

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2017 Legislative Session

Bill No. CB-26-2017

Chapter No. 40

Proposed and Presented by Council Members Glaros, Toles, Lehman and Taveras

Introduced by Council Members Glaros, Toles, Lehman and Taveras

Co-Sponsors _____

Date of Introduction June 20, 2017

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 12-208, 12-209, 12-210, 12-211, 12-212 and

9 12-213, 12-214 and 12-215

10 The Prince George's County Code

11 (2015 Edition, 2016 Supplement).

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 12-208, 12-209, 12-210, 12-211, 12-212, 12-213, 12-214 and 12-215 of
 24 the Prince George's County Code be and the same are hereby added:

25 **SUBTITLE 12. HEALTH.**

26 **DIVISION 10. HEALTHY VENDING REQUIREMENTS.**

27 **Sec. 12-208. Definitions.**

28 (a) As used in this Division.

29 (1) Vending machine shall mean a self-service machine offered for public use that,
 30 on insertion of a coin, paper, currency, token, card, or key, or by optional manual operation,
 31 dispenses servings of food or beverages in bulk or in packages, or prepared by the machine,

without the necessity of replenishing the device between each vended operation

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

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

(4) **County Property** shall mean any property owned, operated or managed by Prince George's County. County Property does not include property owned or managed by the Prince George's County Board of Education.

Sec. 12-209. Applicability

(a) This Division applies only to packaged food and beverages sold through vending machines located on County Property.

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

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

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

Sec. 12-210. Universal Vending Machine Requirements

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

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

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

(B) 200 milligrams of sodium per package.

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

(A) 250 calories; and

(B) 20 fluid ounces.

Sec. 12-211. Healthy Vending Standards

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

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

(A) No more than 200 calories per package;

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

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

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

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

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

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

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

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

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

Sec. 12-212 . Healthy Vending Contract Requirements

(a) All new vending machine service contracts and all vending machine service contract renewals entered into by covered entities in Section 12-209(a) on or after July 1, 2017 must require that at least 50% of the food and beverage items offered in vending machines meet the requirements listed in Section 12-211.

(b) Upon recommendation of the County Executive and approval by County Council resolution, all new vending machine service contracts and all vending machine service contract renewals entered into by covered entities in Section 12-209(a) on or after July 1, 2019 must require that at least 65% of the food and beverage items offered in vending machines meet the requirements listed in Section 12-211.

(c) The County Purchasing Department will ensure that Prince George's County municipalities can use any resultant contract that the County enters into for vending services thereby extending the contract's pricing, terms, and conditions to help facilitate easy compliance

with this Division.

Sec. 12-213. Product Placement

(a) Healthy Food or Beverage Choices shall:

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

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

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

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

Sec. 12-214. Pricing and Labeling

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

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

Sec. 12-215. Compliance

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

* * * * *

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

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

Adopted this 18th day of July, 2017.

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.