

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2016 Legislative Session**

Bill No. CB-93-2016

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Members Glaros, Toles, Harrison, Franklin, Taveras Davis

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 Healthy Vending Requirements

3 For the purpose of regulating food and beverage vending machines located in Prince George's  
4 County.

5 BY adding:

6 SUBTITLE 12. HEALTH

7 DIVISION 10. HEALTHY VENDING REQUIREMENTS.

8 Sections 12-206, 12-207, 12-208, 12-209, 12-210,

9 12-211, 12-212 and 12-213

10 The Prince George's County Code

11 (2015 Edition).

12 WHEREAS, According to national health experts, more than 678,000 Americans die each  
13 year due to diseases linked to poor nutrition; and

14 WHEREAS, One-third of all White children and half of all African-American and Latino  
15 children born today will likely develop type 2 diabetes in their lifetimes, according to the US  
16 Department of Health and Human Services. Undiagnosed or uncontrolled diabetes can lead to  
17 debilitation, blindness, serious heart and kidney complications, amputations, and even death; and

18 WHEREAS, According to the American Academy of Pediatrics, the percentage of  
19 teenagers who were diagnosed with type 2 diabetes or pre-diabetes soared from 9% in 1999 to  
20 23% in 2008; and

21 WHEREAS, The Prince George's County Health Department reports that more than 60%

1 of deaths in the County are due to chronic diseases such as heart disease, cancer, stroke, and  
2 diabetes and that nationally, 75% of all health care dollars spent goes towards treating chronic  
3 diseases; and

4 WHEREAS, Prevention and management of chronic disease is essential for improving the  
5 overall health, life expectancy, and quality of life for all residents in the County; and

6 WHEREAS, The Maryland Department of Commerce reported that nearly 42,000 people  
7 reported being employed in some way by county and municipal governments in Prince George's  
8 County in 2015; and

9 WHEREAS, Prince George's County government alone spends \$95 million each year to  
10 fund its employee health insurance program and invests additional dollars in its employee  
11 wellness program. Reducing chronic diseases through improvements to the County's food  
12 environment may help improve employee health and reduce taxpayer costs; and

13 WHEREAS, According to the Centers for Disease Control and Prevention and other  
14 health experts, small steps, like making healthier food and beverages more widely  
15 available in government vending machines, can help reduce Type 2 diabetes, obesity, and  
16 other chronic diseases; and

17 WHEREAS, the Prince George's County Council is the Legislative Branch of Prince  
18 George's County Government and sits as the Board of Health to govern and guide County health  
19 policy; and

20 WHEREAS, the County Council as the Board of Health is authorized to enact laws for the  
21 protection and promotion of public health.

22 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
23 Maryland that Sections 12-206, 12-207, 12-208, 12-209, 12-210,  
24 12-211, 12-212 and 12-213 of the Prince George's County Code be and the same are hereby  
25 added:

26 **SUBTITLE 12. HEALTH.**

27 **DIVISION 10. HEALTHY VENDING REQUIREMENTS.**

28 **Sec. 12-208. Definitions.**

29 (a) As used in this Division.

30 (1) Vending machine shall mean a self-service machine offered for public use that,  
31 on insertion of a coin, paper, currency, token, card, or key, or by optional manual operation,

1 dispenses servings of food or beverages in bulk or in packages, or prepared by the machine,  
 2 without the necessity of replenishing the device between each vended operation

3 (2) **Packaged** shall mean bottled, canned, securely bagged, or securely wrapped,  
 4 whether packaged in a food establishment or a food processing plant.

5 (3) **Healthy Food Or Beverage Choices** shall mean a packaged food or beverage  
 6 that meets the requirements to be a healthy food choice or a healthy beverage choice established  
 7 in Section 12-211.

8 (4) **County and Municipal Property** shall mean any property owned, operated or  
 9 managed by Prince George’s County or any municipal government therein including but not  
 10 limited to office buildings, parks, community or recreation centers, sporting facilities, libraries,  
 11 and community colleges. County and Municipal Property does not include property owned or  
 12 managed by the Prince George’s County School System.

13 **Sec. 12-209. Applicability**

14 (a) This Division applies only to packaged food and beverages sold through vending  
 15 machines located on:

16 (1) County and Municipal Property.

17 (2) Maryland-National Capital Park and Planning Commission managed property  
 18 located in Prince George’s County.

19 (b) This Division shall be implemented in accordance with federal, state, and local laws.

20 (c) The requirements of this Division shall apply 24 hours a day.

21 (d) If a food and beverage machine located on County and Municipal Property has  
 22 been leased to a private entity, the Health Department shall encourage the tenant to meet the  
 23 requirements of this Division.

24 **Sec. 12-210. Universal Vending Machine Requirements**

25 (a) The following criteria must be met by all items offered in vending machines.

26 (1) Any packaged food and beverage item offered shall contain no more than:

27 (A) 0.5 grams of trans-fat per serving; and

28 (B) 200 milligrams of sodium per package.

29 (2) Any beverage container offered shall contain no more than:

30 (A) 250 calories; and

31 (B) 20 fluid ounces.

32 **Sec. 12-211. Healthy Vending Standards**

1 (a) Healthy Food Choices shall meet the following specifications:

2 (1) Individual Healthy Food Choices offered in vending machines must meet the  
 3 following criteria:

4 (A) No more than 200 calories per package;

5 (B) Less than 35% of total calories from fat except for foods containing 100%  
 6 nuts or seeds with no added fats;

7 (C) Less than 10% of calories from saturated fat; and

8 (D) No more than 35% of calories from total sugars except for 1%, 2%, or  
 9 non-fat dairy products, non-dairy milk products, fruits and vegetables.

10 (2) At least one healthy food choice offered must meet the Food and Drug  
 11 Administration’s definition of “low sodium” (<140 milligrams per serving).

12 (3) Sugarless chewing gum and mints also meet healthy food choices specifications.

13 (b) Healthy Beverage Choices shall meet the following specifications:

14 (1) Individual Healthy Beverage Choices offered in vending machines must contain  
 15 fewer than 40 calories per serving unless specified below.

16 (2) The following beverages also meet Healthy Beverage Choices nutritional  
 17 standards even though they exceed 40 calories per serving: Fat-free milk; 1% low fat dairy milk;  
 18 Calcium or vitamin D fortified soy milk with less than 200 calories per container; packages  
 19 containing 12 ounces or less of 100% fruit juice, vegetable juice or fruit juice combined with  
 20 water with no added caloric sweeteners and no more than 200 milligrams of sodium per  
 21 container.

22 (3) Vegetable juice must contain <230 milligrams of sodium per serving.

23 **Sec. 12-212 . Healthy Vending Contract Requirements**

24 (a) All new vending machine service contracts and all vending machine service  
 25 contract renewals entered into by covered entities in Section 12-209(a) on or after July 1, 2017  
 26 must require that:

27 (1) At least 50% of the food and beverage items offered in vending machines meet  
 28 the requirements listed in 12-211.

29 (b) All new vending machine service contracts and all vending machine service  
 30 contract renewals entered into by covered entities in Section 12-209(a) on or after July 1, 2019  
 31 must require that:

1           (1) At least 65% of the food and beverage items offered in vending machines meet the  
 2 requirements listed in Section 12-211.

3           (c) The County Purchasing Department will ensure that all covered entities in Section 12-  
 4 209(a) can use any resultant contract that the County enters into for vending services thereby  
 5 extending the contract's pricing, terms, and conditions to help facilitate easy compliance with  
 6 this Division.

7 **Sec. 12-213. Product Placement**

8           (a) Healthy Food or Beverage Choices shall:

9           (1) Be displayed in a way that is easily distinguishable from food and beverages that  
 10 do not meet Healthy Vending Standards listed in Section 12-211; and

11           (2) Be stocked in positions with highest selling potential.

12           (b) Water without added caloric sweeteners is required to be stocked in beverage machines.

13           (c) Beverages that do not meet the Healthy Vending Standards listed in Section 12-211 shall  
 14 be placed in positions with the lowest selling potential.

15 **Sec. 12-214. Pricing and Labeling**

16           (a) Food and beverage items that meet the Healthy Vending Standards in Section 12-211  
 17 must be comparatively priced or less expensive than products that do not meet the standards.

18           (b) All vending machines shall display nutritional labeling that, at a minimum, complies  
 19 with the standards for nutritional labeling set forth in 21 CFR, sections 101 and 109, as may be  
 20 amended from time to time.

21 **Sec. 12-215. Compliance**

22           (a) To assist and oversee the implementation of the nutrition and procurement standards  
 23 required by this Division, the Health Officer shall designate a staff person within the Department  
 24 to disseminate information and train agency staff and vendors on the standards to support  
 25 compliance.

26           (b) The Department shall monitor compliance and issue a report to the County Executive  
 27 and County Council at least once every other year post enactment on the status of  
 28 implementation. The report shall include:

29           (1) An assessment of agency compliance with this Division; and

30           (2) Successes, challenges, and barriers experienced in implementation; and

31           (3) Recommendations for improvement of the standards and compliance.

1           (c) Existing contracts, agreements, or other arrangements with vendors shall be modified as  
2 needed to bring them into compliance with this Division.

3           (d)       Future requests for bids and contracts for the procurement or provision of covered  
4 food and beverages by or for entities listed in Section 12-209(a) shall incorporate the  
5 requirements of this Division. To facilitate monitoring and compliance with the requirements of  
6 this Division, future requests for bids and contracts for covered food and beverages shall require  
7 accurate and timely financial reports from vendors, provide for periodic reviews or audits of  
8 financial records, and include specific breach of contract and enforcement provisions relating to  
9 the requirements of this Division.

10          (e)       From time to time but at least once every five (5) years, the Department shall  
11 review, and if necessary, suggest updates to the Healthy Vending Standards in Section 12-211 to  
12 reflect advancements in nutrition science, dietary data, new product availability, and/or updates  
13 to the Dietary Guidelines for Americans.

14           \*           \*           \*           \*           \*           \*           \*           \*           \*

15           SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
16 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
17 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
18 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
19 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
20 Act, since the same would have been enacted without the incorporation in this Act of any such  
21 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
22 or section.

23           SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
24 calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND

BY: \_\_\_\_\_  
Derrick Leon Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.