

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

32-13-1028
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 11.29.13
Time 9:58 am
Received by [Signature]

2013 NOV 29 AM 11:12

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 165-32 (COR) "AN ACT TO ADOPT THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY, AS PROVIDED AND MANDATED PURSUANT TO PUBLIC LAW 31-141, TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO AMEND §23109 OF CHAPTER 23, PART 1, DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §§ 22420.1(a) AND (c), AND TO ADD A NEW § 22420.2, ALL OF ARTICLE 4, CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, TO PROVIDE FOR THE INCLUSION OF THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY TO CANTEENS AND OTHER FOOD AND BEVERAGE VENDORS ON GOVERNMENT PREMISES" which I signed into law on November 27, 2013 as Public Law 32-085.

Senseramente,

EDDIE BAZA CALVO

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 165-32 (COR)**, "AN ACT TO ADOPT THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY, AS PROVIDED AND MANDATED PURSUANT TO PUBLIC LAW 31-141, TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO AMEND § 23109 OF CHAPTER 23, PART 1, DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §§ 22420.1 (a) AND (c), AND TO ADD A NEW § 22420.2, ALL OF ARTICLE 4, CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, TO PROVIDE FOR THE INCLUSION OF THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY TO CANTEENS AND OTHER FOOD AND BEVERAGE VENDORS ON GOVERNMENT PREMISES", was on the 12th day of November 2013, duly and regularly passed.




Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov., 2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: NOV 27 2013

Public Law No. 32-085

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 165-32 (COR)

As substituted by the Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens.

Introduced by:

Dennis G. Rodriguez, Jr.
T.C. Ada
Brant T. McCreadie
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *ADOPT* THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY, AS PROVIDED AND MANDATED PURSUANT TO PUBLIC LAW 31-141, TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO *AMEND* § 23109 OF CHAPTER 23, PART 1, DIVISION 2 OF TITLE 10, GUAM CODE ANNOTATED; AND TO *AMEND* §§ 22420.1 (a) AND (c), AND TO *ADD* A NEW § 22420.2, ALL OF ARTICLE 4, CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED, TO PROVIDE FOR THE INCLUSION OF THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY TO CANTEENS AND OTHER FOOD AND BEVERAGE VENDORS ON GOVERNMENT PREMISES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that pursuant to Public Law 31-141, the Department of Public Health and Social

1 Services was directed to promulgate the Government of Guam Health Vending
2 Machine Rules and Regulations, relative to the sale of snacks and beverages from
3 vending machines located on all government of Guam premises.

4 *I Liheslaturan Guåhan* further finds that mobile food service establishments
5 (also commonly referred to or known as mobile canteens), or other food and
6 beverage vendor activities, in either temporary or permanent fixed structures on
7 government premises, should be included so as to comply with the provisions of
8 §22420.1 of Article 4, Chapter 22, Title 5, Guam Code Annotated, to the limited
9 extent provided pursuant to a new §22420.2 of Article 4, Chapter 22, Title 5,
10 Guam Code Annotated, in the promotion of the sale of healthy foods.

11 It is the intent of *I Liheslaturan Guåhan* to adopt the rules and regulations
12 appended to this Act as Exhibit “A”; and further, to provide for the inclusion of
13 mobile food service establishments, or other food and beverage vendor activities
14 on government premises, in the promotion of the sale of healthy foods and
15 beverages, by *adding* a new §22420.2 to Article 4, Chapter 22, Title 5, Guam Code
16 Annotated, and by *amending*, as necessary, applicable laws, policies, rules and/or
17 regulations, so as to be compatible with the intent and effect of this new Section.

18 **Section 2. Adoption of Rules.** Notwithstanding any other provision of
19 law, rule, regulation and executive order, the Department of Public Health and
20 Social Services rules and regulations relative to the “Government of Guam Healthy
21 Vending Machine Policy,” and attached hereto as **EXHIBIT “A”**, are hereby
22 adopted by *I Mina’ Trentai Dos Na Liheslaturan Guåhan*, and *shall* be codified
23 under a new Chapter 13 of Division 4, Title 2, Guam Administrative Rules and
24 Regulations.

25 **Section 3. Amendment of Rules.** The Department of Administration, in
26 conjunction with the Department of Public Health and Social Services, *shall*, at a
27 minimum of every five years, and pursuant to Article 3 - Rule Making Procedures,

1 of Chapter 9, Title 5, Guam Code Annotated, review and amend, as necessary, the
2 policies adopted pursuant to Section 2 of this Act. It is further provided that the
3 review of the policies *shall* include the incorporation of mobile food service
4 establishments, and other food and beverage vendor activities, utilizing either
5 permanent or temporary fixed structures, and which are licensed or permitted to
6 operate on government property, as provided pursuant to Section 6 of this Act.

7 **Section 4.** Subsection (a) of §22420.1, Article 4, Chapter 22, Title 5,
8 Guam Code Annotated, is *amended* to read:

9 “(a) Fifty percent (50%) of all foods and beverages offered for sale
10 in government-contracted food and beverage vending machines within all
11 government owned or leased buildings, facilities and/or operational spaces
12 under the control of the government *shall* adhere to specific guidelines
13 promoting good nutrition and healthy environments. This mandate covers
14 all machines designed to dispense food and/or beverages located within
15 government facilities, but *shall not* apply to the vending machines within the
16 control of the Guam Department of Education, or other departments or
17 agencies where a stricter nutrition policy is in place.

18 This Section *shall* also apply to mobile food service establishments,
19 and other food and beverage vendor activities, in either temporary or
20 permanent fixed structures, on all government property, to the extent as
21 provided pursuant to §22420.2 of this Article 4.

22 Agency heads *shall* be responsible for the dissemination,
23 implementation, and compliance with the approved policy for all vending
24 machines on all government property, either owned or leased, and *shall*
25 include all mobile food service establishments and other food and beverage
26 vendor activities, in either temporary or permanent fixed structures, situated
27 on all government property, or that are located within its departments,

1 premises and facilities. Failure to comply with or the violation of any
2 approved provisions of this policy *shall* result in the immediate removal or
3 disablement of the vending machine.”

4 **Section 5.** Subsection (c) of §22420.1 of Article 4, Chapter 22, Title 5,
5 Guam Code Annotated, is *amended* to read:

6 “(c) Implementation Timeline. By January 2014, *at least* fifty
7 percent (50%) of all foods and beverages offered in government-contracted
8 food and beverage vending machines within government facilities and
9 offices *shall* adhere to the specific guidelines established pursuant to this
10 Section. Government agencies which have existing vending machine
11 contracts must ensure compliance by current vendors.”

12 **Section 6.** A new §22420.2 is hereby *added* to Article 4, Chapter 22, Title
13 5, Guam Code Annotated, to read:

14 **“§ 22420.2. Policy in Favor of Healthy Food and Beverage**
15 **Products in all Mobile Food Service Establishments or Other Food and**
16 **Beverage Vendor Activities on Government Property or within**
17 **Government Facilities.**

18 (a) Legislative Intent. It is the intent of *I Liheslaturan Guåhan* to
19 mandate the inclusion of mobile food service establishments (also
20 commonly referred to or known as a mobile canteen), or other food vendor
21 activities, in either temporary or permanent fixed structures, on government
22 premises, so as to comply with the provisions of §22420.1, to the limited
23 extent provided pursuant to this Section. For the purposes of this Section:

24 (1) *mobile food service establishment* (also commonly
25 referred to or known as a *mobile canteen*) *shall* mean any privately
26 operated food and beverage service activity operated from a mobile
27 unit wherein foods are prepared and served.

1 (2) *food and beverage vendor activity shall* mean and
2 include fixed structures, either permanent or temporary, wherein foods
3 and beverages are prepared and served.

4 (3) *prepackaged foods or snacks, or beverage(s) shall* mean
5 and be inclusive of all foods *not* directly cooked or prepared by the
6 vendor, and beverages *not* in the original containers (i.e., unopened
7 can or sealed container). This Section *shall not* apply to fresh
8 beverages prepared on-site by the vendor; for example, but *not* limited
9 to, low sugar juices or beverages made from fresh fruits and/or
10 vegetables; *nor shall* this Section apply to manufactured foods, i.e.,
11 those foods prepared by a duly licensed business entity with a valid
12 sanitary health permit issued for purpose of authorizing the
13 preparation of food(s) which are to be served or sold by food retailers,
14 to include, but *not* be limited to, stores, canteens (mobile or fixed) or
15 various other types of vendors.

16 (4) *The sale or distribution of any alcoholic beverage shall*
17 mean as defined pursuant to Title 11GCA, Chapter3; and *the sale or*
18 *distribution of any tobacco products* is as defined pursuant to
19 Subsection (g) of §6101, Chapter 6, Title 11 GCA, which reads,
20 “‘Tobacco product’ means any tobacco cigarette, cigar, pipe tobacco,
21 smokeless tobacco, chewing tobacco or any other form of tobacco
22 which may be utilized for smoking, chewing, inhalation or other
23 means of ingestion,” and *shall* include, as further provided pursuant
24 to Title 10 GCA, Chapter 90A - Importation and Sale of Ingestible
25 Tobacco, and *shall* be prohibited.

26 (b) This Section *shall not* apply to temporary, short-term food and
27 beverage vendor activities utilizing either mobile or fixed structures, and

1 which are licensed or permitted to operate during special events hosted or
2 sponsored by a municipal planning council, government of Guam entity, or
3 authorized non-profit organization for village or island events.

4 (c) Development of Applicable Policy. The Director of the
5 Department of Administration, in conjunction with the Department of Public
6 Health & Social Services, *shall* promulgate the amendment of the policy
7 established pursuant to §22420.1 of this Article, and codified under Chapter
8 13 of Division 4, Title 2, Guam Administrative Rules and Regulations,
9 within one hundred twenty (120) days of the enactment of this Section, so as
10 to include all mobile food service establishments (also commonly referred to
11 or known as mobile canteens), or other food and beverage vendor activities,
12 in either temporary or permanent fixed structures, to the extent provided
13 pursuant to this Section.

14 (1) The applicable rules and regulations establishing
15 applicable nutritional standards pursuant to this Section *shall* be
16 promulgated and *amended*, as necessary, and *shall* adhere to future
17 healthy dietary and nutritional standards set forth by the U.S. Food
18 and Drug Administration, as provided pursuant to §22420.1 of this
19 Article 4.

20 (d) Implementation Timeline. This Section *shall* be effective on
21 January 2014, or upon the amendment and promulgation of policy relative to
22 this Section, as provided pursuant to Subsection (c), whichever is later.

23 Government agencies which have existing authorized or permitted
24 food and beverage vendor agreements or contracts *must* ensure compliance
25 with this Section by current vendors.

26 (e) The amendment of any policy, rules and regulations, as
27 provided pursuant to §§ 22420.1 and 22420.2 of this Article 4, and codified

1 under Chapter 13 of Division 4, Title 2, Guam Administrative Rules and
2 Regulations *shall* be promulgated, and may be *amended*, pursuant to Article
3 3 - Rule Making Procedures, of Chapter 9, Division 1, Title 5, Guam Code
4 Annotated.”

5 **Section 7.** §23109 of Chapter 23, Part 1, Division 2 of Title 10, Guam
6 Code Annotated, is hereby *amended* to read:

7 **“§ 23109. Vending Machines, Mobile Food Service**
8 **Establishments, and Food and Beverage Vendors Utilizing Fixed**
9 **Structures on Government Premises.** The Department, in the regular
10 conduct of inspections of vending machines pursuant to this Chapter, *shall*
11 additionally inspect vending machines on government of Guam premises for
12 compliance with §22420.1 of Article 4, Chapter 22, Title 5, Guam Code
13 Annotated - Policy in Favor of Healthy Food and Beverage Products in all
14 Vending Machines Located within Government Facilities; and as further
15 provided pursuant to §22420.2 of Article 4, Chapter 22, Title 5, Guam Code
16 Annotated, which *shall* apply to all mobile food service establishments(also
17 commonly referred to or known as mobile canteens), or food and beverage
18 vendor activities within fixed structures wherein foods and beverages are
19 prepared and served.”

20 **Section 8. Severability.** *If* any provision of this Act or its application to
21 any person or circumstance is found to be invalid or contrary to law, such
22 invalidity *shall not* affect other provisions or applications of this Act which can be
23 given effect without the invalid provisions or application, and to this end the
24 provisions of this Act are severable.

25 **Section 9. Effective Date.** This Act *shall* become immediately effective
26 upon enactment.

1 **EXHIBIT "A"**

2

3 **GOVERNMENT OF GUAM HEALTH VENDING MACHINE POLICY**

4

5 **Rules and Regulations**

6 **[Authority: Public Law 31-141]**

7 Department of Public Health and Social Services. **Government of Guam**

8 **Healthy Vending Machine Policy**

9

10 Table of Contents

11 *(Note: page numbering shall be adjusted by Compiler of Laws)*

12	Title Page	1
13	Table of Contents	2
14	Background	3
15	Scope and Responsibility	3
16	Policy	4
17	A. Placement of Vending Machines	4
18	B. Food and Beverage Operations	4
19	C. Nutrition Facts	4
20	D. Food and Beverage Nutrition Guidelines	4
21	E. Consultation	6
22	F. Amendment of Nutrition Guidelines	6
23	G. Implementation	6
24	H. Evaluation	6

3
4 **I. BACKGROUND**

5 The Department of Public Health and Social Services recognizes the impact that
6 the increasing rates of obesity and overweight are having on chronic diseases,
7 quality of life, and health care costs. Consumption of just 100 extra calories a day
8 from foods such as soda and snacks can cause a ten pound weight gain each year.
9 Individual weight loss of as little as five to ten pounds can delay or prevent the
10 onset of type 2 diabetes, metabolic syndrome, hypertension, etc. and can reduce
11 chronic disease-related health care costs.

12
13 According to the Department of Public Health & Social Services (DPHSS), in
14 2009 a combined total of 61.2 % of the island’s adult population was either
15 overweight or obese and according to the 2007 Youth Risk Behavior Surveillance
16 System (YRBS) a combined total of 40.9% middle and high school students
17 described themselves as overweight.

18
19 The vision of the Government of Guam’s Healthy Vending Machine Policy is to
20 promote the prevention of chronic diseases by providing access to healthier
21 beverages and foods from vending machines within the workplace. With most
22 employees spending nearly half their waking hours on the job, worksites can play
23 an essential role in helping people make healthy lifestyle choices. According to
24 the Comprehensive Wellness Program Employee Interest Survey conducted in
25 September 2010, respondents reported that they would buy healthy snacks at the
26 worksite if they were available. Through this policy, the Department of Public

1 Health and Social Services is actively promoting access to healthier items at the
2 workplace, within offices, and public facilities that serve island residents.
3 Mandating healthier food options at the workplace and within offices and public
4 facilities that serve island residents may be one of the most cost effective changes
5 to immediately improve employee eating habits and to provide access to healthier
6 beverage and food options to the public. By implementing this Healthy Vending
7 Machine Policy, the Government is taking a reasonable first step to combat the
8 obesity epidemic.

9
10 The Government of Guam Healthy Vending Machine Policy requires that 50% of
11 all foods and beverages offered in Government-contracted food and beverage
12 vending machines within Government facilities and offices shall adhere to specific
13 guidelines. These guidelines promote good nutrition and healthy environments to
14 prevent obesity and the diseases associated with it. The guidelines further provide
15 restrictions on the calorie, fat, saturated fat and sugar content of foods and
16 beverages. A list of examples of foods and beverages that comply with these
17 guidelines is included in Attachment 1.

18
19 **II. RULES AND REGULATIONS**

20 This policy covers all machines designed to dispense food and/or beverages
21 located within all government owned, leased and/or operated spaces or facilities.
22 Should a Healthy Vending Machine Policy or public law exist at any government
23 of Guam agency, and that agency's policy requires a percentage greater than 50%
24 of the items sold in vending machines follow specific nutritious guidelines, that
25 agency's policy will remain in effect and supersede this Healthy Vending Machine
26 Rules and Regulations requirement of 50%. If, however, that agency's policy does

1 not require that 50% of the items sold in the vending machines follow specific
2 nutritious guidelines, this Healthy Vending Machine Rules and Regulations will
3 supersede that agency's policy.

4
5 Each agency-designated HEALTH Coach or other designee shall have primary
6 responsibility for the management and administration of the vending machines that
7 are located within their respective department and facility. The Government of
8 Guam HEALTH Steering Committee shall have the primary responsibility for
9 consulting with HEALTH Coaches or designees regarding established nutrition
10 standards and selections as outlined and approved by this policy and assisting with
11 the implementation of the policy.

12
13 Agency Heads, or their appointed designee, shall be responsible for the
14 dissemination, implementation, and compliance with the approved policy for all
15 vending machines either owned or leased that are located within their departments
16 and facilities. Failure to comply with, or violation of any approved provisions of
17 these rules and regulations shall result in the immediate removal or disablement of
18 the vending machine. The Department, in the regular conduct of inspections of
19 vending machines pursuant to this Chapter, shall additionally inspect vending
20 machines on government of Guam premises for compliance.

21
22 **III. POLICY**

23 **A. Placement of Vending Machines**

24 No independently owned vending machines shall be allowed on government
25 property without the prior written approval of the Agency Head or his/her
26 designee. Snack and beverage vending machines shall be permitted to operate on

1 government property for the sale of food and beverage items to government
2 employees and members of the public who use the facilities subject to the
3 provisions of this policy.

4
5 The Agency Head or his/her designee shall have the authority to authorize the
6 placement of vending machines in strategic locations throughout government
7 facilities where traffic patterns or other circumstances warrant their placement.

8 1. Prior to the installation, the location of a new or replacement vending machine
9 shall be reviewed and approved by the Agency Head or his/her designee. Machines
10 shall not be located in corridors unless adequate space has been approved and/or
11 provided as determined by both by the Facilities Manager and, if applicable, the
12 local Fire Marshall.

13 2. No vending machine shall in any way obstruct or otherwise interfere with
14 emergency exits or access areas.

15 3. All vending machines must be securely fastened to a wall, floor, or other
16 structure or otherwise secured in such a way as to prevent it from being rocked,
17 bounced, or tipped.

18 4. Failure to comply with or violation of any approved provisions of this policy
19 shall result in the immediate removal or disablement of the vending machine.

20 **B. Food and Beverage Operations**

21 1. All food and beverage products must be delivered and placed in machines in
22 their original wrappers or in a sanitized bulk dispenser that fits on the machine as a
23 unit and meets the nutritional standards outlined in Section D Food and Beverage
24 Nutrition Guidelines.

1 2. The areas surrounding all vending machines are to be kept clean, and proper
2 waste and/or recycling receptacles shall be provided in the immediate area of the
3 machines.

4 **C. Nutrition Facts**

5 The vending machine operator shall provide a sign in close proximity to each and
6 every article of food/beverage or the selection button that includes a clear and
7 conspicuous statement disclosing the number of calories, fat, sugar, and sodium
8 contained in the article.

9 **D. Food and Beverage Nutrition Guidelines**

10 1. Beverages: In reference to PL 31-141, as amended, effective January 2014, at
11 least 50% of beverages offered in a vending machine must contain one or a
12 combination of the following:

- 13 a) Water;
- 14 b) Coffee or Tea;
- 15 c) Nonfat or reduced fat milk (including soy or cow's milk, chocolate or
16 other flavored milk not containing more than fifteen (15) grams of added
17 sugar per 250 gram serving or three (3) teaspoons of sugar per one (1) cup of
18 milk;
- 19 d) One hundred (100%) percent fruit/vegetable juice;
- 20 e) Fruit based drinks containing one hundred (100%) percent fruit juice and
21 no added caloric sweeteners;
- 22 f) All other non-caloric beverages, including diet sodas; or
- 23 g) Sport drinks less than or equal to 100 calories

24 2. Snacks/Food:

1 At least 50% of all snacks/foods offered in vending machine shall meet the
2 following criteria:

- 3 a) Not more than 250 calories.
- 4 b) Not more than thirty-five (35%) percent of the calories shall be from fat
5 with the exception of nuts and seeds; snack mixes and other foods of which
6 nuts are a part must meet the thirty five (35%) requirement.
- 7 c) Not more than ten (10%) percent of the calories shall be from saturated
8 fat
- 9 d) Shall not contain trans fats that are added during processing
10 (hydrogenated oils and partially
11 hydrogenated oils)
- 12 e) Not more than thirty-five (35%) percent of the total weight shall be from
13 sugar and caloric sweeteners with the exception of fruits and vegetables that
14 have not been processed with added sweeteners or fats.
- 15 f) At least one (1) item meeting the snack criteria in each vending machine
16 shall also meet the FDA definition of "Low Sodium" (< 140mg per serving)
17 Further, the policy recommends that options within the vending machine
18 contain items that include at least two (2) grams of dietary fiber
- 19 g) Not more than 360 mg of sodium per serving.

20 Considerations:

- 21 • Avoid fat content above 3 gm/serving when possible
- 22 • Avoid products with chocolate as prominent ingredient
- 23 • Avoid products with first or second ingredient as salt or sugar
- 24 • Avoid sugar or salt coated products
- 25 • Avoid sodium content above 50 mg/serving when possible
- 26 • Avoid foods that have the following ingredients:

- 1 ○ Aspartame, MSG, Ajinomoto, Accent, Glutamate, Textured
- 2 protein, Monosodium glutamate, Hydrolyzed protein (any
- 3 protein that is hydrolyzed), Monopotassium glutamate,
- 4 Glutamic acid, Yeast extract, Calcium caseinate, Yeast food,
- 5 Sodium caseinate, Autolyzed yeast, Gelatin, Yeast nutrient
- 6 (these are all possible forms of MSG)
- 7 ○ Splenda
- 8 ○ Acesulfame-K
- 9 ○ Nitrite
- 10 ○ caffeine
- 11 ○ Sulfite
- 12 ○ Saccharin
- 13 ○ BHA or BHT
- 14 h) In reference to PL 31-141, effective January 2012, at least 50% of the
- 15 snacks/foods sold in vending machines must abide by the criteria outlined
- 16 above.

17 **E. Consultation**

18 Government of Guam agency designated HEALTH Coaches or designees will be
19 available to consult with vending machine vendors on item placement in machines,
20 healthy item identification strategies, and consumer outreach and education.

21 **F. Amendment of Nutrition Standards**

22 This policy may be amended from time to time as new reference material that may
23 have a direct impact on additional healthy options that are within vending
24 machines becomes available.

1 **G. Implementation**

2 1. Time Line

3 The policy proposes that by January 2012, at least 50% of all foods and beverages
4 offered in government-contracted food and beverage vending machines within
5 government facilities and offices shall adhere to the specific guidelines established
6 in this Healthy Vending Machine Policy.

7 2. Contract Process:

8 a) Existing Vending Machine Contracts: Government agencies which have
9 existing vending machine contracts would be expected to obtain compliance
10 from current vendors.

11 b) Future Vending Machine Contracts: The Healthy Vending Machine
12 Policy shall be part of all future vending machine contracts. Therefore, all
13 future Request For Proposals (RFPs) will stipulate that vendors will comply
14 with the criteria set forth in said Policy.

15 **H. Evaluation**

16 To evaluate the degree of compliance to the Healthy Vending Machine Policy, it is
17 important to involve and get the support of the vendors, who are in the position to
18 compile and monitor the data on consumption of the food items in the vending
19 machines.

20 At the same time, any change in the attitudes and perceptions of the consumers of
21 vending machine products in Government of Guam (GovGuam) agencies should
22 also be measured over time. The items included in the Comprehensive Wellness
23 Program Employee Interest Survey which was conducted in September 2010
24 should provide the baseline attitudes toward healthy vending machines.

1 Consequently, the evaluation of compliance should focus on the response of two
2 populations: (1) the consumers, and (2) the vendors.

3 1. Consumers

- 4 ○ Self-report surveys of vending machine product consumption of a
5 random sample of GovGuam employees will be conducted every twelve
6 (12) months in order to measure changes in individual attitudes
- 7 ○ Changes in attitudes toward vending machine product consumption will
8 be monitored over time.

9 2. Vendors

- 10 ○ A pretest of vendors' attitudes toward healthy vending machine products
11 and their response to the policy will be conducted before it is
12 implemented.
- 13 ○ Vendor training will be conducted to acquaint them with the policy and
14 the guidelines established for healthy vending machines.
- 15 ○ Voluntary compliance among current vendors will be sought; new
16 vendors will be required to comply with the policy.
- 17 ○ Vendors will be required to provide information on sales of vending
18 machine products every six (6) months. These reports should provide a
19 detailed inventory of items sold in machines, as indicated in a checklist
20 of nutritional standards which have been established.
- 21 ○ A posttest to measure vendors' attitudes will be conducted six (6) months
22 after the policy is introduced.
- 23 ○ After the initial pretest-posttest period, an analysis of changes, if any,
24 will be conducted.

1 Every six (6) months thereafter, random self-report surveys on vending machine
2 utilization will be conducted. At the same time, vendors will also be asked to
3 report vending machine consumption. DPHSS coordinates the surveys and ensure
4 that vendors will submit the reports in a timely manner.

5

6

1

2 **ATTACHMENT 1**

3 **LIST OF APPROVED SNACKS AND BEVERAGES**

4 **EVERAGES:**

5 ○ Water

6 ○ Coffee or Tea

7 ○ Nonfat or reduced fat milk (chocolate or other flavored milk), shelf stable
8 portion size

9 ○ Soy milk (chocolate or other flavored milk)

10 ○ Fruit/vegetable juice – 100% juice, shelf stable portion size

11 ○ Non-caloric beverages, including diet sodas

12 **SNACKS:**

13 ○ Pop corn (light or no butter)

14 ○ Pop Tarts (like those allowable in Public School machines)

15 ○ Trail mix (dry nuts & dry fruits, coconut meat, etc)

16 ○ Granola bars

17 ○ Fig bars

18 ○ Nuts – 1 serving per container (peanuts, cashews, pine nuts, almonds,
19 pistachio nuts, etc)

20 ○ Mixed nuts

21 ○ Seeds – 1 serving size container (unsalted sunflower, pumpkin)

22 ○ Raisins

23 ○ Dried fruits – 1 serving size container (apples, prunes, peaches, apricots,
24 etc.)

- 1 ○ Pretzels (lightly salted or non-salted)
- 2 ○ Dry roasted or baked taro, breadfruit, or carrot chips
- 3 ○ Canned (1 serving size) Fruit Cocktail (and any other available serving size
- 4 canned fruits)
- 5 ○ Cheese & cracker snacks
- 6 ○ Peanut butter & cracker snacks
- 7 ○ Dry roasted soy beans
- 8 ○ Dry roasted peas
- 9 ○ Dry Seaweed
- 10 ○ Rice snack crackers
- 11 ○ Oatmeal cookies (with raisins & nuts if possible)
- 12 ○ Beef Jerky
- 13 ○ Fruit
- 14 ○ Low fat yogurt
- 15 ○ Similar food groups approved by USDA, FNS, USFDA and Food &
- 16 Nutrition Services Management Division-GDOE (former GPSS).