

LEGISLATIVE DIGEST

[Administrative Code - Nutritional Standards for Food and Beverages Sold in Vending Machines on City Property or Served at City Meetings and Events]

Ordinance amending the Administrative Code to require that prepackaged food and beverages sold in vending machines on City property meet specified nutritional standards and calorie labeling requirements; to require City departments to make best efforts to meet nutritional guidelines for food and beverages purchased with City funds and served at City events and meetings; to encourage restaurants, cafeterias, and concessions located on City property to offer healthy food options; and to require the Department of Public Health (DPH) to submit a report to the Board of Supervisors if DPH concludes that nutritional standards and guidelines should be updated.

Existing Law

The City currently does not have any law regulating the nutritional standards of foods that are sold in vending machines on City property. Nor does the City have any law that establishes recommended nutritional guidelines for food and beverages served at City-sponsored meetings and events, or for restaurants and other food concessions that serve food on City property.

Federal and state law require operators who own or operate 20 or more vending machines to disclose calorie information for food sold from vending machines, subject to certain exemptions. These laws do not apply to operators who own or operate fewer than 20 vending machines.

Amendments to Current Law

This revised legislative digest reflects amendments made at Budget and Finance sub-committee on April 27, 2016.

Vending Machines on City Property

The proposed ordinance would require that all prepackaged food and beverages sold from vending machines located on City property, other than property occupied by the Department of Emergency Management (DEM), meet specified nutritional standards pertaining to calories, total fat, saturated fat, trans fat, sugar, and sodium. Candy would be prohibited from such vending machines except for sugar-free mints and gum, and chips would be prohibited except for baked chips and pretzels. Certain prepackaged foods would be exempt from the nutritional standards, such as nuts and seeds, plant-based spreads and low-fat, reduced fat or fat-free cheeses.

The ordinance would require that all vending machines on City property, except those located on property occupied by DEM, comply with the requirements of the federal calorie labeling law by posting signage that clearly indicates the calorie count of the food and beverages that are for sale.

The ordinance would require that all contracts and property contracts that the City enters into that authorize the use, installation or operation of one or more vending machines on City property, other than DEM property, include a provision requiring compliance with these nutritional standards and calorie labeling requirements and failure to comply would constitute a material breach of the contract. The required nutritional standards for vending machines and calorie labeling requirement would apply only to contracts and property contracts entered into, or extended or renewed, on or after the effective date of this ordinance.

City Meetings and City-Sponsored Events

The proposed ordinance also would require City departments to use their best efforts to ensure that food and beverages purchased with City funds and served at City meetings and City-sponsored events meet recommended nutritional guidelines. A “City Meeting” or “City-Sponsored Event” for purposes of this ordinance means a meeting or event that is convened, hosted or organized by the City, regardless of whether the meeting or event occurs on City property or whether the attendees are limited to City officials or staff. The recommended nutritional guidelines for City meetings and City-sponsored events include: (1) water should be made available, (2) food items should be served in smaller portions, where possible, (3) vegetarian or vegan options should be offered, where possible, and (4) “healthy food items” should be served, as defined by the ordinance.

Restaurants and Food Concessions on City Property

Lastly, the proposed ordinance would encourage restaurants and other food concessions located on City property to ensure that at least 25% of the meals offered on the menu meet recommended nutritional guidelines pertaining to calories, total fat, saturated fat, trans fat, cholesterol, sugar, and sodium. In addition, such meals should have at least two servings of vegetables and/or fruits.

The City Administrator, or at the City Administrator’s discretion, the Purchaser, would be authorized to adopt rules, regulations, or guidelines for the implementation of the ordinance.

Background Information

Healthy eating is a key factor in reducing obesity, which is often a cause of heart disease, diabetes, cancer, and other serious and life-threatening diseases. Consumption of unhealthy food and beverages contributes to the development of many ailments and debilitating

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diseases, which increases human suffering and decreases the quality of life, while driving health care costs up.

Americans spend nearly half of their food budget on foods eaten away from home. As a result, it is important for consumers to have nutritional information available in order to make healthy food choices. Research suggests that calorie labeling may have a positive effect on consumer food choices.

As of fiscal year 2013-14, approximately 28,000 people were employed by the City and worked on City property. Giving City employees access to healthier foods in the workplace helps reduce the impact of diet-related disease, supports a healthier and more productive workforce, and reduces the City's health care expenses. Providing access to healthier food options for members of the public when they visit City property also promotes public health.

The nutritional standards specified in the proposed ordinance were developed in consultation with the American Heart Association.

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