

Bill No. 1-17
Concerning: Contracts and Procurement
- Vending Machine Service Contracts
- Healthy Vending Standards
Revised: 4/10/2017 Draft No. 3
Introduced: February 7, 2017
Enacted: April 18, 2017
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Leventhal
Co-Sponsors: Councilmember Rice, Council President Berliner, Councilmember Navarro,
Council Vice President Riemer, and Councilmembers Elrich and Hucker

AN ACT to:

- (a) require certain vending machine service contracts the County enters into to adhere to certain nutrition standards, and labeling and product placement requirements; and
- (b) generally amend County procurement law.

By adding

Montgomery County Code
Chapter 11B, Contracts and Procurement
Article XVIII
Sections 11B-78, 11B-79, 11B-80, 11B-81, and 11B-82

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Article XVIII (Sections 11B-78, 11B-79, 11B-80, 11B-81, and**
2 **11B-82) is added as follows:**

3 **Article XVIII. Vending Machine Service Contracts.**

4 **11B-78. Definitions.**

5 As used in this Article, the following terms have the meanings indicated:

6 Packaged means bottled, canned, securely bagged, or securely wrapped,
7 whether packaged in a food establishment or a food processing plant.

8 Vending machine means a self-service machine offered for public use that, upon
9 insertion of a coin, paper, currency, token, card, or key, or by optional manual
10 operation, dispenses servings of food or beverages in bulk or in packages, or
11 prepared by the machine, without the necessity of replenishing the device
12 between each vended operation

13 **11B-79. Applicability.**

14 This Article applies only to County vending [[machines located on property
15 owned by the County]] machine service contracts.

16 **11B-80. Healthy vending standards.**

17 (a) An item designated as a healthy food choice must contain:

18 (1) no more than 200 calories per package;

19 (2) less than 35% of total calories from fat, except for foods containing
20 100% nuts or seeds with no added fats;

21 (3) less than 10% of calories from saturated fat; and

22 (4) no more than 35% of calories from total sugars, except for 1%, 2%,
23 or non-fat dairy products, non-dairy milk products, fruits, and
24 vegetables.

25 (b) At least one healthy food choice offered in a vending machine must meet
26 the Food and Drug Administration’s definition of “low sodium”.

- 27 (c) Except as provided in paragraph (d), an item designated as a healthy
28 beverage choice must contain fewer than 40 calories per serving.
- 29 (d) The following beverages may also be designated as a healthy beverage
30 choice:
- 31 (1) fat-free or 1% low fat dairy milk;
- 32 (2) calcium or vitamin D fortified soy milk with less than 200 calories
33 per container;
- 34 (3) a container with 12 ounces or less of:
- 35 (A) 100% fruit juice;
- 36 (B) vegetable juice that contains less than 230 milligrams of
37 sodium per serving; or
- 38 (C) fruit juice combined with water with no added caloric
39 sweeteners and no more than 200 milligrams of sodium per
40 container.

41 **11B-81. Vending machine service contract requirements.**

- 42 (a) Any new vending machine service contract or vending machine service
43 contract renewal the County enters into on or after {date of enactment}
44 must require the following:
- 45 (1) Any packaged food or beverage item offered for sale in a vending
46 machine contain:
- 47 (A) less than 0.5 grams of trans-fat per serving; and
- 48 (B) no more than 200 milligrams of sodium per package.
- 49 (2) Any beverage offered for sale in a vending machine must not
50 contain more than:
- 51 (A) 250 calories; or
- 52 (B) 20 fluid ounces.


- 53 (3) Water without added caloric sweeteners must be stocked in a
54 beverage vending machine.
- 55 (4) Food and beverage items that meet the nutrition requirements in
56 Section 11B-80 must be:
- 57 (A) displayed in a way that is distinguishable from food and
58 beverage items that do not meet those requirements; and
- 59 (B) stocked in positions with highest selling potential, as
60 determined by the Director of the Department of General
61 Services.
- 62 (5) Food and beverage items that meet the nutrition requirements in
63 Section 11B-80 must be comparatively priced or less expensive
64 than products that do not meet those standards.
- 65 (6) Vending machines must display nutritional labeling that complies
66 with the standards for nutritional labeling set forth in 21 Code of
67 Federal Regulations, Sections 101 and 109, or any successor
68 provision.
- 69 (b) In addition to the requirements of paragraph (a), any new vending
70 machine service contract or vending machine service contract renewal the
71 County enters into on or after July 1, 2017 must require that at least 50%
72 of the food and beverage items offered for sale in vending machines meet
73 the requirements in Section 11B-80.
- 74 (c) In addition to the requirements of paragraph (a), any new vending
75 machine service contract or vending machine service contract renewal
76 that the County enters into on or after July 1, 2018 must require that at
77 least 65% of the food and beverage items offered for sale in vending
78 machines meet the requirements in Section 11B-80.

79 **11B-82. Annual report.**

80 The Director of the Department of General Services must submit a report to the
81 County Council and County Executive by September 30 each year. The report must
82 include:

- 83 (a) an assessment of compliance with this Article;
- 84 (b) successes, challenges, and barriers experienced in implementation; and
- 85 (c) any recommendations for improvement of the standards and compliance.

Approved:



4/19/17

Roger Bernier, President, County Council

Date

Approved:

Isiah Leggett, County Executive

Date

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Date