

[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.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in *strikethrough italics Times New Roman font*.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Administrative Code is hereby amended by adding Section 4.9-1 to read as follows:

SEC. 4.9-1. NUTRITIONAL STANDARDS FOR VENDING MACHINES; NUTRITIONAL GUIDELINES FOR FOOD SERVED AT CITY MEETINGS AND EVENTS; RECOMMENDED NUTRITIONAL GUIDELINES FOR RESTAURANTS ON CITY PROPERTY.

(a) Findings.

(1) 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. More generally, consumption of unhealthy food and beverages contributes to the development of many ailments and

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

3 (2) The City is committed to promoting access to healthy, nutritious food and
4 beverages.

5 (3) Positive changes in the nutritional quality of food and beverages sold on City
6 property and served by the City can help people make healthier eating and drinking choices.

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

12 (b) Definitions: The terms used in this Section 4.9-1 shall have the meanings set forth
13 below:

14 "City" means the City and County of San Francisco.

15 "Contract" means any agreement between the City and a Person to provide or procure labor,
16 materials, equipment, supplies, goods, or services to, for, or on behalf of the City that authorizes the
17 use, installation and/or operation of one or more Vending Machines on City property for a price to be
18 paid out of monies deposited in the City Treasury or out of trust monies under the control of or
19 collected by the City, but excluding agreements for a cumulative amount of \$5,000 or less per
20 Contractor in each fiscal year.

21 "Contractor" means a Person who enters into a Contract or Property Contract with the City
22 that is subject to this Section 4.9-1.

23 "Meal" means a "prepared food," as that term is defined in Section 1602(l) of the Environment
24 Code, that is represented as or in a form commonly understood to be a breakfast, lunch, or dinner.

1 "Person" means any natural person, corporation, sole proprietorship, partnership, association,
2 joint venture, limited liability corporation, or other legal entity.

3 "Prepackaged Food" has the same meaning as set forth in California Health and Safety Code
4 Section 113876, as amended.

5 "Property Contract" means a written agreement, including leases and permits, for the use of
6 any City-owned real property, for a period exceeding 30 days, including month-to-month permits, that
7 authorizes the use, installation and/or operation of one or more Vending Machines on City property.

8 "Property Contract" does not include an agreement for the City to use or occupy real property owned
9 by others (i.e., City-as-tenant or City-as-permittee).

10 "Restaurant" has the meaning set forth in Section 451(s) of the Health Code.

11 "Serving" has the meaning set forth in Section 101.9(b)(1) of Title 21 of the Code of Federal
12 Regulations, as amended.

13 "Vending Machine" has the meaning set forth in Section 4.2(a) of the Administrative Code.

14 (c) Nutritional Standards and Calorie Labeling for Prepackaged Foods and Beverages
15 Sold in Vending Machines on City Property.

16 (1) Except as stated in subsections (c)(2) and (c)(6), Prepackaged Foods sold in
17 Vending Machines located on City Property shall meet the nutritional standards set forth below:

18 (A) Calories: No more than 200 calories per Serving.

19 (B) Total Fat: No more than 35% of calories from fat.

20 (C) Saturated Fat: No more than one gram of saturated fat per Serving.

21 (D) Trans Fat: No trans fat and no partially hydrogenated oil on the
22 ingredients list.

23 (E) Sugar: No more than 35% of weight from total sugars.

24 (F) Sodium: No more than 240 milligrams of sodium per Serving.

25 (G) Candy: No candy except for sugar-free mints and gum.

1 (H) Chips: No chips except for baked chips and pretzels.

2 (2) The following Prepackaged Foods sold in Vending Machines on City property
3 are exempt from the nutritional standards set forth in subsection (c)(1):

4 (A) Fruits and vegetables with no added salt, sugar, or fat.

5 (B) Nuts and seeds, including peanut butters and other nut butters, provided
6 that a Serving of nuts or seeds does not exceed 1.5 ounces.

7 (C) Plant based spreads, including but not limited to hummus, guacamole,
8 and pesto dip.

9 (D) Low-fat, reduced fat, or fat-free cheeses, including light cream cheese.
10 For purposes of this Section 4.9-1, "low-fat," "reduced fat," and "fat free" have the meanings set
11 forth in Section 101.62 of Title 21 of the Code of Federal Regulations, as amended.

12 (3) Except as stated in subsection (c)(6), beverages sold in Vending Machines
13 located on City Property shall meet the nutritional standards set forth below:

14 (A) Sugar content: Not a Sugar-Sweetened Beverage, as that term is defined
15 in Administrative Code Section 101.2.

16 (B) Fruit Juice: 100% juice with no added sugars or sweeteners; no more
17 than 230 milligrams of sodium per Serving; and no more than 120 calories per eight fluid ounces.

18 (C) Milk: Low fat (1%) or fat-free (skim).

19 (D) Beverages labeled as "diet" or sweetened with artificial sweeteners (e.g.
20 aspartame, saccharin, sucralose): No more than 25% of beverages sold/offered in the Vending
21 Machine may be labeled as "diet" or sweetened with artificial sweeteners.

22 (4) Except as stated in subsection (c)(6), beginning December 1, 2016, all
23 Vending Machines located on City property shall comply with the calorie labeling requirements
24 of 21 U.S.C. Section 403(q)(5)(H)(viii), as amended from time to time, and any regulations
25 promulgated thereunder.

1 ~~(4)~~(5) Contracts and Property Contracts.

2 (A) City departments other than the Department of Emergency
3 Management shall include in all Contracts and Property Contracts a provision requiring compliance
4 with subsection (c) of this Section 4.9-1, and failure to comply shall constitute a material breach.

5 (B) The provisions of subsection (c) are intended to have prospective effect
6 only and shall apply only to Contracts and Property Contracts entered into, or extended or renewed, on
7 or after the effective date of this Section, provided that Contracts or Property Contracts entered into
8 after the effective date shall also be exempted if the bid package or requests for proposals for the
9 contract were advertised and made available to the public without these requirements prior to the
10 effective date. Subsection (c) of this Section 4.9-1 shall not be interpreted to impair the obligations of
11 any Contract or Property Contract existing on the effective date of this Section.

12 (6) The nutrition standards and calorie labeling requirement set forth in
13 subsection (c) shall not apply to Vending Machines located on property occupied exclusively
14 by the Department of Emergency Management.

15 ~~(5)~~(7) Enforcement. Any violation of subsection (c) of this Section 4.9-1 shall be
16 deemed a material breach of the Contract or Property Contract, and the City may pursue all rights or
17 remedies available to the City under the Contract or Property Contract, including but not limited to the
18 right to terminate the Contract or the Property Contract and the right to require the removal of the
19 Vending Machine.

20 (d) Nutritional Guidelines for Food and Beverages Purchased with City Funds and Served
21 at City Events and Meetings.

22 (1) For purposes of this subsection (d), a "City Meeting" or "City-Sponsored
23 Event" means a meeting or event that is convened, hosted or organized by the City, regardless of
24 whether the meeting or event occurs on City property or whether the attendees are limited to City
25 officials or staff.

1 (2) City departments shall use their best efforts to ensure that all Prepackaged
2 Foods and beverages that are (A) served at City Meetings or City-Sponsored Events and (B) purchased
3 using City funds meet the nutritional standards set forth in subsection (c) of this Section 4.9-1.

4 (3) City departments shall use their best efforts to adhere to the following
5 recommended nutritional guidelines for food and/or beverages that are (A) served at City Meetings or
6 City-Sponsored Events and (B) purchased using City funds:

7 (A) If beverages are served, water should be made available and accessible
8 to all participants.

9 (B) Food items should be served in smaller portions, where possible.

10 (C) Vegetarian or vegan options should be offered, where possible.

11 (D) Healthy food items should be served, such as the following:

12 (i) Fruits, vegetables, whole grains, low fat and low calorie foods,
13 including low fat dairy, and lean meats.

14 (ii) Protein sources and lower fat versions of condiments (e.g., salad
15 dressings, mayonnaise, cream cheese, sour cream dips).

16 (iii) Minimally processed foods that are made or produced without
17 added sugar and are "low sodium" as that term is defined in Section 101.61(b)(4) of Title 21 of the
18 Code of Federal Regulations, as amended.

19 (iv) Foods that are prepared by healthy cooking techniques such as
20 baking, roasting, broiling, grilling, poaching, steaming, or stir frying instead of pan frying or deep fat
21 frying to minimize the amount of fat added to the foods prepared.

22 (v) Foods that contain less than 0.5 grams of trans fat per Serving.

23 (e) Recommended Nutritional Guidelines for Food and Beverages Served by Restaurants
24 Located on City Property.

1 (1) Restaurants located on City property that offer for sale Prepackaged Foods
2 and/or beverages are encouraged to meet the nutritional standards set forth in subsection (c) of this
3 Section 4.9-1. If there is a Vending Machine located within the Restaurant, the nutritional
4 requirements of subsection (c) shall apply to the Vending Machine.

5 (2) Restaurants located on City property are encouraged to ensure that at least 25%
6 of Meals offered on the menu meet the nutritional guidelines set forth below:

7 (A) Calories: no more than 700 calories per Meal.

8 (B) Total Fat: No more than 35% of calories per Meal should be from fat.

9 (C) Saturated Fat: No more than five grams of saturated fat per Meal.

10 (D) Trans Fat: No more than 0.5 grams of trans fats per Meal and no
11 “partially hydrogenated oil” on the ingredients list.

12 (E) Cholesterol: No more than 105 milligrams of cholesterol per Meal.

13 (F) Sugar: No more than 35% of total calories per Meal from sugar.

14 (G) Sodium: No more than 800 milligrams of sodium per Meal.

15 (H) Vegetables and Fruits: At least two Servings (1-1.5 cups) of vegetables
16 and/or fruits per Meal.

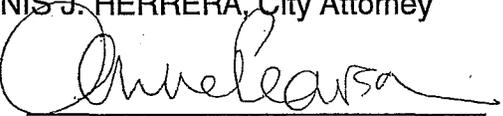
17 (f) Administrative Regulations. The City Administrator, or at the City Administrator’s
18 discretion, the Purchaser, may adopt rules, regulations, or guidelines for the implementation of this
19 Section 4.9-1.

20 (g) Recommended Updates to Nutrition Standards and Guidelines. The Board of
21 Supervisors recognizes that dietary guidelines evolve over time to address pressing public
22 health concerns and the nutrition needs of specific populations and to conform to advances in
23 scientific and medical knowledge. Where the Department of Public Health, in consultation
24 with the Health Service System, concludes that the nutrition standards and guidelines set forth
25 in this Section 4.9-1 should be updated to reflect new research in the field of nutrition and

1 health, it shall submit to the Board of Supervisors a report that describes the recommended
2 changes and sets forth the evidence in support of those recommendations.

3
4 Section 2. Effective Date. This ordinance shall become effective 30 days after
5 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
6 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
7 of Supervisors overrides the Mayor's veto of the ordinance.

8
9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By: 
13 ANNE PEARSON
14 Deputy City Attorney

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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.

AMENDED IN COMMITTEE

4/27/16

FILE NO. 160025

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

AMENDED IN COMMITTEE

4/27/16

FILE NO. 160025

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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1516-RBM-12

Youth Commission
City Hall ~ Room 345
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4532



(415) 554-6446
(415) 554-6140 FAX
www.sfgov.org/youth_commission

YOUTH COMMISSION
MEMORANDUM

TO: Erica Major, Committee Clerk, Public Safety and Neighborhood Services
Committee
FROM: Youth Commission
DATE: Thursday, February 4, 2016
RE: Referral response to BOS Files No. 160025

At our **Monday, February 1, 2016 meeting**, the Youth Commission voted to unanimously support the following motion:

To support BOS File No. 160025– Ordinance amending the Administrative Code to require that prepackaged food and beverages sold in vending machines on City property meet specified nutritional standards; 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; and to encourage restaurants, cafeterias, and concessions located on City property to offer healthy food options.

Youth Commissioners thank the Board of Supervisors for their attention to issue. If you have any questions, please contact our office at (415) 554-6446, or your Youth Commissioner.

A handwritten signature in cursive script, reading "Luis Avalos-Nunez".

Chair, Luis Avalos-Nunez
Adopted on February 1, 2016
2015-2016 San Francisco Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Youth Commission
FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee
DATE: February 4, 2016
SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS

The Board of Supervisors has received the following, which at the request of the Youth Commission is being referred as per Charter Section 4.124 for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File: 160025

Ordinance amending the Administrative Code to require that prepackaged food and beverages sold in vending machines on City property meet specified nutritional standards; 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; and to encourage restaurants, cafeterias, and concessions located on City property to offer healthy food options.

Please return this cover sheet with the Commission's response to Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services.

RESPONSE FROM YOUTH COMMISSION Date: _____

- No Comment
- Recommendation Attached

Chairperson, Youth Commission

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
Jose Cisneros, Treasurer, Office of the Treasurer and Tax Collector
Tom Hui, Director, Department of Building Inspection
Barbara A. Garcia, Director, Department of Public Health
Trent Rhorer, Executive Director, Human Services Agency
Jaci Fong, Director, Office of Contract Administration

FROM: Erica Major, Assistant Committee Clerk, Public Safety and Neighborhood Services Committee, Board of Supervisors

DATE: January 20, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Farrell on January 12, 2016:

File No. 160025

Ordinance amending the Administrative Code to require that prepackaged food and beverages sold in vending machines on City property meet specified nutritional standards; 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; and to encourage restaurants, cafeterias, and concessions located on City property to offer healthy food options.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:
Frank Lee, Public Works
Amanda Kahn Fried, Office of the Treasurer and Tax Collector
William Strawn, Department of Building Inspection
Carolyn Jayin, Department of Building Inspection
Cameron Langer, Office of Contract Administration
Kofo Domingo, Office of Contract Administration

BOS-11, COB, B+FI
Leg Dep. Dep City
atfy,
Majors office

President, District 5
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

London Breed

PRESIDENTIAL ACTION

Date: April 11, 2016

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,

Pursuant to Board Rules, I am hereby:

- Waiving 30-Day Rule (Board Rule No. 3.23)

File No. _____ (Primary Sponsor)

Title. _____

- Transferring (Board Rule No. 3.3)

File No. 160025 Farrell
(Primary Sponsor)

Title. Administrative Code - Nutritional Standards

From: Public Safety & Neighborhood Services Committee

To: Budget & Finance Sub Committee

- Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

RECEIVED
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SAN FRANCISCO
2016 APR 12 PM 2:58
BY _____

London Breed
London Breed, President
Board of Supervisors

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

Small Business Commission Youth Commission Ethics Commission

Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

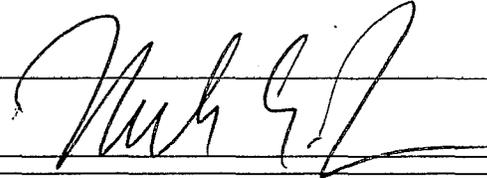
Supervisor Mark Farrell

Subject:

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

The text is listed below or attached:

Attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

