

I MINA 'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 285-31 (con)

Introduced by:

D. G. Rodriguez, Jr.
T.C. Ada

COMM. 1
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**AN ACT TO MANDATE HEALTHY FOODS TO BE
SOLD IN VENDING MACHINES IN ALL
GOVERNMENT OF GUAM BUILDINGS, BY
ADDING A NEW §22420.1 TO ARTICLE 4,
CHAPTER 22, TITLE 5, GUAM CODE
ANNOTATED, AND A NEW §23109 TO CHAPTER
23, PART 1, DIVISION 2, TITLE 10, GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. *I Liheslaturan Guåhan* finds

that there is a growing epidemic of increasing rates of obesity and unhealthy weight gain that are contributing to the rise of chronic diseases, low quality of health, and higher costs of health care.

I Liheslatura finds that According to the Department of Public Health & Social Services (DPHSS), in 2009 a combined total of 61.2% of the island's adult population was either overweight or obese and according to the 2007 Youth Risk Behavior Surveillance System (YRBS) a combined total of 40.9% middle and high school students described themselves as overweight.

I Liheslatura finds that the population of Guam is composed of approximately 90% Pacific and Asian Islanders, ethnic groups which have inherent genetic predisposition to obesity and type II diabetes. It also finds that an unhealthy, high fat diet can contribute to the increase of cases of these health problems and that diabetes is one of the top ten leading causes of death for the

1 population of Guam.

2 *I Liheslatura* finds that a healthy diet and lifestyle will help prevent the onset
3 of type 2 diabetes, metabolic syndrome, hypertension, etc. and can reduce chronic
4 disease-related health care costs.

5 *I Liheslatura* also finds that promoting healthier beverages and foods
6 through vending machines within the workplace will help with the prevention of
7 chronic diseases. With most employees spending nearly half their waking hours on
8 the job, worksites play an essential role in helping people make healthy lifestyle
9 choices.

10 *I Liheslatura* finds that mandating healthier food options at the workplace
11 and within offices and public facilities that serve island residents will be one of the
12 most cost effective changes to immediately improve employee eating habits and to
13 provide access to healthier beverage and food options to the public. By
14 implementing this Healthy Vending Machine policy, the Government is taking a
15 reasonable first step to combat the obesity epidemic.

16 It is the intent of *I Liheslaturan Guåhan* in a effort to promote a healthier
17 workplace for government of Guam workers, as well as visitors, by seeking to
18 ensure the availability of an alternative, nutritious choice of snack foods and
19 beverages available for sale in vending machines on government facilities and
20 premises.

21 **Section 2.** A new §22420.1 to Article 4, Chapter 22, Title 5, Guam Code
22 Annotated, to read:

23 **“§22420.1. Policy in favor of Healthy Food and Beverage Products in**
24 **all Vending Machines Located within Government Facilities.**

25 (a) Fifty percent (50%) of all foods and beverages offered for sale in
26 government-contracted food and beverage vending machines within all
27 government owned or leased buildings, facilities and/or operational spaces under

1 the control of the government shall adhere to specific guidelines promoting good
2 nutrition and healthy environments. This mandate covers all machines designed to
3 dispense food and/or beverages located.

4 Agency Heads shall be responsible for the dissemination, implementation,
5 and compliance with the approved policy for all vending machines either owned or
6 leased that are located within their departments and facilities. Failure to comply
7 with or violation of any approved provisions of this policy shall result in the
8 immediate removal or disablement of the vending machine.

9 (b) Development of Applicable Policy. The Director of the Department of
10 Administration, in conjunction with the Department of Public Health & Social
11 Services, shall promulgate rules and regulations, within 120 days of the enactment
12 of this Section, establishing standards pursuant to which the intent of this section
13 shall be implemented. The rules and regulations shall, at a minimum, provide for
14 the following:

15 (i) Nutritional Facts and Guidelines. The vending machine operator shall
16 provide a sign in close proximity to each and every article of
17 food/beverage or the selection button that includes a clear and
18 conspicuous statement disclosing the number of calories, fat, sugar,
19 and sodium contained in the article.

20 (ii) At least 50% of beverages offered in a vending machine must contain
21 one or a combination of the following: a) water; b) coffee or tea; c)
22 nonfat or reduced fat milk (including soy or cow's milk, chocolate or
23 other flavored milk not containing more than fifteen (15) grams of
24 added sugar per 250 gram serving or three (3) teaspoons of sugar per
25 one (1) cup of milk; d) one hundred (100%) percent fruit/vegetable
26 juice; e) fruit based drinks containing one hundred (100%) percent
27 fruit juice and no added caloric sweeteners; and, f) all other non-

1 caloric beverages, including diet sodas.

2 (iii) At least 50% of the snacks/foods offered in a vending machine shall
3 meet the following criteria: a) not more than thirty-five (35%)
4 percent of the calories shall be from fat with the exception of nuts and
5 seeds; snack mixes and other foods of which nuts are a part must meet
6 the thirty five (35%) requirement, b) not more than ten (10%) percent
7 of the calories shall be from saturated fat, c) shall not contain trans
8 fats that are added during processing (hydrogenated oils and partially
9 hydrogenated oils), d) not more than thirty-five (35%) percent of the
10 total weight shall be from sugar and caloric sweeteners with the
11 exception of fruits and vegetables that have not been processed with
12 added sweeteners or fats, e) at least one (1) item meeting the snack
13 criteria in each vending machine shall also meet the FDA definition of
14 “Low Sodium” (c 140mg per serving) Further, the policy recommends
15 that options within the vending machine contain items that include at
16 least two (2) grams of dietary fiber.

17 (iv) (iv) The applicable rules and regulations establishing applicable
18 nutritional standards pursuant to this Section may be amended, as
19 necessary, to adhere to future healthy dietary and nutritional standards
20 set forth by the U.S. Food and Drug Administration.

21 (d) Implementation Timeline. By January 2012, at least 50% of all foods
22 and beverages offered in government-contracted food and beverage vending
23 machines within government facilities and offices shall adhere to the specific
24 guidelines established pursuant to this section. Government agencies which have
25 existing vending machine contracts must ensure compliance by current vendors.

26 (e) All rules and regulations shall be promulgated, and may be amended,

1 pursuant to Article 3 – Rule Making Procedures, of Chapter 9, Division 1, Title 5,
2 Guam Code Annotated.”

3 **Section 3.** A new §23109 is hereby added to Chapter 23, Part 1, Division 2,
4 Title 10, Guam Code Annotated, to read:

5 **“§23109. Vending Machines on government Premises.** The Department,
6 in the regular conduct of inspections of vending machines pursuant to this Chapter,
7 shall additionally inspect vending machines on government of Guam premises for
8 compliance with §22420.1 - Policy in favor of Healthy Food and Beverage
9 Products in all Vending Machines Located within Government Facilities, of Article
10 4, Chapter 22, Title 5, Guam Code Annotated.”

11 **Section 4: Severability.** *If* any provision of this Law or its application to
12 any person or circumstance is found to be invalid or contrary to law, such
13 invalidity shall *not* affect other provisions or applications of this Law which can be
14 given effect without the invalid provisions or applications, and to this end the
15 provisions of this Law are severable.

16 **Section 5. Effective Date.** This Act shall become effective immediately
17 upon enactment.