancements in nutrition science, dietary data, and new product  
52 availability.

53           The commissioner shall periodically review such nutritional and procurement standards  
54 and amend the regulations to reflect advancements in nutrition science, dietary data, and new  
55 product availability. The commissioner shall also establish by regulation rules regarding  
56 requirements for display of nutritional information on or near vending machines located in  
57 government buildings or on property owned or managed by the commonwealth about products  
58 sold in such vending machines. The commissioner shall also establish regulation regarding that  
59 food and beverage items that meet the nutrition standards should be placed so as to be  
60 prominently and easily visible, and in the prime selling positions. The commissioner shall also  
61 establish by regulation a schedule for compliance by vendors and non-RSA vendors with the  
62 nutritional standards established by the commissioner.

63           To assist in the implementation of the nutritional standards set forth in this section, the  
64 commissioner shall designate an appropriate position within the department to disseminate  
65 information and train staff on the nutritional standards to ensure compliance. The designated  
66 position shall monitor compliance and report to the commissioner every year on the status of  
67 implementation. The annual report shall include: an assessment of compliance with the  
68 nutritional standards; a description of any issues encountered in implementation of the nutritional  
69 standards; and recommendations for improvement of the nutritional standards and compliance.

70           The commissioner shall take the following actions:

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

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

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

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

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