

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1613

By: Henke

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6 AS INTRODUCED

7 An Act relating to public health and safety; enacting  
8 the Access to Healthy Choices in Oklahoma Act;  
9 defining terms; requiring State Department of Health  
10 regulation of food and beverages vending machines  
11 present on state property; establishing deadlines to  
12 adopt rules and implement programs; providing  
13 methodology for adopting standards; requiring  
14 periodic review of standards; requiring certain  
15 nutrition labeling; requiring designation of certain  
16 personnel and assigning certain duties; promulgating  
17 rules; requiring enforcement; requiring certain  
18 contract terms and certain contract renegotiations;  
19 clarifying certain authority; construing provision;  
20 clarifying scope of authority; providing for  
21 codification; and providing an effective date.

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25 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

26 SECTION 1. NEW LAW A new section of law to be codified  
27 in the Oklahoma Statutes as Section 2065 of Title 63, unless there  
28 is created a duplication in numbering, reads as follows:

29 This act shall be known and may be cited as the "Access to  
30 Healthy Choices in Oklahoma Act".

1 SECTION 2. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2066 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 As used in the Access to Healthy Choices in Oklahoma Act:

- 5 1. "Department" means the State Department of Health;
- 6 2. "Commissioner" means the State Commissioner of Health;
- 7 3. "Nutrition and procurement standards" means the food and  
8 nutrition guidelines established by the United States General  
9 Services Administration (GSA) and the United States Health and Human  
10 Services (HHS);
- 11 4. "Adopted dietary guidelines" means the most recent edition  
12 titled "Dietary Guidelines for Americans" published by the United  
13 States Departments of Agriculture and Health and Human Services; and
- 14 5. "Specific dietary needs" means medical and dietary profiles  
15 identified and designated by the State Department of Health which  
16 justify exemption from certain requirement of this act.

17 SECTION 3. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2067 of Title 63, unless there  
19 is created a duplication in numbering, reads as follows:

- 20 A. All foods and beverages purchased by or sold, served or  
21 otherwise provided by state agencies through vending machines  
22 located on property owned or leased by the state shall meet minimum  
23 nutrition and procurement standards set forth as follows:

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1           1. By November 1, 2016, the State Department of Health shall  
2 promulgate rules establishing evidence-based nutrition and food  
3 procurement standards that are consistent with the United States  
4 General Services Administration document "Health and Sustainability  
5 Guidelines for Federal Concessions and Vending Operations," to be  
6 implemented by state agencies within one (1) year of the date that  
7 rules are adopted; and

8           2. The standards as adopted by the Department shall:

- 9           a. consider both positive and negative dietary  
10           contributions of nutrients, ingredients and foods,  
11           including calories, portion size, saturated fat, trans  
12           fat, sodium, sugar and the presence of fruits,  
13           vegetables and whole grains,  
14           b. apply twenty-four (24) hours a day,  
15           c. be implemented in accordance with all applicable  
16           federal, state and local laws,  
17           d. be subject to exemptions in circumstances where the  
18           individuals consuming the food or beverage have  
19           specific dietary needs as designated by the  
20           Department, and  
21           e. be reviewed, revised and updated by the Department at  
22           least every five (5) years to reflect advancements in  
23           nutrition science, dietary data, new product  
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1           availability and updates to the adopted dietary  
2           guidelines.

3           B. All vending machines and retail food establishments located  
4 on property owned or leased by the state shall display nutritional  
5 labeling that, at a minimum, complies with the standards for  
6 nutritional labeling set forth in 21 CFR, Sections 101 and 109.

7           C. The Department shall designate a position within the  
8 Department to:

9           1. Disseminate information and coordinate training of state  
10 agency staff and vendors to aid in state agency and vendor  
11 compliance with this section; and

12           2. Monitor compliance and produce an annual report to be  
13 submitted to the Commissioner no later than December 31 each year.

14 The report shall include:

- 15           a. an assessment of state agency compliance with the  
16           standards set forth by the Department,
- 17           b. success, challenges and barriers to implementation of  
18           the standards,
- 19           c. recommendations for improvement of the standards, and  
20           d. recommendations to improve compliance.

21           D. By November 1, 2016, the Department shall promulgate rules to  
22 establish procedures to monitor and enforce the requirements of this  
23 section.

1 E. Existing contracts between state agencies and vendors, when  
2 possible, shall be renegotiated as needed to bring state agencies  
3 and vendors into compliance with this section.

4 F. Future requests for bids and contracts for the procurement or  
5 provision of foods and beverages covered by this section shall  
6 incorporate the nutrition and procurement standards adopted by the  
7 Department. To facilitate monitoring and compliance with the  
8 requirements of this section, future requests for bids and contracts  
9 for foods and beverages covered by this section shall require  
10 accurate and timely submissions of financial reports by vendors and  
11 include specific breach of contract language and enforcement  
12 provisions relating to the requirements of this section.

13 G. The Department shall have final authority to determine  
14 whether any specific food or beverage complies with the required  
15 standards of this section.

16 H. Nothing in this section shall be construed to restrict local  
17 government authority from enacting and enforcing more stringent  
18 requirements or standards.

19 SECTION 4. This act shall become effective November 1, 2015.  
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