FAV

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

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

This is to certify that **Bill No. 285-31 (COR), "AN ACT TO *ADD* A NEW §22420.1 TO ARTICLE 4, CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED; AND A NEW §23109 TO CHAPTER 23, PART 1 OF DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THAT HEALTHY FOODS BE SOLD IN VENDING MACHINES AT ALL GOVERNMENT OF GUAM BUILDINGS,"** was on the 8th day of November, 2011, 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 9th day of Nov., 2011, at 4:25 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 285-31 (COR)
As amended on the Floor.

Introduced by: Dennis G. Rodriguez, Jr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
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AN ACT TO *ADD* A NEW §22420.1 TO ARTICLE 4, CHAPTER 22 OF TITLE 5, GUAM CODE ANNOTATED; AND A NEW §23109 TO CHAPTER 23, PART 1 OF DIVISION 2, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO MANDATING THAT HEALTHY FOODS BE SOLD IN VENDING MACHINES AT ALL GOVERNMENT OF GUAM BUILDINGS.

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 sixty-one and two-tenths percent (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 forty and nine-tenths percent (40.9%) of middle and high school students described themselves as overweight.

I Liheslatura finds that the population of Guam is composed of approximately ninety percent (90%) Pacific and Asian Islanders, ethnic groups which have an inherent genetic predisposition to obesity and type 2 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 (1) of the top ten (10) leading causes of death for the population of Guam.

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

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

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

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

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

"**§ 22420.1. Policy in Favor of Healthy Food and Beverage Products in all Vending Machines Located Within Government Facilities.**

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

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

(b) Development of Applicable Policy. The Director of the Department of Administration, in conjunction with the Department of Public Health & Social Services, *shall* promulgate rules and regulations, within one

hundred twenty (120) days of the enactment of this Section, establishing standards pursuant to which the intent of this Section *shall* be implemented. The rules and regulations *shall*, at a minimum, provide for the following:

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

(2) *At least* fifty percent (50%) of beverages offered in a vending machine must contain one (1), or a combination, of the following: (A) water; (B) coffee or tea; (C) nonfat or reduced fat milk (including soy or cow's milk, chocolate or other flavored milk *not* containing more than fifteen (15) grams of added sugar per two hundred fifty (250) gram serving or three (3) teaspoons of sugar per one (1) cup of milk; (D) one hundred percent (100%) fruit/vegetable juice; (E) fruit-based drinks containing one hundred percent(100%) fruit juice, and *no* added caloric sweeteners; and (F) all other non-caloric beverages, including diet sodas.

(3) At least fifty percent (50%) of the snacks/foods offered in a vending machine *shall* meet the following criteria: (A) *not more than* thirty-five percent (35%) of the calories shall be from fat, with the exception of nuts and seeds; snack mixes and other foods of which nuts are a part must meet the thirty-five percent (35%) requirement; (B) *not more than* ten percent(10%) of the calories shall be from saturated fat; (C) *shall not* contain trans fats that are added during processing (hydrogenated oils and partially hydrogenated oils); (D) *not more than* thirty-five percent (35%) of the total weight shall be

from sugar and caloric sweeteners, with the exception of fruits and vegetables that have *not* been processed with added sweeteners or fats, and not more than three hundred sixty (360) mg of sodium per serving; and (E) *at least* one (1) item meeting the snack criteria in each vending machine *shall* also meet the FDA definition of "Low Sodium" (c 140mg per serving). Further, the policy recommends that options within the vending machine contain items that include at least two (2) grams of dietary fiber.

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

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

(d) All rules and regulations *shall* be promulgated, and may be amended, pursuant to Article 3 – Rule Making Procedures, of Chapter 9, Division 1, Title 5, Guam Code Annotated.

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

"**§ 23109. Vending Machines on Government Premises.** The Department, in the regular conduct of inspections of vending machines pursuant to this Chapter, *shall* additionally inspect vending machines on

government of Guam premises for compliance with §22420.1 - Policy in Favor of Healthy Food and Beverage Products in all Vending Machines Located within Government Facilities, of Article 4, Chapter 22, Title 5, Guam Code Annotated."

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