

**MEMORANDUM**

February 7, 2017

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Introduction:** Bill 1-17, Contracts and Procurement – Vending Machine Service Contracts – Healthy Vending Standards

Bill 1-17, Contracts and Procurement – Vending Machine Service Contracts – Healthy Vending Standards, sponsored by Lead Sponsor Councilmember Leventhal and Co-Sponsor Councilmember Rice, is scheduled to be introduced on February 7, 2017. A public hearing is tentatively scheduled for February 28 at 1:30 p.m.

Bill 1-17 would require certain vending machine service contracts the County enters into to adhere to certain nutrition standards, and labeling and product placement requirements. Under Bill 1-17, all new vending machine contracts entered into must require:

- all food or beverage items offered for sale be less than 0.5 grams of trans-fat per serving and no more than 200 milligrams of sodium per package; and
- any beverage offered for sale be less than 250 calories or 20 fluid ounces.

These nutrition requirements would go into effect for any vending machine service contract entered into on or after the date of enactment of the legislation. In addition, the bill sets forth certain “healthy vending standards” (©2-3, lines 17-40). Any vending machine service contract entered into on or after July 1, 2017 must require at least 50% of the food and beverage items offered for sale meet the healthy vending standards. This increases to 65% for any vending machine service contract entered into after July 1, 2018.

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Bill No. 1-17  
Concerning: Contracts and Procurement  
- Vending Machine Service Contracts  
- Healthy Vending Standards  
Revised: 1/19/2017 Draft No. 2  
Introduced: February 7, 2017  
Expires: August 7, 2018  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsor: Councilmember Leventhal  
Co-Sponsor: Councilmember Rice

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**AN ACT** to:

- (a) require certain vending machine service contracts the County enters into to adhere to certain nutrition standards, and labeling and product placement requirements; and
- (b) generally amend County procurement law.

By adding

Montgomery County Code  
Chapter 11B, Contracts and Procurement  
Article XVIII  
Sections 11B-78, 11B-79, 11B-80, 11B-81, and 11B-82

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<b>[Single boldface brackets]</b>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<b>[[Double boldface brackets]]</b>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Article XVIII (Sections 11B-78, 11B-79, 11B-80, 11B-81, and**  
2 **11B-82) is added as follows:**

3                           **Article XVIII. Vending Machine Service Contracts.**

4 **11B-78. Definitions.**

5           As used in this Article, the following terms have the meanings indicated:

6           Packaged means bottled, canned, securely bagged, or securely wrapped,  
7 whether packaged in a food establishment or a food processing plant.

8           Vending machine means a self-service machine offered for public use that, upon  
9 insertion of a coin, paper, currency, token, card, or key, or by optional manual  
10 operation, dispenses servings of food or beverages in bulk or in packages, or  
11 prepared by the machine, without the necessity of replenishing the device  
12 between each vended operation

13 **11B-79. Applicability.**

14           This Article applies only to vending machines located on property owned by the  
15 County.

16 **11B-80. Healthy vending standards.**

17           (a) An item designated as a healthy food choice must contain:

18                   (1) no more than 200 calories per package;

19                   (2) less than 35% of total calories from fat, except for foods containing  
20 100% nuts or seeds with no added fats;

21                   (3) less than 10% of calories from saturated fat; and

22                   (4) no more than 35% of calories from total sugars, except for 1%, 2%,  
23 or non-fat dairy products, non-dairy milk products, fruits, and  
24 vegetables.

25           (b) At least one healthy food choice offered in a vending machine must meet  
26 the Food and Drug Administration's definition of "low sodium".

- 27 (c) Except as provided in paragraph (d), an item designated as a healthy  
 28 beverage choice must contain fewer than 40 calories per serving.
- 29 (d) The following beverages may also be designated as a healthy beverage  
 30 choice:
- 31 (1) fat-free or 1% low fat dairy milk;  
 32 (2) calcium or vitamin D fortified soy milk with less than 200 calories  
 33 per container;  
 34 (3) a container with 12 ounces or less of:
- 35 (A) 100% fruit juice;  
 36 (B) vegetable juice that contains less than 230 milligrams of  
 37 sodium per serving; or  
 38 (C) fruit juice combined with water with no added caloric  
 39 sweeteners and no more than 200 milligrams of sodium per  
 40 container.

41 **11B-81. Vending machine service contract requirements.**

- 42 (a) Any new vending machine service contract or vending machine service  
 43 contract renewal the County enters into on or after {date of enactment}  
 44 must require the following:
- 45 (1) Any packaged food or beverage item offered for sale in a vending  
 46 machine contain:
- 47 (A) less than 0.5 grams of trans-fat per serving; and  
 48 (B) no more than 200 milligrams of sodium per package.
- 49 (2) Any beverage offered for sale in a vending machine must not  
 50 contain more than:
- 51 (A) 250 calories; or  
 52 (B) 20 fluid ounces.

- 53           (3) Water without added caloric sweeteners must be stocked in a  
54           beverage vending machine.
- 55           (4) Food and beverage items that meet the nutrition requirements in  
56           Section 11B-80 must be:
- 57           (A) displayed in a way that is distinguishable from food and  
58           beverage items that do not meet those requirements; and
- 59           (B) stocked in positions with highest selling potential, as  
60           determined by the Director of the Department of General  
61           Services.
- 62           (5) Food and beverage items that meet the nutrition requirements in  
63           Section 11B-80 must be comparatively priced or less expensive  
64           than products that do not meet those standards.
- 65           (6) Vending machines must display nutritional labeling that complies  
66           with the standards for nutritional labeling set forth in 21 Code of  
67           Federal Regulations, Sections 101 and 109, or any successor  
68           provision.
- 69           (b) In addition to the requirements of paragraph (a), any new vending  
70           machine service contract or vending machine service contract renewal the  
71           County enters into on or after July 1, 2017 must require that at least 50%  
72           of the food and beverage items offered for sale in vending machines meet  
73           the requirements in Section 11B-80.
- 74           (c) In addition to the requirements of paragraph (a), any new vending  
75           machine service contract or vending machine service contract renewal  
76           that the County enters into on or after July 1, 2018 must require that at  
77           least 65% of the food and beverage items offered for sale in vending  
78           machines meet the requirements in Section 11B-80.

79 **11B-82. Annual report.**

80 The Director of the Department of General Services must submit a report to the  
81 County Council and County Executive by September 30 each year. The report must  
82 include:

- 83 (a) an assessment of compliance with this Article;
- 84 (b) successes, challenges, and barriers experienced in implementation; and
- 85 (c) any recommendations for improvement of the standards and compliance.

86 *Approved:*

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Roger Berliner, President, County Council

Date

88 *Approved:*

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Isiah Leggett, County Executive

Date

90 *This is a correct copy of Council action.*

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Linda M. Lauer, Clerk of the Council

Date

## LEGISLATIVE REQUEST REPORT

Bill 1-17

### *Contracts and Procurement – Vending Machine Service Contracts-Healthy Vending Standards*

**DESCRIPTION:** Bill 1-17 would require certain vending machine service contracts the County enters into to adhere to certain nutrition standards, and labeling and product placement requirements

**PROBLEM:** Often, unhealthy snacks are provided in vending machines.

**GOALS AND OBJECTIVES:** Promote better health by requiring nutritional standards for products offered in vending machines on county property.

**COORDINATION:** Department of General Services

**FISCAL IMPACT:** To be requested

**ECONOMIC IMPACT:** To be requested

**EVALUATION:** To be researched.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Amanda Mihill, Legislative Attorney, 240-777-7815

**APPLICATION WITHIN MUNICIPALITIES:** N/A

**PENALTIES:** N/A



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

GEORGE LEVENTHAL  
COUNCILMEMBER  
AT-LARGE

MEMORANDUM

TO: Montgomery County Councilmembers

FROM: George L. Leventhal, *George* Chair – Health and Human Services Committee

DATE: February 1, 2017

SUBJECT: Legislation - - Healthy Vending Machine Standards

On Tuesday, February 7, I will be introducing the attached legislation requiring that certain vending machine contracts that the County enters into require specific nutritional standards for food and drink products. This legislation would require that at least 65 percent of food and beverage items offered for sale in County vending machines contain no more than 200 calories per package as well as a few other important nutritional aspects.

In 2014 I introduced, and the Council passed, a resolution establishing an ad hoc working group to examine the quality of foods, snacks and beverages offered in vending machines, cafeterias and eateries in County buildings. Raising the awareness of County employees about their nutritional choices and providing healthier options is in line with the recommendations of the ad hoc working group. I am also hopeful that requiring nutritional standards for products offered in County buildings will promote better health.

If you have any questions or if you would like to co-sponsor this bill, please contact Walton Harris in my office.

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