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Date:

Subject: Health; State government; nutrition procurement standards

Statement of purpose of bill as introduced: This bill proposes to require the Department of Health to adopt and implement rules governing nutrition procurement standards for all foods and beverages purchased, sold, served, or otherwise provided by the State.

An act relating to nutrition procurement standards for State government

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

(a) Approximately 13,000 Vermont residents are employed by the State. Reducing the impact of diet-related diseases will support a more productive and healthy workforce that will pay dividends to Vermont's economy and cultivate national competitiveness for State residents and employees.

(b) Improving the nutritional quality of food sold or provided by the State on public property will support people in making healthy eating choices.

(c) State properties are visited by Vermont residents and out-of-state visitors, and also provide care to dependent adults and children.

1        (d) Approximately 25 percent of Vermont residents are overweight or  
2        obese.

3        (e) Obesity costs Vermont \$291 million each year in health care costs,  
4        contributing to debilitating yet preventable diseases, such as heart disease,  
5        cancer, stroke, and diabetes.

6        (f) Improving the types of foods and beverages served and sold in  
7        workplaces positively affects employees' eating behaviors and can result in  
8        weight loss.

9        (g) Maintaining a healthy workforce can positively affect indirect costs by  
10       reducing absenteeism and increasing worker productivity.

11       Sec. 2. 29 V.S.A. § 160c is added to read:

12       § 160c. NUTRITION PROCUREMENT STANDARDS

13       (a)(1) All foods and beverages purchased, sold, served, or otherwise  
14       provided by the State or any entity, subdivision, or employee on behalf of the  
15       State shall meet minimum nutrition procurement standards adopted by the  
16       Commissioner of Health by rule.

17       (2) All bids and contracts between the State and food and beverage  
18       vendors shall comply with the nutrition procurement standards. The  
19       Commissioner, in conjunction with the Commissioner of Buildings and  
20       General Services, may periodically review or audit a contracting food or  
21       beverage vendor's financial reports to ensure compliance with this section.

1           (3) The Commissioner shall have the final authority to determine  
2           whether a specific food or beverage to be purchased, sold, or provided by the  
3           State or any entity, subdivision, or employee on behalf of the State is  
4           consistent with the nutrition procurement standards.

5           (4) The Commissioner of Health shall designate an employee of the  
6           Department to oversee the implementation of the nutrition procurement  
7           standards. The designated employee shall be responsible for disseminating  
8           information to and conducting trainings for State employees and vendors on  
9           the nutrition procurement standards adopted by rule. The designated employee  
10           shall monitor compliance with the nutrition procurement standards and report  
11           annually to the Commissioner regarding:

12                   (A) State agency compliance with the nutrition procurement  
13                   standards;

14                   (B) successes, challenges, and barriers experienced in implementing  
15                   the nutrition procurement standards; and

16                   (C) recommendations for improving the nutrition procurement  
17                   standards.

18           (b) All State-owned or –operated vending machines, food or beverage  
19           vendors, or cafeterias located on property owned or operated by the State shall  
20           display nutritional labeling to the extent permitted under the Federal Food,  
21           Drug, and Cosmetic Act, 21 U.S.C. ch. 9 § 301 et seq.

1       Sec. 3. RULEMAKING

2           (a) The Commissioner of Health shall adopt rules pursuant to 3 V.S.A.  
3       chapter 25 establishing nutrition procurement standards for all foods and  
4       beverages purchased, sold, served, or otherwise provided by the State or any  
5       entity, subdivision, or employee on behalf of the State. The standards shall:

6           (1) be consistent with the U.S. General Services Administration’s  
7       “Health and Sustainability Guidelines for Federal Concessions and Vending  
8       Operations,” the American Heart Association’s “Healthy Workplace Food and  
9       Beverage Toolkit,” and the National Alliance for Nutrition and Activity’s  
10       “Model Beverage and Food Vending Machine Standards;”

11          (2) consider both positive and negative contributions of nutrients,  
12       ingredients, and food groups to diets, including calories, portion size, saturated  
13       fat, trans fat, sodium, sugar, and the presence of fruits, vegetables, whole  
14       grains, and other nutrients of concern in Americans’ diets; and

15          (3) contain exceptions for circumstances in which State-procured foods  
16       or beverages are intended for individuals with specific dietary needs.

17          (b) The Commissioner shall review and, if necessary, amend the rules  
18       adopted pursuant to subsection (a) of this section no less than every five years  
19       to reflect advances in nutrition science, dietary data, new product availability,  
20       and updates to federal Dietary Guidelines for Americans.

1           (c) The Secretary of the Administration shall incorporate the nutrition  
2           procurement standards adopted by the Commissioner of Health into Agency  
3           Bulletin 3.5.

4           Sec. 4. EXISTING PROCUREMENT CONTRACTS

5           To the extent possible, the State's existing contracts and agreements with  
6           food and beverage vendors shall be modified to comply with the nutrition  
7           procurement standards adopted by the Commissioner of Health by rule.

8           Sec. 5. EFFECTIVE DATE

9           This act shall take effect on July 1, 2016.