

**HOUSE . . . . . No. 1191**

**The Commonwealth of Massachusetts**

PRESENTED BY:

***Stephen Kulik***

*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:	DISTRICT/ADDRESS:
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Jose F. Tosado</i>	<i>9th Hampden</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jack Lewis</i>	<i>7th Middlesex</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Harold P. Naughton, Jr.</i>	<i>12th Worcester</i>
<i>Bud Williams</i>	<i>11th Hampden</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>

**HOUSE . . . . . No. 1191**

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 1191) of Stephen Kulik and others relative to expanding access to healthy food choices in vending machines on state property. Public Health.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninetieth General Court  
(2017-2018)**

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 2016  
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: - Section 235. (a) As used in this section, the following words  
7 shall, unless the context clearly indicates otherwise, have the following meanings:-

8 “Commissioner”, the commissioner of public health

9 “Department”, the department of public health

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

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

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

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

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

25 (b) All foods or beverages sold through vending machines located in government  
26 buildings or on property owned or managed by the commonwealth shall be limited to food and  
27 beverage items that comply with the nutritional standards established by the commissioner of  
28 public health. The commissioner shall promulgate regulations establishing evidence-based  
29 nutrition and food procurement standards that meet or exceed those set forth in "Health and  
30 Sustainability Guidelines for Federal Concessions and Vending Operations," issued by the  
31 federal general services administration, or “Healthy Workplace Food and Beverage Toolkit,”

32 issued by the American Heart Association or “Model Beverage and Food Vending Machine  
33 Standards,” issued by the National Alliance for Nutrition and Activity. The commissioner shall  
34 periodically review such nutritional and procurement standards and amend the regulations to  
35 reflect advancements in nutrition science, dietary data, and new product availability. The  
36 commissioner shall also establish by regulation rules regarding requirements for display of  
37 nutritional information on or near vending machines located in government buildings or on  
38 property owned or managed by the commonwealth about products sold in such vending  
39 machines. The Commissioner shall also establish regulation regarding that food and beverage  
40 items that meet the nutrition standards should be placed so as to be prominently and easily  
41 visible, and in the prime selling positions; that food and beverage items that meet the nutrition  
42 standards should be available at prices equal to or less than the prices for similar products that  
43 are available and that do not meet the nutrition standards; and that food and beverage items that  
44 do not meet the nutrition standards options should not be promoted through discounted prices,  
45 bundled meals, or promotional signs. The commissioner shall also establish by regulation a  
46 schedule for compliance by vendors and non-RSA vendors with the nutritional standards  
47 established by the commissioner.

48 (c) To assist in the implementation of the nutritional standards set forth in this section, the  
49 commissioner shall designate an appropriate position within the department to disseminate  
50 information and train staff on the nutritional standards to ensure compliance. The designated  
51 position shall monitor compliance and report to the commissioner every year on the status of  
52 implementation. The annual report shall include: an assessment of compliance with the  
53 nutritional standards; a description of any issues encountered in implementation of the nutritional  
54 standards; and recommendations for improvement of the nutritional standards and compliance.

55           (d) The commissioner shall take the following actions: (1) notify current vendors and  
56 non-RSA vendors of the nutritional standards and the required schedule for compliance.