

## VFHK Sample Policy: Healthy Food Service and Vending on Local Government Property

### Introduction

The sample healthy food service and vending policy below provides model language for a city or county policy enacting nutrition standards for food and beverages sold or provided to employees and others visiting city or county property. This policy covers many outlets for food distribution including: vending machines, concession stands, cafeterias, and food provided at meetings and events. Due to the specific requirements for feeding programs administered by city or county-run institutions where people live, such as jails, juvenile facilities, and nursing homes, those programs are not covered here.

This policy uses the nutrition standards developed by the U.S. Department of Health and Human Services (HHS) for the *Food Service Guidelines for Federal Facilities*. Communities may prefer to use different nutrition standards. If you use different standards, you will need to change the wording in the model.

### Nutrition Standards

In addition to HHS, the American Heart Association (AHA) and the National Alliance for Nutrition and Activity (NANA) have developed nutrition standards. A brief description is provided below with links to each set of standards.

- 1) [Food Service Guidelines for Federal Facilities](#). These standards were first implemented in 2011 and updated in January 2017. Among other things, they require that **100% of products** must meet sodium and transfat standards. **75% of packaged food products** should meet calorie, saturated fat, and sugar standards as well. **50% of beverage products** should meet calorie requirements.
- 2) [American Heart Association \(AHA\) Food and Beverage Toolkit](#). AHA developed a toolkit for employees that includes nutrition standards. **100% of food products** should meet calorie, sodium, transfat, saturated fat and sugar standards. **50% of beverages** should meet calorie requirements.
- 3) [The National Alliance for Nutrition and Activity \(NANA\) Model Vending Guidelines](#). **100% of all food products** must meet calorie, sodium, transfat, saturated fat and sugar standards. **100% of beverages** must meet calorie requirements.

### Why adopt a healthy food service and vending policy that includes nutrition standards?

Nutrition standards for food served and sold on city or county property promote public health by ensuring that consumers have healthy options when they are away from home.

Making healthier foods and beverages available can also help make the food environment more equitable—that is, help make healthier options more accessible and affordable to consumers who may lack access to healthy foods, such as those who live in food deserts. Vending machines offer a good example of how this type of policy can have a disproportionate effect on different groups. In many government settings, consider that vending machines may be the only opportunity to purchase food for workers who work off-hour shifts, such as weekends or evenings. Often vending machines provide more affordable options for price-sensitive consumers; and vending machines can be a source of healthy and culturally appropriate foods for visitors and workers.

In considering a healthy food service and vending policy, there are also opportunities to go beyond nutrition and influence other parts of the food system. For example, the 2017 Food Service Guidelines for Federal Facilities include provisions about buying locally-grown products, supporting community development, and promoting sustainability through facility efficiency, energy efficiency, natural resource management, and environmental impact reduction. Additionally, there are opportunities to consider how food procurement policies and contracts can influence the supply chain, including how this type of policy can support labor and minority and woman-owned businesses.

### **Policy Options**

Communities have implemented healthy food services and vending standards using local legislation, resolutions, executive orders, and agency policies. The choice of policy depends on the jurisdiction in which you are working as well as many other factors. **Regardless of the type of policy you choose, make sure you understand which departments and agencies will be covered by the policy.**

## Sample Healthy Food Service and Vending Policy for Local Governments

**COMMENT:** *This policy affects the internal operations of government rather than regulating privately-owned food services operations. For this reason, policymakers in many cities or counties may choose to adopt this policy by executive order or resolution, rather than by enacting an ordinance. (More commonly, cities and counties enact ordinances when regulating private conduct.) If a city or county chooses to enact the standards by ordinance, the provision would probably be added to the local contracting or purchasing law. The sample language below should be tailored for your community. The language written in italics provides different options or explains the type of information that needs to be inserted in the blank spaces to customize the policy.*

**SECTION I. Findings.** The [State] hereby finds and declares as follows:

- (1) Over the past 30 years, the obesity rate in the United States has more than doubled. According to the Centers for Disease Control and Prevention, more than two-thirds (68.5 percent) of American adults are overweight or obese.<sup>1</sup> In [insert the year of the most recent information] in [insert name of city/county], [insert city/county's obese adult population percentage] of adult residents were overweight or obese. About a third of children nationwide are overweight or obese.<sup>2</sup> In [insert name of state], [insert city/county's obese youth population percentage] of children are overweight or obese. Obese children are at least twice as likely as non-obese children to become obese adults.<sup>3</sup>
- (2) Obesity-related health conditions have serious economic costs. Annual health care costs from obesity are at least 190 billion dollars<sup>4</sup> - or 21 percent of total health care spending - and expected to rise substantially.<sup>5</sup> Roughly one-half of these costs are paid through Medicare and Medicaid, which means that taxpayers foot much of the bill.<sup>6</sup> Medicare and Medicaid spending would be reduced by 8.5 percent and 11.8 percent, respectively, in the absence of obesity-related spending.<sup>7</sup> Obesity-related annual medical expenditures in [city/county] are estimated at [insert city/county's costs related to obesity].<sup>8</sup>
- (3) In addition, obesity is associated with job absenteeism, costing approximately \$4.3 billion annually<sup>9</sup> and with lower productivity while at work, costing employers \$506 per obese worker

<sup>1</sup> Ogden CL, Carroll MD, Kit BK, et al. "Prevalence of Childhood and Adult Obesity in the United States, 2011–2012." *Journal of the American Medical Association*, 311(8): 806–814, 2014. Available at: <https://jama.jamanetwork.com/article.aspx?articleid=1832542>.

<sup>2</sup> *Id.*

<sup>3</sup> Serdula MK, Ivery D, Coates RJ, et al. "Do Obese Children Become Obese Adults? A Review of the Literature." *Preventive Medicine*, 22(2): 167–177, 1993. Available at: [www.ncbi.nlm.nih.gov/pubmed/8483856](http://www.ncbi.nlm.nih.gov/pubmed/8483856).

<sup>4</sup> Cawley J, et al. "The Medical Care Costs of Obesity: An Instrumental Variables Approach." *Journal of Health Economics* 2012, vol. 31, pp. 219-230.

<sup>5</sup> Wang CY, et al. "Health and Economic Burden of the Projected Obesity Trends in the USA and the UK." *Lancet* 2011, vol. 378, pp. 815-825.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 828.

<sup>8</sup> For state-specific health care spending data, see Finkelstein EA, Fiebelkorn IC, and Wang G. "State-Level Estimates of Annual Medical Expenditures Attributable to Obesity." *Obesity Research*, 12(1): 18–24, 2004. These state-level data are for 2003. State health agencies may have more recent spending data.

<sup>9</sup> Cawley J, Rizzo JA, Haas K. Occupation-specific Absenteeism Costs Associated with Obesity and Morbid Obesity. *Journal of Occupational and Environmental Medicine*, 49(12):1317-24, 2007.



per year.<sup>10</sup>

- (4) There are *[insert number here]* number of people employed by *[insert name of city/county]*. In addition, many more people are served by *[city/county]*. By adopting healthy food service and vending standards, the *[city/county]* can help to improve the health of government employees and community members.

**COMMENT:** *If you decide to add provisions to the policy that go beyond nutrition standards, such as buying local and sustainable products, you can include findings that address these additional issues.*

## SECTION II.

### (a) Definitions.

- (1) “[*City/County*] Property” as used in this section means all real property, or part thereof, used for [*City/County*] purposes and either owned, leased, rented, or otherwise controlled by, and occupied by, any [*City/County*] department.
- (2) “Food service” means all foods or beverages (1) sold on [*City/County*] Property, including, but not limited to, in a vending machine, cafeteria, concession stand, or food cart and (2) foods or beverages purchased by the [*City/County*] to provide to employees or members of the public at events and meetings.

**COMMENT:** *If you decide to create a policy that addresses only vending, you should change the definition of “food service” to a definition of vending machines and change the references to “food service” throughout the model. The law in your state probably already defines vending machine. To be consistent, it would be best to use an existing definition. Here is an example of a definition of vending machine:*

“Vending machine” means any mechanical device which dispenses a food or beverage product on the insertion of payment.

- (3) “Department” means *[specify the entity responsible for enforcement of the city/county’s health-related laws. Typically, this is the Department of Public Health or the Department of Health.]*
- (4) “Guidelines” means the Food Service Guidelines for Federal Facilities (2017) developed by U.S. Department of Health and Human Services. *[If you are not using the Food Services Guidelines for Federal Facilities as your default guidelines, change this definition to reflect your choice of guidelines.]*

### (b) Requirements for Food Service.

- (1) Beginning January 1, 2018, or upon expiration of an existing contract, whichever occurs later, all Food Service on [*City/County*] Property, shall meet the nutrition standards for food and beverages set forth in the Guidelines.

<sup>10</sup> Gates D, Succop P, Brehm B, et al. Obesity and presenteeism: The impact of body mass index on workplace productivity. *J Occ Envir Med*, 50(1):39-45, 2008.

- (2) For each item of food sold that does not provide visible nutrition information at the point of purchase, a vendor shall provide a sign in close proximity to each food item or the selection button that includes a clear and conspicuous statement disclosing the number of calories contained in the article.
- (3) The Department shall provide an implementation guide and technical assistance to help state agencies implement these changes. The guidance shall address strategies to encourage consumers to purchase the healthier options, including pricing, placement, and promotion strategies.

**COMMENT:** *Strategies that encourage consumers to purchase healthier options are often called behavioral design strategies. The Food Service Guidelines for Federal Facilities include specific behavioral design recommendations on pricing, placement and promotion.*

(c) Administration and Enforcement.

- (1) Five years after enactment of this [policy] and every five years thereafter, the Department shall review the nutritional standards and if necessary, recommend amendments to the nutrition standards to reflect advancements in nutrition science, dietary data, and new product availability.
- (2) The Department shall prepare a [biennial] report on the status of implementation. The report shall include: an assessment of compliance with the nutritional standards; a list of successes, challenges, and barriers experienced in implementation; and recommendations for improvement of the nutritional standards and compliance.

**COMMENT:** *The policy sets standards and requires the city or county's employees to implement the standards. The city or county will implement the standards by ensuring that its contracts with food service providers contain the requirements. The city and county then has contractual remedies, within existing state and local law and in provisions within the contracts, to ensure that the vendors comply with the requirements. For that reason, detailed compliance provisions are not necessary in this policy.*

*If there is an appropriate governmental body to which a report could be submitted such as a food policy council or a worksite wellness taskforce, the language above could be amended to state that the Department will submit the report to the appropriate oversight body.*



Comparison of Snack and Beverage Nutrition Standards		
AHA Procurement Standards	Food Service Guidelines for Federal Facilities	National Alliance for Nutrition and Activity (NANA) Model Vending Guidelines
N/A	Have as the first ingredient a fruit, a vegetable, a dairy product, or a protein food; or be a whole grain-rich grain product; or be a combination food that contains at least ¼ cup of fruit and/or vegetable.	Each snack food item must contain at least one of the following and each entrée item at least two of the following: 1) At least a quarter cup of fruit, non-fried vegetable, or fat-free/low-fat dairy, or 2) 1 oz. of nuts or seeds or 1 Tbsp. of nut butter, or 3) at least 50% of the grain ingredients are whole grain (determined by the product having whole grain as the first ingredient from the manufacturer, or if the product has a whole grain claim), or 4) at least 10% of the Daily Value of at least one of the following naturally occurring nutrients of public health concern (calcium, potassium, vitamin D, or fiber).
<b>Additional Guidance</b>		
Preferred serving for plain nuts is 1.5 oz., but no more than 1.5 oz.		
<b>Beverages</b>		
<b>Percent Healthy</b>		
50% of beverages must be water, 100% juice, milk, milk alternatives, and other acceptable beverages.	At least 50% of available beverage choices contain ≤40 calories per 8 fluid ounces (excluding 100% juice and unsweetened fat-free or low-fat [1%] milk). <b>Innovative: At least 75% of available beverage choices contain ≤40 calories per 8 fluid ounces (excluding 100% juice and unsweetened fat-free or low-fat [1%] milk).</b>	100% of products must meet the nutrition guidelines.
<b>Water</b>		
Water (including sparkling, seltzer, or flavored). No more than 10 calories per serving.	Provide free access to chilled, potable water.	Water, including carbonated water (no added caloric sweeteners).
<b>100% Juice</b>		
100% fruit or vegetable juice (or juice and water) with no added sugars/sweeteners (except for non-nutritive sweeteners), and no more than 120 calories per 8 fl. oz. (preferred serving size), 150 calories per 10 fl. oz., or 180 calories per 12 fl. oz.	If juice is available, offer 100% juice with no added sugars.	100% fruit juice or fruit juice combined with water or carbonated water (limited to a maximum of 12-ounce container; no added caloric sweeteners). 100% vegetable juice (limited to a maximum of 12-ounce container, no added caloric sweeteners, and ≤ 200 milligrams (mg) of sodium per container).
<b>Milk</b>		
Fat-free (skim) or low-fat (1%) milk and milk alternatives (soy, almond, etc.) – no more than 130 calories/8 fl. oz.	If milk and fortified soy beverages are available, offer low-fat beverages with no added sugars.	For milk, Fat-free or 1% milk or calcium and vitamin D fortified soymilk with less than 200 calories per container. For coffee or tea, no added caloric sweeteners (if condiments are provided, sugars and sugar substitutes may be provided and milk/creamer products, such as whole or 2% milk, that have less fat than cream).
<b>Other Acceptable Beverages</b>		
No or low calorie beverages ≤10 calories per 8 oz. serving).	≤40 calories per 8 fluid ounces.	≤ 40 calories per container.
<b>Labeling</b>		
Each vending machine must display the total calorie content for each item as sold, and labeling should be consistent with federal law for calorie labeling of vending machines once in effect).	All snack foods sold in vending machines are consistent with FDA's Vending Machine Final Rule: <i>Food Labeling: Calorie Labeling of Articles of Food in Vending Machines</i> .	Each vending machine must display the total calorie content for each item as sold, and labeling should be consistent with federal law for calorie labeling of vending machines once in effect).



Comparison of Snack and Beverage Nutrition Standards		
ATA Procurement Standards	Food Service Guidelines for Federal Facilities	National Alliance for Nutrition and Activity (NANA) Model Vending Guidelines
<b>Percent Healthy</b>	<b>Food</b>	
100% of food products must meet the nutrition guidelines.	100% of products must meet the sodium and trans fat standards. 75% of products must meet the calorie, saturated fat, sugar, and positive nutrition value standards.	100% of products must meet the nutrition guidelines.
<b>Calories</b>		
<200 calories per label serving (except plain nuts and nut/fruit mixes).	≤200 calories per package.	No more than 200 calories per snack item as offered (per package). No more than 400 calories per entrée item as offered (per package).
<b>Sodium</b>		
<240 mg per label serving (preferably no more than 140mg per label serving).	≤200 mg sodium per package.	Snack item—No more than 200 mg of sodium per snack item as offered (per package/container). Entrée item—No more than 480 mg of sodium per entrée item as served and sold.
<b>Trans Fats</b>		
Zero grams trans fat per label serving and no products containing partially hydrogenated oils.	0 grams of trans fat.	Zero grams trans fat.
<b>Saturated Fats</b>		
No more than 1g saturated fat per serving.	<10% of calories <b>Exemptions: Reduced-fat cheese and part skin mozzarella; nuts, seeds and nut / seed butters; and dried fruit with nuts / seeds with no added nutritive sweeteners or fats.</b>	Snack foods & side dishes—No more than 10% calories from saturated fat (which would be no more than 2 grams of saturated fat for a 200 calorie snack; for example) with the exception of packages that contain 100% nuts or seeds; snack mixes that contain components other than nuts and seeds must have no more than 10% of calories from saturated fat. Entrée items—No more than 10% calories from saturated fat (which would be no more than 4 grams saturated fat for a 400 calorie entrée-type item, for example) per entrée item served and sold.
<b>Total Fat</b>		
No regular chips (baked chips and pretzels are OK).	N/A	Snack foods & side dishes—No more than 35% calories from fat (which would be no more than 7 grams of fat for a 200 calorie snack, for example) with the exception of packages that contain 100% nuts or seeds; snack mixes that contain components other than nuts and seeds must have no more than 35% of calories from fat. Entrée items—No more than 35% calories from fat (which would be no more than 15 grams of fat for a 400 calorie item, for example) per entrée item as served or sold.
<b>Sugar</b>		
No candy (sugar-free mints and sugar-free gum are OK).	≤35% of weight from total sugars in foods. <b>Exemptions: Dried / dehydrated whole fruits or vegetables with no added nutritive sweeteners; dried whole fruits or pieces with nutritive sweeteners required for processing and / or palatability; products consisting of only exempt dried fruit with nuts and / or seeds with no added nutritive sweeteners or fats.</b>	Snack item—No more than 35% of calories from total sugars and a maximum of no more than 10 grams of total sugars in the product, with the exception of fruits and vegetables that do not contain added sweeteners or fats; and with the exception of yogurt that contains no more than 30 grams of total sugars per 8-ounce container (adjust proportionally for smaller containers). Entrée items—No more than 35% of calories from total sugars and a maximum of no more than 15 grams of total sugar per entrée item as served and sold. Sugarless chewing gum can be sold without having to meet the nutrition standards.
<b>Positive Nutritional Value</b>		