

*I Mina'Trentai Dos Na Liheslaturan Guahan*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>165-32 (COR), P.L. 32-085</b>	Dennis G. Rodriguez, Jr., T.C. Ada, Brant T. McCreddie	AN ACT TO ADOPT THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY, AS PROVIDED AND MANDATED PURSUANT TO PUBLIC LAW 31-141, AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS.	08/08/13 2:42 p.m.	08/08/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens	09/09/13 9:00 a.m.	10/28/13 10:43 a.m.	<b>Fiscal Note Requested 08/09/13</b> <b>Fiscal Note Waiver Received 11/22/13</b>
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	11/12/2013	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.	11/15/13	11:28 a.m.	11/27/2013	11/27/2013	32-085	As substituted by the Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens.



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 12<sup>th</sup> 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 15<sup>th</sup> 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

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

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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).



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
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Senator  
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CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Dennis G. Rodriguez, Jr.  
Member

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Benjamin J.F. Cruz  
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Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael E.Q. San Nicolas  
Member

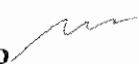
Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

November 22, 2013

## MEMORANDUM

**To:** Rennae Meno  
*Clerk of the Legislature*

**From:** Senator Rory J. Respicio 

**Subject:** Fiscal Notes & Waivers


*Hafa Adai!*

Transmitted herewith are fiscal notes received from BBMR on the following Bill Nos. 91-32(COR), 98-32(LS), 116-32(COR), 153-32(COR), 176-32(COR), 181-32(COR), 194-32(COR), 195-32(COR), 202-32(COR), 209-32(COR), 211-32(COR) and Fiscal Note Waivers on the following Bill Nos. 94-32(COR), 165-32(COR), 170-32(COR), 189-32(COR), 193-32(COR), 210-32(COR).

Please include fiscal notes and waivers with their respective Committee Reports.

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

*Si Yu'os Ma'ase'!*

  
2013 NOV 22 PM 4:46



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**OCT 30 2013**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Unu na Liheslaturan Guåhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

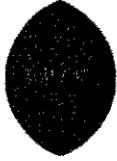
*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **98-32(LS), 153-32(COR), 195-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 165-32(COR), 189-32(COR), and 193-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY S. TENORIO**  
LIEUTENANT GOVERNOR

**OCT 30 2013**

The Bureau requests that Bill No(s) 165-32 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The proposed legislation is seeking to adopt the Rules and Regulations, appended as Exhibit "A", to the "Government of Guam Healthy Vending Machine Policy", as provided and mandated pursuant to Public Law 31-141, and to be codified under a new Chapter 13 of Division 4, Title 2, Guam Administrative Rules and Regulations.

The Bill's intent is administrative in nature and, as such, poses no additional fiscal impact to any funds of the government of Guam.

  
JOHN A. RIOS  
Director



FILE COPY

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
THIRTY-SECOND GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

**The Honorable Edward J.B. Calvo**  
*I Maga'lahen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

OFFICE OF THE GOVERNOR  
CENTRAL FILES  
*J. Dela Rosa*  
RECEIVED BY  
TIME 11:28 AM. DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

**Tina Rose Muña Barnes**  
**Legislative Secretary**

Enclosures (38)

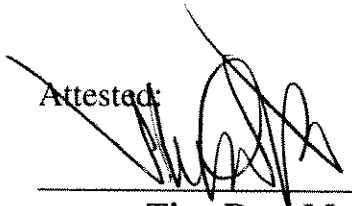
**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2013 (FIRST) Regular Session**

**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 12<sup>th</sup> 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'lahaen Guåhan* this 15<sup>th</sup> 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'lahaen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***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. Lintiaco  
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)*

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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.

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**ATTACHMENT 1**

**LIST OF APPROVED SNACKS AND BEVERAGES**

**EVERAGES:**

- Water
- Coffee or Tea
- Nonfat or reduced fat milk (chocolate or other flavored milk), shelf stable portion size
- Soy milk (chocolate or other flavored milk)
- Fruit/vegetable juice – 100% juice, shelf stable portion size
- Non-caloric beverages, including diet sodas

**SNACKS:**

- Pop corn (light or no butter)
- Pop Tarts (like those allowable in Public School machines)
- Trail mix (dry nuts & dry fruits, coconut meat, etc)
- Granola bars
- Fig bars
- Nuts – 1 serving per container (peanuts, cashews, pine nuts, almonds, pistachio nuts, etc)
- Mixed nuts
- Seeds – 1 serving size container (unsalted sunflower, pumpkin)
- Raisins
- Dried fruits – 1 serving size container (apples, prunes, peaches, apricots, 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).



# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2013 (FIRST) Regular Session

### Voting Sheet

**Bill No. 165-32 (COR)**

Speaker Antonio R. Unipingco Legislative Session Hall

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

November 12, 2013

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

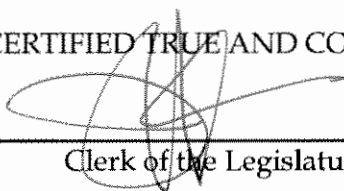
Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



# COMMITTEE ON RULES

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Senator  
Vicente (Ben) C. Pangelinan  
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Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

November 4, 2013

## MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**From:** **Senator Rory J. Respicio**

**Subject:** **Correction to Committee Report Digest on  
Bill No. 165-32(COR) as Substituted**

2013 NOV - 4 PM 1:35

*Hafa Adai!*

Transmitted herewith is a memo from Senator Dennis G. Rodriguez Jr., Chairperson, Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens, forwarding the digest replacement for Bill No. 165-32 (COR) as Substituted.

Please include this memo and the attachment as a "Correction" to the Committee Report on Bill No. 165-32 (COR) as Substituted.

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

*Si Yu'os Ma'ase'!*

cc: Legal Counsel  
Clerk of the Legislature  
Sergeant-at-Arms  
MIS



**SENATOR DENNIS G. RODRIGUEZ, JR.**

October 31, 2013

**MEMORANDUM**

**To: Senator Rory J. Respicio**

**From: Senator Dennis G. Rodriguez, Jr.**

**Subject: Correction to Committee Report Digest– Bill No. 165-32 (COR), as substituted**

Please see attached for corrected version of the digest to Bill No. 165-32 (COR), as substituted to replace current digest, due to technical error. Thank you.



## SENATOR DENNIS G. RODRIGUEZ, JR.

### COMMITTEE REPORT DIGEST

#### Bill No. 165-32 (COR)

- I. OVERVIEW:** The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens conducted a public hearing on September 9, 2013. The hearing convened at 9:00AM in 1 Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **BILL 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, and to be codified under a new Chapter 13 Of Division 4, Title 2, Guam Administrative Rules And Regulations, and adding a §22420.2 to 4 GCA Chapter 13, to provide for the inclusion of canteens and other food and beverage vendors upon government premises, as substituted**

#### **II. Public Notice Requirements**

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on August 30, 2013 (5-day notice), and again on September 4, 2013 (48-hour notice).

#### **Senators Present**

Senator V. Anthony Ada	Vice-Chairman
Senator Aline Yamashita, Ph.D.	Committee Member
Senator Thomas Morrison	Committee Member
Senator Mike Limtiaco	Committee Member
Senator Christopher M. Duenas	Committee Member
Senator Tom Ada	

The public hearing on agenda item Bill No. 165-32 (COR) was called to order at 9:01AM.

#### **II. SUMMARY OF TESTIMONY & DISCUSSION.**

Vice Chairman Ada: I would like to call on Director Jim Gillan, Brandon Demapan and Patrick Luces.

James Gillan: Good morning Senators. The testimony obviously, is in favor of adopting the rules since we drafted them at the Administrative Adjudication Hearing. So this is, I guess, the second bite that the legislature gets by adopting it by public law so we support the adoption of regulations. I've added a couple of things at the end of the testimony. I think that we need to take another step or another look at this because there is a disparity in treatment here. If you go to some of the government agencies who, the vending machines will by and large be conforming once we do this, but there are those canteens, those little mobile units and things, and some not so mobile, that are there that do not comply and we need to address that because if the vending machine people are



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going to go through this, and its not an easy task to find a lot of the materials, we've gone through this with Patrick over a year already, they've been very proactive with us and they're doing their best to stock the items within reason and I thinks it's kind of unfair that the vending machines comply and the canteens sell whatever they want to sell. It puts them, I think, at an unfair marketiug position.

I'd also like you to consider, and we will be working on this, hopefully before election time gets really distracting for everybody. On a sugar sweetened beverage act which could assist in sugar sweetened beverages which we know are precursors to obesity, dental disease and all kinds of chronic problems. There have been several attempts in the states and some not as successful as others for why it is pretty close, but they have been added for several years now. Its not an easy one to deal with and politically, I know it going be difficult for some of you to get behind this, but I think from a public health, a population health stand point, this is one of the easiest ways to prevent the incidents of chronic diseases. Seventy five percent of the mortality in the region is related to chronic disease. A lot of that is related to the diets that we have, the diets that some (inaudible) get forced on us because of our position in the pacific, and we need to address it. So hopefully, we can garner some support, we'll do the research, we'll give you the facts, we'll give you the evidence, and we think again, that this is a winnable battle, we can prevent a lot of the mortality, that if we just look at what we're feeding ourselves, feeding our children.

This along with fluoridation is another part perhaps to change. I heard Senator Tom Ada this morning, talk about the possibility of a \$495 million bond that would help GWA meet all of its requirements again forced in on us, by the feds to do water treatment and to upgrade the water treatment system and I hopefully part of that would be to add fluoridation to our system. There would be some political push back on some of that, but I don't want, when we push this forward, I don't want to get involved with any issue, any science issue, because science is fairly clear as far as I'm concerned. What we should really be talking about is how we protect the (inaudible) and the dental health of our children and how fluoridation is cheap and how the public health application and return on investment for each dollar is about \$37.50. if I could invest in some items that gave me that kind of return, I'd be very happy.

But again, I spun off on this, but I think on our part, we've done our part, our due diligence on these regulations for these vending machines, so we support that, we jnst wanted to add some of these items. So, thank you.

Vice Chairman Ada: Welcome to Sen. Mike Limtiaco. Pat?

Patrick Luces: Thank you Senator, good morning to everyone. Thank you for this opportunity. I am the Program Coordinator for the Diabetes Prevention and Control Program and also the Non Communicable Disease Grant. The Non Communicable Disease is addressing the common risk factors of smoking, nutrition, alcohol, physical activity and obesity, with the NCD Consortium on Guam. Just to give you some facts and figures here, that these affects about 25.8 million people in the United States of the US population and it averages about 10% in Guam in the last 3 years, and has been jumping up between 9% to 11% down to 8% so it averages about 10% the last 3 years. (inaudible) assess an estimated over 11,000 of adult calculation that is reported diagnosis with Type II diabetes, there is about another 10 to 13% that are unreported of Type II Diabetes. So, we do have



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an ailing community out there. Government estimates about 18.8 million people in the United States and about 7 million again, undiagnosed in the US just to show some comparison. Diabetes, the leading cause of kidney failure and non-traumatic lower limb amputation and new cases of blindness among adults in the United States, here on Guam, about 79% of our hemodialysis patients, according to Dr. Safa, 79% of those under hemodialysis are diabetes patients are because of diabetes about 74% are pacific islanders that includes our local folks here. Diabetes is the 7<sup>th</sup> leading cause in the US and Guam in the last 10 years it jumped up from, in 2001 it was the 8<sup>th</sup> leading cause and in 2011 its now the 4<sup>th</sup> leading cause of diabetes, so it has been creeping its way up in the last 10 years. In 2011, our overweight data for adults showed about 36.6% and our obese data shows that we are 27.4% for our adult population. Combination for a total of overweight or obese is over 60%. This trend for the last 10 years shows Guam overweight and obese. Over 60% and that number has (inaudible) has increased, so we are moving in the wrong direction. We're looking at some of the data from our Youth Risk Behavioral Survey that our middle school, we thought that we'd be safe to say that 30% overweight in our middle school kids. Our high school kids, we're seeing at almost 40%. We're beginning to see why our adult population is so huge and why we have such an overweight and obese population. The CDC mentions that diabetes is really supposed to sit in at age 40, we're seeing it now in our 30 year olds, our 20 year olds, and one of our endocrinologists at one of our health partners, about 3 years ago we had the youngest 8 year old diagnosed with Type II diabetes. So, obviously, something is happening to our young community. We do have patients that were in there in their late 20s that are on dialysis. So it really raises a big concern for our community and the NCD Consortium has done many efforts with what we call the smoking, nutrition, alcohol, physical activity and obesity and make some progress. One of the good things that we see with the NCD Consortium is that with the worksite wellness program, for the first time we've seen our data actually turn for the better. We've seen a downward trend in the number of our adult population gain their physical activity actually straight line, no real improvements, a slight downturn in the last couple of years. But, in 2011 and 2012 was the first time we've seen slight increase which is a good sign, with the efforts of what the NCD Consortium is doing. This policy of the healthy vending machine is probably one of the goals of the NCD Consortium. That they put together themselves about 3 years ago, so this bill will allow the enforcement of the public law in the government agencies. Last August 2<sup>nd</sup>, we did train about 30 health coaches for (inaudible) so they will be part of the education that they'll be able to contribute to their agencies. Thank you.

James Gillan: Just want to add to the Worksite Wellness ticket which is encouraging. What we did, when we did the screening for a lot of those people who are participating, we found some borderline and high blood pressure, overweight, so the indicators are there is still a population at risk in our workforce, but, at least we're getting them to participate in the Worksite Wellness Programs. We'll start monitoring to see whether it would, what the positive effects are outcomes counts. It was a little disconcerting seeing that we have a relatively risky group.

Acting Chairman Ada: Thank you, any questions?

Senator Yamashita: Thank you Mr. Chair, welcome to your legislature, I appreciate you efforts. Mr. Gillan, Director, as we move forward and consider fees standard for our canteens, would that be perhaps through their licensing? They get a license right, to be able to sell foods?



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James Gillan: I think the arrangement is that we have an agreement or contract that allows them on the premises on the condition for that. What some employee associations have done or some organizations have done is they assess a fee that goes to the employees association. In order to get the vendors, at least in our bill to buy in to this, we just waived any of those things. I think we could probably do the same thing with the canteens. You have to comply so in order to entice you to do that would charge anything for using a space or whatever we would be willing to waive that.

Senator Yamashita: To help us on our island, I'm one of the 60% that's overweight, so I totally understand families and how they are trying to do better. But, perhaps to help all the vendors and the families know how to do better, I do know that the University of Guam has done some work in working with local foods and local products and have it, for example, it doesn't always have to be fried chicken but it could be baked chicken and there is a way to do that. Salt, have it cut down on salt and have it strengthen the taste in other aspects. I know that Dr. Rachel Leon Guerrero is real keen on this so, perhaps, as an overall strategy maybe this is already being done and I'm just not aware of it, in this whole wellness plan that kind of efforts is being done. And even some markets have a table where they invite people shopping, come taste this and this is what we use, this is what we made out of breadfruit, and this is the recipes and ingredients used and its not high on salt, and you don't have to put a gallon of soy sauce and stuff. Replace an ingredient. And I just mention that in a way to help our families know that you can still use the local products it can still taste really good and this is how and so when we work with our vendors and our canteens, they can still sell certain things but it needs to be healthier in that manner.

The other item was to raise this as we're talking about our intake and how we're going to be healthier, we have to be healthier and it really does impact our physical and our socio-emotional being. It's just the whole notion of education across our island. I've raised this for about 3 years now, and I hope that we have some serious discussions, particularly with our school system, the Department of Education. And we really, I believe that every kindergarten kid should know how to swim, and if we started that by the time they leave kindergarten, the child, that boy or girl would know how to swim. And when we get to first grade, they know how to snorkel, and when they get to 3<sup>rd</sup> grade, they'd know how to fish, paddle and everything that a tourist pays to come to Guam for. We really should be doing ourselves, and we got the pools, we've got the beaches, and I know people say they just don't know how, but that's how we train them, but again, it has to be a plan and I just think, and then what happens as we have our children and our families knowing how to do this, not only would they become healthier but they become stewards of our parks and our beaches, so that the litter issues are addressed because they take care it's the whole notion of pride and leadership. I think our island needs to become a full-blown athletic field and I think that (inaudible) a huge part of our weight issue. We don't get up and move. And it can be also where we have the gyms and community centers where the zumba comes alive. And I've raised this with several superintendents and board members and I think the Department of Education already does this for us identified with special needs, its called leisure education, but it's a really critical component and those kids, we go to pool every week and we swim and we engage in the community in that regard. So, again, maybe off line I could speak to you about what this wellness plan looks like and how we can get other stakeholders to say this is what we can do, we need to invest in our health. We talk about economic development all the time and the foundation of that economic development is our



## SENATOR DENNIS G. RODRIGUEZ, JR.

personal health. So, I appreciate your time and attention here on the vending machines, and I think it's a positive step in a healthier Guam. Thank you Mr. Chair.

Vice Chairman Ada: Thank you. I would like to recognize Senator Tom Ada as one of the sponsors. Do you have anything Senator? Thank you.

Senator Tom Ada: I just have a couple of questions. First of all, looking at the Table of Contents of the Rules and Regulations, it provides, really a lot of good provisions in here, but there's one thing that I don't see in here, unless I missed it, is, who is going to enforce this? Maybe the periodic going over to DOA to see if in fact 50% of the vending machine have the required beverages and what not?

Patrick Lucas: You know, when we were doing research with this bill or policy in the past, we found machines in DOA that has been there for almost 30 years and nobody knows how it got there. There's no policy in place. So what this policy does now and what this bill will require that all the machines in the government agencies is to have an annual contract in place so that there is a check and balance, in compliance with the standards. The health coaches that we train will also be trained with the standards. In the department, we are working on a calculator so that if they need to calculate the beverage or snack is in the guidelines, they will be able to go to the department website an calculate if it does meet the requirement. So, our health coaches will be one of the second part of the enforcement in verifying if these are in compliance. The first part is that contract, it would have to be the Director of the agency to say yea or nay if they are in compliance, if not they would remove the machine out of the agency.

Senator Tom Ada: I would, although I am the first co-sponsor of the bill, I will go back and take a look again, how do we make sure that this thing gets enforced. Even if it's just, I mean, public health sends out to the restaurants on what to make sure, that the health standards are being met, so I would think something like that should also be, to some extent, be done here.

The other part is Jim, you indicated that at least at Public Health facilities, you don't charge any kind of, an overhead fee, but you know, quite honestly, I don't know if anybody has ever stopped to calculate the power, on an annual basis, these vending machines eat up. I know that if I put my dollar into that machine and I don't get the money out, I'm going to go an knock on somebody's door, and that's going to take away time, so there is some overhead costs. Now, whether that overhead costs goes into the employees association, or how its going to be captured, I think that's really something that justifiably needs to be looked at closer, because, I mean, that there is some overhead costs that's involved in this.

James Gillan: I think that I agree, and I think we can figure out what it is. But, when you do something that's a little bit different, that's not the norm, and you want to get buy-in, I think it was a good trade to get them in, because, again, its not easy for some of these vending machine companies to find some of the name, I mean, water, coffee and things like these are easy, but when looking at snack foods, its not easy to find them with the requirements, so I think that it was worthwhile. We probably can look at it later on and just see how well they are doing, because the people will eat whatever is there, an so it doesn't matter whether its going to be baked chips or fried, they'll take what's in there. So I think, what they got in there now, people are buying, so we may say, look you





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guys are okay with this, (inaudible), first we thought we were going to loose money because they are more expensive. But we were able to keep because we traded those fees, some of those fees to keep the prices down. When we look at 20 ounces of water and some of the fruit drinks, they were not cheap compared to some of the soda that used to be in there, but by saving them on that fee, they were able to keep the prices reasonable. So I think the trade was worth it, at least to get the initial buy-in, you get people used to doing that. Because a lot of the things that Senator Yamashita talked about, this is generational, its not going to happen tomorrow, but little steps, little success then we get there. But we can get there and see where it's a win-win.

Senator Tom Ada: And I'll share with you that I am not going to stand in the way of getting this out of the starting gate, but these are issues that may be, at the end of the year, maybe the Chairman can, check with Public Health and say, how we doing so for in finding machines that are not in compliance, but, we got to get this thing out of the starting gate and get it started.

James Gillan: You are your way in so you didn't hear one of my comments segway to what I heard on the radio this morning with Mr. Gibson about the bond for GWA. I would hope that you might consider, to at least have them think about fluoridating the water system as part of that development. We talked about the return on investment on the dollar equal \$37.50 is the return, and we really need that as a simple Public Health effort.

Senator Tom Ada: Why did we stop fluoridating the water?

James Gillan: We used to but it was a very, again, 100% federally funded for short term and there was no buy in, the dentist who put that program out, went physically out and put the units into the chargers that went into the wells, it just didn't stay long enough to see how successful it was. I understand that the Navy fluoridates their water, we could do a real simple comparison that people that are under the Navy system, to see what kind of dentition they have, I don't need proof to see if it works.

Senator Tom Ada: I did hear your comments about the \$37 on the dollar investment, and certainly that is an issue that should be brought up to GWA.

Vice Chairman Ada: Thank you Senator. Senator Morrison?

Senator Morrison: Mr. Gillan, I was looking at the food and beverage nutritional guidelines and the list that falls along this. Is this adopted by national standard?

Patrick Luces: This was actually adopted from what is set from our Department of Education and WIC Program. The Department of Education has a policy that is 100% nutrition on the vending machines that is accessible by students, so this is a standard with the WIC Program Nutrition program and the Department of Education.

Senator Morrison: So there is already schools that display 50%?

Patrick Luces: The schools is 100%, so this is actually the first of 50% for the government agencies.



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Senator Morrison: Thanks for clearing that. I was also looking at the provisions on the health coaches or designees, do we have health coaches or designees in every agency?

Patrick Luces: Yes, there is of 52, there is at least a secondary and primary so about 104 for the government agencies.

Senator Morrison: Have you seen any challenges aside from looking to implement this program with the wellness program, with their health coaches, have they come back to you with regards to challenges that they are having, trying to incorporate or get their agency and employees to the table in participation with the programs?

Patrick Luces: We've had successes with several government agencies and they way we've seen the success is that, if we see support from the top-down approach from the top management to middle management and then down to the health coaches, we see a very successful program in some of the agencies. We do have some agencies that are struggling and that may be the buy-in with middle management, and (inaudible), so there are some areas we are trying to work with some of these agencies, but we're trying to take care of them one at a time.

Do you believe too that it could be within the type of arrangements or flexibilities or monitoring in the program? I was one of those directors who really had major buy-in to all of this and at every agency I was at I was able to get some percentage of participation, but, with the health coaches, I know it was (inaudible) trying to fit the profile and carry this out and make sure that also that consistency throughout the year where these participants, what I've heard, at least from the health coaches, is sometimes, the overall reporting or monitoring and accountability side of it, I believed the accountability is key to making sure that they are participating and we see now that a lot of these health and wellness fitness centers or programs that are available today are kind of built in to that system that you can tie accountability into the program itself, and a little bit more flexibility for the coaches. What I'm getting at is if it can be looked at again, because I know I had some folks on top of their normal duties in the agencies, this is an extra task and we sure want them to be fully participating in this and not seeing it as an additional task from the agency head and what are the recommendations for looking for these programs that are already built into these health and wellness centers that they could just be somehow, the accountability would come from that and know that their intended program and as far as using their one hour per day, would that program... I know that there is a list of things that they will have to monitor and go back to the agency head as far as a participant. I just want to share that because I am one of those agency heads that would always have full buy-in and making sure that many can get involved in the program and make use of the one hour of preventive healthcare.

Patrick Luces: Yes, thank you for that. The difference with this new policy now on the guidance for the worksite wellness programs, really puts those measures into place to have that accountability. We know that when we were trying to get the Get Up and Move program in the last 10 years, we learned from a lot of those mistakes, and what we did in this new policy is really made adjustments so that we have it a little bit more flexible depending on the agency. We have some agencies that only work only 8 hours and some that work 12 hours, so this policy allows it to be flexible so that it



## SENATOR DENNIS G. RODRIGUEZ, JR.

will be adjusted for each of the departments and agencies. So we do see a little bit of challenges, but one good thing for the executive order it does establish a steering committee and so these kind of issues that are specific to the agencies gets channeled to the steering committee to figure out how to help the agencies with these issues.

James Gillan: One of the challenges is there is such a range of fitness level or interest among employees that, it's difficult to design the programs so that it appeals to everybody. I mean there is some people that jump right in to that zumba or body combat stuff and do all of that and don't even work up a sweat. And we have some others who have difficulty getting up from their desks and just walking, so we really have to look at, you know, some worksite wellness things that are less intimidating, that are more proactive, that are a little bit more compassionate, and this is only a start, this is only in its 3<sup>rd</sup> year, it takes a start. There's no question to its benefit, people are starting to participate and are turned off per se. And I hope it continues, that this stays as part of the component of worksite wellness and (inaudible). We have garnered a lot of support from a lot of the fitness centers and of the people and they've stayed with us and stayed with it and it has been good, but we need to start looking at some folks who need a little bit more help and a little bit more standing just to walk around. We something that's going to be starting, I think its really, really great. It's basically anybody who is on a govGuam computer system in any of the line agencies. We'll do a pop-up, its going to show, talk about exercise that can happen at your desk, and its going to happen twice a day. So, it's just going to be little things- you're at your desk, walk around, so that's going to be useful for a lot of us. Again, sitting, some people call the new smoking, you really gotta start getting up, moving around, stand at your desk, so there's all of these kinds of great, new, what's old is new, so we really need to start thinking about those kind of things. You know, when we talk about how we make it easier for people that exercise, and Senator, you talked about the education system and nutrition and exercise and physical ed, somebody's got to take the initiative to talk about health in all policies. We cannot allow people to develop housing projects, all kinds of these things without green space, exercise trails, we need to do something about our stray animal population, I mean it's a difficult thing for somebody to just walk around their neighborhood when you got to carry a baseball bat, just something to keep off the dogs. We need to think, how do we get things easier. I'm not making a big deal out of this, but I run with my daughter in the morning who is training for long distance things, we go out at 4 in the morning because I can't handle the heat anymore. But she's intimidated because we go from Anigua, we go different directions, but you know, we have our homeless population there and she is getting intimidated by that, and how do we get a handle on that kind of things. The streets should be able to be used anytime by our people. We really need to look at how we implement these health policies and really should be some statements to our developers and anybody else who is interested in helping our economy grow and at the same time our economy doesn't grow if our people are not healthy. A lot of ideas, and I can make a lot of observations, we really do need to start talking on those things. Thank you.

Senator Morrison: Thank you, I just want to say I appreciate, I know this is a major challenge but it is a huge step in the right direction to give our people choices or alternative healthy choices at the vending machine. Thank you.

Vice Chairman Ada: Senator Limtiaco?



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Senator Limtiaco: Good morning gentlemen, Director Gillan. I just want to ask a couple of questions regarding both your oral and written testimony. The statement that you made regarding the canteens, the outside vendors, so right now, this current policy doesn't apply to them. So there's an unfair advantage that they are going to be selling potentially what will be more desirable more rather than these healthy snacks? Is that what you are referring to?

James Gillan: Yes, sir.

Senator Limtiaco: So you would be of the opinion that you'd probably want to amend the legislation so that it included all vendors on government premises, to follow the policy?

James Gillan: Yes.

Senator Limtiaco: The other question I had was regarding the rules and regs. On page 13, the section that applies to the vendors, I noticed that one of them was the voluntary compliance amongst current vendors would be sought, but the new vendors would be required to comply with the policies. Is that because there is an existing contract in place?

I think that was the thinking, but again, I don't know what the other agencies have, ours is kind of a loose verbal agreement, and we have been able to work with them on that. And it would make sense if it would be voluntary if you had a contract that has some specific language in it, once it lapses, you can treat it.

But I would imagine though, those current vendors that don't have a contract, would be required to comply as opposed to voluntary compliance?

Yes.

Senator Limtiaco: And regarding the analysis regarding the information that is going to be required by these vendors to provide, who would take a look at that, who would parse the data, to determine whatever metrics you are trying, to analyze in order to see if the health vending machine concept is working?

Patrick Lucas: Prior to putting this into public law, we did meet with the major vendors for the vending machines and then also some of the (inaudible) companies. And we did address some of the concerns that they had, and so they were actually in support of the rules and regulations. They wanted, needed some ample time to make adjustments in their vending machines and some of them have already made the changes, prior to this becoming public law. One of the things they mentioned, was we could get reports from them if we wanted to see what the data looks at, to compare.

Senator Limtiaco: I understand and in fact that the rules says that they have to provide the information. But who would be parsing the data? Who would be authorized to determine whether or not you're achieving what the bill and the rules and regs intend to accomplish?



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Patrick Luces: With the department and the NCD Consortium, we have a data and surveillance team, and they would be doing this kind of analysis.

Senator Limtiaco: When you met with the initial vendors, and I'm sorry I don't have the background because I think it was in the 31<sup>st</sup> Legislature that the public law was passed, what was their response, I could imagine that if they are required to hold milk and no one is buying milk, that is a perishable item and if their revenue streams or profits are based on the purchase of whatever is sold in that vending machine, they hold all of the inventory, did they make any mention to perishable goods and the potential lack of demand for them?

Patrick Luces: That was their biggest concern, that the more healthy items have a shorter shelf life, but the main thing was that as long as they have 50% that were healthy items that was mentioned.

James Gillan: There is no requirement that they have those shorter shelf life things. But some of the push back was that you guys are the food police again, you're telling us what to do. And what we said from the business standpoint was no, you are in our facility, we are telling you what to sell, we are not telling you what to do, just telling you what you can sell.

Senator Limtiaco: So they are not of the list of approved snacks and beverages they don't have to sell milk, they can choose from one of those, and just have to meet the requirements. And it hinges that the list of approved snacks and beverages is pretty extensive, there is a lot of items they can choose from. So I definitely want to pursue the addition of the vendors in addition to the vending machines because it just makes sense. Thank you.

Patrick Luces: If I may just add, we did have a public hearing at Public Health in October 2012, to just go over this with the vendors. The other things is Senator Yamashita did mention that actually having a healthier food options for the community, on the nutrition side we actually have over 62 community gardens that have been initiated throughout the island in every village and so that's part of the progress of increasing the fruit and vegetable consumption. This Friday, September 2013 at the Marriott, the NCD Consortium is going to have a Healthy People Healthy Island Conference, because the NCD plan ended in June of 2013. We are going to talk about what's going to happen in the next 5 year plan, and so it is going to address these high risk factors again- smoking, nutrition, alcohol, physical activity and obesity and we'll also have the cancer component and what we're doing in the next 5 years and diabetes as well and there is a Data Team and a Policy Team and so they are going to actually talk about what they are going to be doing in the next 5 years, so you are more than welcome to join.

Senator Yamashita: Thank you very much Patrick and I'm certain that if there is room at the table, some of us would be very interested in being at the event. For the record, I just want to state that all of this certainly does impact Mental Health and we have on our island not only a physical health issue, but we have a mental health issue as well that is become more serious. And once we have a handle on feeling good, and feeding our body well, which will lead to better sleeping and just feeling good about life overall and being more productive, I think some of our mental health issues will be addressed. And so, Mr. Gillan, Patrick, we certainly appreciate your continued efforts in this regard,



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its keeping the course, being patient and determined and being persistent is needed so thank you so much.

Vice Chairman Ada: Thank you Senator. Thank you Mr. Gillan and Pat. What we are going to do, I look forward to the Chairman calling a mark-up so that we will be able to address some of the concerns that some of the senators have. We will include the canteens that are at some of the government facilities. And Senator Ada (Tom), how we monitored some of the machines whether they are correctly in place at government buildings, whether we have the wellness coach from that department or the agencies just go around and check the vending machines to ensure they're compliance, and whether we have it in their contract when they come into the government and if they have a contract with the government and they adhere with the contract or if we remove their machines completely. And I look forward to that, and we'll be having that mark up meeting for that.

Adjournment at 9:45am.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No. 165-32 (COR).

**Fiscal Note:** Pending request/receipt from COR.

### III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens, hereby **reports out Bill No. 165-32 (COR), as substituted** with the recommendation to **TO PASS**.



SENATOR DENNIS G. RODRIGUEZ, JR.

OCT 23 2013

Honorable Benjamin J.F. Cruz  
Acting Speaker  
I Mina'Trentai Dos Na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio  
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 165-32 (COR), as substituted

Dear Speaker Cruz:

Transmitted herewith, for your consideration, is the **Committee Report** on **BILL 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, and to be codified under a new Chapter 13 of Division 4, Title 2, Guam Administrative Rules And Regulations, and adding a §22420.2 to 4 GCA Chapter 13, to provide for the inclusion of canteens and other food and beverage vendors upon government premises, as substituted;** Introduced by Sen. Dennis G. Rodriguez, Jr., and referred to the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens. Bill No. 165-32 (COR) was publicly heard on September 9, 2013.

Committee votes are as follows:

- 7 TO PASS
- 0 NOT TO PASS
- 0 ABSTAIN
- 2 TO REPORT OUT ONLY
- 0 TO PLACE IN INACTIVE FILE

Senseramente,

Senator Dennis G. Rodriguez, Jr.  
Chairman

Attachments

2013 OCT 28 AM 10:43



SENATOR DENNIS G. RODRIGUEZ, JR.

## **COMMITTEE REPORT ON**

**BILL NO. 165-32 (COR), as substituted**

**An act to adopt the government of Guam Healthy Vending Machine Policy, as provided and mandated pursuant to public law 31-141, and to be codified under a new Chapter 13 of Division 4, Title 2, Guam Administrative Rules And Regulations, and adding a §22420.2 to 4 GCA Chapter 13, to provide for the inclusion of canteens and other food and beverage vendors upon government premises.**

**Sponsored by Senator Dennis G. Rodriguez, Jr.**






**SENATOR DENNIS G. RODRIGUEZ, JR.**

October 14, 2013

MEMORANDUM

**To:** **ALL MEMBERS**  
Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens.

**From:** **Senator Dennis G. Rodriguez, Jr.**   
Committee Chairperson

**Subject:** **Committee Report on Bill no. 165-32 (COR), as substituted.**

- Transmitted herewith, for your consideration, is the **Committee Report on BILL 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, and to be codified under a new Chapter 13 of Division 4, Title 2, Guam Administrative Rules And Regulations, and adding a §22420.2 to 4 GCA Chapter 13, to provide for the inclusion of canteens and other food and beverage vendors upon government premises, as substituted;** Introduced by Sen. Dennis G. Rodriguez, Jr., referred to the Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens, and as substituted by the committee.

This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 165-32 (COR)
- Copy of Bill No. 165-32 (COR), as Substituted
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 165-32 (COR)
- Notices of Public Hearing (1<sup>st</sup> and 2<sup>nd</sup>)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os Ma'ãse'!*

**Attachments**

Chairman, Committee on Health & Human Services, Health Insurance Reform, Economic Development, & Senior Citizens  
*Ufisinan Todu Guam • I Mina' Trenta Dos Na Libeslaturan Guahan • 32<sup>nd</sup> Guam Legislature*  
176 Serenu Avenue, Suite 107, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520  
E-mail: [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com) / [www.todugam.com](http://www.todugam.com)



SENATOR DENNIS G. RODRIGUEZ, JR.

COMMITTEE VOTING SHEET

**BILL 165-32 (COR), as substituted- An act to adopt the government of Guam Healthy Vending Machine Policy, as provided and mandated pursuant to public law 31-141, and to be codified under a new Chapter 13 Of Division 4, Title 2, Guam Administrative Rules And Regulations, and adding a §22420.2 to 4 GCA Chapter 13, to provide for the inclusion of canteens and other food and beverage vendors upon government premises, as substituted**

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman		✓ 10/10				
V. ANTHONY ADA Vice Chairman		✓ 10/23				
BENJAMIN J. F. CRUZ Vice-Speaker						
TINA ROSE MUNA-BARNES Legislative Secretary						
FRANK B. AGUON, Jr. 10/23/13						
VICENTE C. PANGELINAN						
RORY J. RESPICIO		✓ 10/23/13				
ALINE A. YAMASHITA, Ph.D.						
THOMAS MORRISON						
MICHAEL LIMTIACO					✓ 10/23	
BRANT T. MCCREADIE		✓				
CHRISTOPHER M. DUENAS		✓ 10/23				



**SENATOR DENNIS G. RODRIGUEZ, JR.**  
**COMMITTEE REPORT DIGEST**

**Bill No. 165-32 (COR)**

**I. OVERVIEW:** The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens conducted a public hearing on September 9, 2013. The hearing convened at 9:00AM in I Liheslatura's Public Hearing Room. Among the items on the agenda was the consideration of **BILL 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, and to be codified under a new Chapter 13 Of Division 4, Title 2, Guam Administrative Rules And Regulations, and adding a §22420.2 to 4 GCA Chapter 13, to provide for the inclusion of canteens and other food and beverage vendors upon government premises, as substituted**

**II. Public Notice Requirements**

Notices were disseminated via hand-delivery/fax and/or email to all senators and all main media broadcasting outlets on August 30, 2013 (5-day notice), and again on September 4, 2013 (48-hour notice).

**Senators Present**

Senator Dennis G. Rodriguez, Jr.	Chairman
Senator V. Anthony Ada	Vice-Chairman
Senator Aline Yamashita, Ph.D.	Committee Member
Senator Thomas Morrison	Committee Member
Senator Mike Limtiaco	Committee Member
Senator Christopher M. Duenas	Committee Member
Senator Tom Ada	

The public hearing on agenda item Bill No. 165-32 (COR) was called to order at 9:01AM.

**II. SUMMARY OF TESTIMONY & DISCUSSION.**

Chairman Rodriguez: There are two related subject matter in this Bill. First, it establishes a single, island-wide repository of immunization records. We have been working with the Department since last year. The second part is relative to reporting submissions. Today it is made at the Guam Memorial Hospital and the Bill places it to the Office of Vital Statistics so we can have a more coordinated records. I also know we have set up a separate accounting of the Office of Vital Statistics.

James Gillan: I am here to testify for and against this bill. I am in support of the first part, however, not for the second part of the bill.

Currently, we have the system to which we "opt-in" and this legislation provides us the system of "opt-out," which basically states that "No I do not want my information in the system." The current



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system we have causes a lot of problems, where it cannot provide an accurate count of children who received immunizations. What we would like to see is the development and establishment of electronic records, which would really help us. We do know that we have small providers who would not go with electronic records. In my confirmation, I made a commitment to have at least 98% will received their immunizations. I still think that we are ways away from that. We still have challenges with the WebIZ system right now, where some physicians input the data, and some do not. This “opt-out” system is the way to go and people have to consciously make the decision of not wanting to be in the system.

On the abortion records, there are some sentiments from the Office of Vital Statistics, which I am not sure of. We would not mind to be the repository of that. Right now, it will be an unfunded mandate. We only have three people in the Office of Vital Statistics, where a lot of work is being done by the three staff. Right now, we are not ready for that. I understand that the Record System at the hospital also needs relief.

Engracia Valencia: Data Quality Insurance for the program. WebIZ captures demographic information data of children and adults on Guam. Currently we have both public and private providers enrolled in our registry, and are able to access the registry including 7 private providers, 21 daycares, 26 public schools, and 1 private school. Basically, I am in support of this bill which benefits children and the parents as well. WebIZ can access their immunization records when people fail to bring in their immunization card.

Senator Rodriguez: One thing that caught my attention is mentioning 26 public schools, but only one private school. Why is that?

Engracia Valencia: because it is not mandated. I also want to mention the New York State passed the law mandating all below the age of 19 years to submit their records including medical histories.

Senator pangelinan: In the New York Legislation you read, did they have an opt-out provision or was it all mandatory?

Engracia Valencia: I would have to look into it, but I know most of them have the “opt-out” provision.

Senator pangelinan: is there a benefit to opting out?

Engracia Valencia: Some parents are concern of privacy. Once a provider is a part of the registry, they can access records from other providers as well.

Senator pangelinan: are there any incentives that we can give parents to discourage them from opting out?

James Gillan: from a Public Health stand point, they all should be in the system. When we do epidemiology for preventable diseases, we want to see all the information but we understand that there are people who value their privacy. If I had it my way, of course, we would like for everybody to be in the system.



## SENATOR DENNIS G. RODRIGUEZ, JR.

Senator pangelinan: When you mention non-communicable diseases, does it include sexually transmitted diseases?

James Gillan: those are not really vaccine preventable.

Tony Ada: Where does HIPPA fall into this when we talk about privacy?

James Gillan: I think HIPPA allows to access that information when it is medically necessary, but not to simply browse it. You may be able to access but must have some procedures to ensure that providers are not simply browsing for others' information.

Chairman Rodriguez: Going back to the reporting, as a part of the creation of the Office of Vital Statistics fund, perhaps there are sort of assistance that are coming your way. What we are going to have to do is to find the balance. We are looking at both having same struggles.

Carolyn Garrido: Currently, we only have 2 vital statistics admission. We are overwhelmed. We handle about a hundred people making requests of multiple documents. We are also in charge of marriage licenses. To process a marriage license, it takes about an hour. In the meantime we are also processing birth certificates. We are open from 8am to 3:30pm and process off island requests, adoptions, change of names, and others. We do not have the medical training to decipher the medical terms for abortions. I believe that the reporting of abortions should still stay at the Guam Memorial Hospital because they have the training. Yes, we have the revolving fund, where we are mandated to take the unclaimed bodies, which we are going to bury on Friday. We are really overworked.

Senator Rodriguez: I absolutely understand and that is why we established a spate Office of Vital Statistics. Has that been set up already? Where are the other provisions at in terms of helping you?

Carolyn Garrido: I believe we are down at the BBMR already. Yes we are upgrading our computer systems. In the next Fiscal year, we are able to hire at least one other staff. We are very behind on our statistical reporting because we do not have the manpower in doing the reports that we are mandated to do.

Vice Speaker Cruz: I am curious about the unclaimed bodies you will be burying this Friday. Are they fetuses?

Carolyn Garrido: There are four adults. We are mandated to find the funds to bury them.

Vice Speaker Cruz: How long?

Carolyn Garrido: One is since 2010 and no family member has claimed the body.

Chairman Rodriguez: This is why we established this provision because we found out about the unclaimed bodies.



## SENATOR DENNIS G. RODRIGUEZ, JR.

Carolyn Garrido: There was a family that was going to claim him, but they didn't push through with it.

Chairman Rodriguez: Since we are in this subject, maybe Alan can speak about it. I understand that some people have a hard time claiming bodies for instances such as homeless or friends of the deceased who no longer have families. What is the continued challenge there?

Carolyn Garrido: The new law that establishes a provision where a person claiming the body must submit a affidavit to the fact that they will be responsible for that person. Then, they take it to Dr. Espinola's office and will then go the Office of Vital Statistics.

Chairman Rodriguez: Is there a time before someone can claim the body?

Carolyn Garrido: All states it's 30 to 60 days, then it would be considered unclaimed.

Chairman Rodriguez: We still need to look at that because we continue to have the problems in that area.

Alan Ulrich: Unfortunately, I do not know about this activity or the issue you are discussing.

Chairman Rodriguez: Okay, regarding the Bill now where we are transferring the abortion report, would you like to testify on that.

Alan Ulrich: The intent of the bill in moving the reporting of records from the hospital to the Office of Vital Statistics. I would just like to ask Sera to comment on this issue.

Sera Rios: We don't do voluntary abortions at the hospital. They are done at clinics that is why I do not understand why GMH is doing the reporting when none are done at the hospital.

Alan Ulrich: Sera informed me that the number of abortion in the hospital is very minimal because of complications where patients are needed to be transfer to the hospital. In general, the hospital does not perform abortion. I understand the concerns of Mr. Gillan and certainly the work that you do at the Vital Statistics and the challenges. It seems that this information is best compiled at the Office of Vital Statistics.

Chairman Rodriguez: When you receive this information, what do you do with it? Do you analyze it and issue report?

Sera Rios: I had to do some research to do the reporting and it takes me less than five hours a month and probably two hours to report it annually. I do an Excel report and report it to Public Health annually.

Chairman Rodriguez: We will have a mark-up meeting for this bill where we can have the both of you present.



## SENATOR DENNIS G. RODRIGUEZ, JR.

There being no other testimony, or comments by Senators, Chairman Rodriguez declared the bill as having been heard, and concluded the public hearing on Bill No. 165-32 (COR).

**Fiscal Note:** Pending request/receipt from COR.

### III. FINDINGS AND RECOMMENDATIONS

The Committee on Health & Human Services, Health Insurance Reform, Economic Development and Senior Citizens, hereby **reports out** Bill No. ~~98-32~~ (TS), as **substituted** with the recommendation to Report Out Only. 165-32 (COR)

**MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN**  
**2013 (FIRST) Regular Session**

Bill No. 165 -32 (COR)

Introduced by:

**D.G. RODRIGUEZ, JR.** ✓

**T.C. ADA** ✓

**B. McCREADIE** ✓

**AN ACT TO ADOPT THE GOVERNMENT OF GUAM  
HEALTHY VENDING MACHINE POLICY, AS PROVIDED  
AND MANDATED PURSUANT TO PUBLIC LAW 31-141,  
AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF  
DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES  
AND REGULATIONS.**

2013 AUG -2 PM 2:42

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

**Section 1. Legislative Findings and Intent:** *I Liheslaturan Guåhan* finds that pursuant to Public Law 31-141, the Department of Public Health and Social Services promulgated the Government of Guam Health Vending Machine Rules and Regulations, relative to the sale of snacks and beverages from vending machines located on all government of Guam premises.

It is the *intent* of *I Liheslaturan Guåhan* to adopt the Rules and Regulations appended to this Act as Exhibit "A".

**Section 2. Adoption of Rules.** Notwithstanding any other provision of law, rule, regulation and Executive Order, the Department of Public Health & Social Services rules and regulations relative to "**Government of Guam Healthy Vending Machine Policy**", and attached hereto as Exhibit "A", are hereby adopted by *I Mina'Trentai Unu Na Liheslaturan Guåhan*, and shall be codified



1 under a NEW Chapter 13 of Division 4, Title 2, Guam Administrative Rules and  
2 Regulations.

3 **Section 3. Amendment of Rules.** The Department of Administration *shall*,  
4 at a minimum of every five years, and pursuant to Article 3 - Rule Making  
5 Procedures, of Chapter 9, Title 5, Guam Code Annotated, review and amend, as  
6 necessary, the procedures adopted pursuant to Section 2 of this Act.

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

9 “(c) Implementation Timeline. By January 2014 ~~2012~~, *at least* fifty percent  
10 (50%) of all foods and beverages offered in government-contracted food and beverage  
11 vending machines within government facilities and offices *shall* adhere to the specific  
12 guidelines established pursuant to this Section. Government agencies which have  
13 existing vending machine contracts must ensure compliance by current vendors.”

14 **Section 5. Severability.** *If* any provision of this Act or its application to  
15 any person or circumstance is found to be invalid or contrary to law, such  
16 invalidity shall *not* affect other provisions or applications of this Act which can be  
17 given effect without the invalid provisions or application, and to this end the  
18 provisions of this Act are severable.

19 **Section 6. Effective Date.** This Act shall become immediately effective  
20 upon enactment.

**EXHIBIT “A”**

1 **GOVERNMENT OF GUAM HEALTH VENDING MACHINE**  
2 **POLICY**

3 **Rules and Regulations**

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

5 Department of Public Health and Social Services

1 **Government of Guam**  
2 **Healthy Vending Machine Policy**  
3

4 Table of Contents

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

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21 **I. BACKGROUND**

22 The Department of Public Health and Social Services recognizes the impact that  
23 the increasing rates of obesity and overweight are having on chronic diseases,  
24 quality of life, and health care costs. Consumption of just 100 extra calories a day  
25 from foods such as soda and snacks can cause a ten pound weight gain each year.

1 Individual weight loss of as little as five to ten pounds can delay or prevent the  
2 onset of type 2 diabetes, metabolic syndrome, hypertension, etc. and can reduce  
3 chronic disease-related health care costs.

4

5 According to the Department of Public Health & Social Services (DPHSS), in  
6 2009 a combined total of 61.2 % of the island's adult population was either  
7 overweight or obese and according to the 2007 Youth Risk Behavior Surveillance  
8 System (YRBS) a combined total of 40.9% middle and high school students  
9 described themselves as overweight.

10

11 The vision of the Government of Guam's Healthy Vending Machine Policy is to  
12 promote the prevention of chronic diseases by providing access to healthier  
13 beverages and foods from vending machines within the workplace. With most  
14 employees spending nearly half their waking hours on the job, worksites can play  
15 an essential role in helping people make healthy lifestyle choices. According to  
16 the Comprehensive Wellness Program Employee Interest Survey conducted in  
17 September 2010, respondents reported that they would buy healthy snacks at the  
18 worksite if they were available. Through this policy, the Department of Public  
19 Health and Social Services is actively promoting access to healthier items at the  
20 workplace, within offices, and public facilities that serve island residents.  
21 Mandating healthier food options at the workplace and within offices and public  
22 facilities that serve island residents may be one of the most cost effective changes  
23 to immediately improve employee eating habits and to provide access to healthier  
24 beverage and food options to the public. By implementing this Healthy Vending  
25 Machine Policy, the Government is taking a reasonable first step to combat the  
26 obesity epidemic.

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

**II. RULES AND REGULATIONS**

This policy covers all machines designed to dispense food and/or beverages located within all government owned, leased and/or operated spaces or facilities. Should a Healthy Vending Machine Policy or public law exist at any government of Guam agency, and that agency's policy requires a percentage greater than 50% of the items sold in vending machines follow specific nutritious guidelines, that agency's policy will remain in effect and supersede this Healthy Vending Machine Rules and Regulations requirement of 50%. If, however, that agency's policy does not require that 50% of the items sold in the vending machines follow specific nutritious guidelines, this Healthy Vending Machine Rules and Regulations will supersede that agency's policy.

Each agency-designated HEALTH Coach or other designee shall have primary responsibility for the management and administration of the vending machines that are located within their respective department and facility. The Government of Guam HEALTH Steering Committee shall have the primary responsibility for

1 consulting with HEALTH Coaches or designees regarding established nutrition  
2 standards and selections as outlined and approved by this policy and assisting with  
3 the implementation of the policy.

4

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

13

### 14 **III. POLICY**

#### 15 **A. Placement of Vending Machines**

16 No independently owned vending machines shall be allowed on government  
17 property without the prior written approval of the Agency Head or his/her  
18 designee. Snack and beverage vending machines shall be permitted to operate on  
19 government property for the sale of food and beverage items to government  
20 employees and members of the public who use the facilities subject to the  
21 provisions of this policy.

22

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

- 1 1. Prior to the installation, the location of a new or replacement vending machine  
2 shall be reviewed and approved by the Agency Head or his/her designee. Machines  
3 shall not be located in corridors unless adequate space has been approved and/or  
4 provided as determined by both by the Facilities Manager and, if applicable, the  
5 local Fire Marshall.
- 6 2. No vending machine shall in any way obstruct or otherwise interfere with  
7 emergency exits or access areas.
- 8 3. All vending machines must be securely fastened to a wall, floor, or other  
9 structure or otherwise secured in such a way as to prevent it from being rocked,  
10 bounced, or tipped.
- 11 4. Failure to comply with or violation of any approved provisions of this policy  
12 shall result in the immediate removal or disablement of the vending machine.

13 **B. Food and Beverage Operations**

- 14 1. All food and beverage products must be delivered and placed in machines in  
15 their original wrappers or in a sanitized bulk dispenser that fits on the machine as a  
16 unit and meets the nutritional standards outlined in Section D Food and Beverage  
17 Nutrition Guidelines.
- 18 2. The areas surrounding all vending machines are to be kept clean, and proper  
19 waste and/or recycling receptacles shall be provided in the immediate area of the  
20 machines.

21 **C. Nutrition Facts**

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

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

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

9 a) Water;

10 b) Coffee or Tea;

11 c) Nonfat or reduced fat milk (including soy or cow's milk, chocolate or  
12 other flavored milk not containing more than fifteen (15) grams of added  
13 sugar per 250 gram serving or three (3) teaspoons of sugar per one (1) cup of  
14 milk;

15 d) One hundred (100%) percent fruit/vegetable juice;

16 e) Fruit based drinks containing one hundred (100%) percent fruit juice and  
17 no added caloric sweeteners;

18 f) All other non-caloric beverages, including diet sodas; or

19 g) Sport drinks less than or equal to 100 calories

20 2. Snacks/Food:

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

23 a) Not more than 250 calories.



1 b) Not more than thirty-five (35%) percent of the calories shall be from fat  
2 with the exception of nuts and seeds; snack mixes and other foods of which  
3 nuts are a part must meet the thirty five (35%) requirement.

4 c) Not more than ten (10%) percent of the calories shall be from saturated  
5 fat

6 d) Shall not contain trans fats that are added during processing  
7 (hydrogenated oils and partially  
8 hydrogenated oils)

9 e) Not more than thirty-five (35%) percent of the total weight shall be from  
10 sugar and caloric sweeteners with the exception of fruits and vegetables that  
11 have not been processed with added sweeteners or fats.

12 f) At least one (1) item meeting the snack criteria in each vending machine  
13 shall also meet the FDA definition of "Low Sodium" (< 140mg per serving)  
14 Further, the policy recommends that options within the vending machine  
15 contain items that include at least two (2) grams of dietary fiber

16 g) Not more than 360 mg of sodium per serving.

17 Considerations:

- 18 • Avoid fat content above 3 gm/serving when possible
- 19 • Avoid products with chocolate as prominent ingredient
- 20 • Avoid products with first or second ingredient as salt or sugar
- 21 • Avoid sugar or salt coated products
- 22 • Avoid sodium content above 50 mg/serving when possible
- 23 • Avoid foods that have the following ingredients:
  - 24 ○ Aspartame, MSG, Ajinomoto, Accent, Glutamate, Textured
  - 25 protein, Monosodium glutamate, Hydrolyzed protein (any
  - 26 protein that is hydrolyzed), Monopotassium glutamate,

1                   Glutamic acid, Yeast extract, Calcium caseinate, Yeast food,  
2                   Sodium caseinate, Autolyzed yeast, Gelatin, Yeast nutrient  
3                   (these are all possible forms of MSG)

- 4                   ○ Splenda
- 5                   ○ Acesulfame-K
- 6                   ○ Nitrite
- 7                   ○ caffeine
- 8                   ○ Sulfite
- 9                   ○ Saccharin
- 10                  ○ BHA or BHT

11                  h) In reference to PL 31-141, effective January 2012, at least 50% of the  
12                  snacks/foods sold in vending machines must abide by the criteria outlined  
13                  above.

#### 14   **E. Consultation**

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

#### 18   **F. Amendment of Nutrition Standards**

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

#### 22   **G. Implementation**

23   1. Time Line

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

5 **2. Contract Process:**

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

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

13 **H. Evaluation**

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

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

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

1 1. Consumers

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

7 2. Vendors

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

23 Every six (6) months thereafter, random self-report surveys on vending machine  
24 utilization will be conducted. At the same time, vendors will also be asked to

1 report vending machine consumption. DPHSS coordinates the surveys and ensure  
2 that vendors will submit the reports in a timely manner.

3

4

1 **ATTACHMENT 1**

2 **LIST OF APPROVED SNACKS AND BEVERAGES**

3 **BEVERAGES:**

- 4 ○ Water
- 5 ○ Coffee or Tea
- 6 ○ Nonfat or reduced fat milk (chocolate or other flavored milk), shelf stable
- 7 portion size
- 8 ○ Soy milk (chocolate or other flavored milk)
- 9 ○ Fruit/vegetable juice – 100% juice, shelf stable portion size
- 10 ○ Non-caloric beverages, including diet sodas

11 **SNACKS:**

- 12 ○ Pop corn (light or no butter)
- 13 ○ Pop Tarts (like those allowable in Public School machines)
- 14 ○ Trail mix (dry nuts & dry fruits, coconut meat, etc)
- 15 ○ Granola bars
- 16 ○ Fig bars
- 17 ○ Nuts – 1 serving per container (peanuts, cashews, pine nuts, almonds,
- 18 pistachio nuts, etc)
- 19 ○ Mixed nuts
- 20 ○ Seeds – 1 serving size container (unsalted sunflower, pumpkin)
- 21 ○ Raisins
- 22 ○ Dried fruits – 1 serving size container (apples, prunes, peaches, apricots,
- 23 etc.)
- 24 ○ Pretzels (lightly salted or non-salted)
- 25 ○ Dry roasted or baked taro, breadfruit, or carrot chips
- 26 ○ Canned (1 serving size) Fruit Cocktail (and any other available serving size
- 27 canned fruits)
- 28 ○ Cheese & cracker snacks
- 29 ○ Peanut butter & cracker snacks
- 30 ○ Dry roasted soy beans
- 31 ○ Dry roasted peas

- 1      ○ Dry Seaweed
- 2      ○ Rice snack crackers
- 3      ○ Oatmeal cookies (with raisins & nuts if possible)
- 4      ○ Beef Jerky
- 5      ○ Fruit
- 6      ○ Low fat yogurt
- 7      ○ Similar food groups approved by USDA, FNS, USFDA and Food &
- 8      Nutrition Services Management Division-GDOE (former GPSS).

**MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN  
2013 (FIRST) Regular Session**

**Bill No. 165-32 (COR), as Substituted**  
Committee on Health & Human Services,  
Health Insurance Reform, Economic  
Development, and Senior Citizens

Introduced by:

**D.G. RODRIGUEZ, JR.  
T.C. ADA  
B. McCREADIE**

**AN ACT TO ADOPT THE GOVERNMENT OF GUAM  
HEALTHY VENDING MACHINE POLICY, AS PROVIDED  
AND MANDATED PURSUANT TO PUBLIC LAW 31-141,  
AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF  
DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES  
AND REGULATIONS, AND ADDING A §22420.2 TO 4 GCA  
CHAPTER 13, TO PROVIDE FOR THE INCLUSION OF  
CANTEENS AND OTHER FOOD AND BEVERAGE VENDORS  
UPON 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  
4 Services promulgated the Government of Guam Health Vending Machine Rules  
5 and Regulations, relative to the sale of snacks and beverages from vending  
6 machines located on all government of Guam premises.

7           *I Liheslaturan Guåhan* further finds that *Mobile Food Service Establishment'*  
8 (also commonly referred to or known as a mobile 'canteen'), or other food and  
9 beverage vendor activities, in either temporary or permanent fixed structures, upon  
10 government premises, should be included so as to comply with the provisions of  
11 §22420.1, to the *limited* extent provided pursuant to a *new* § 22420.2, in the  
12 promotion of the sale of healthy foods.



1           It is the *intent* of *I Liheslaturan Guåhan* to adopt the Rules and Regulations  
2 appended to this Act as Exhibit “A”.

3           It is, further, the *intent* of *I Liheslaturan Guåhan* to provide for the inclusion  
4 of *Mobile Food Service Establishment*’, or other food and beverage vendor  
5 activities, by adding a new §22420.2 to Article 4, Chapter 22, Title 5, Guam Code  
6 Annotated, and by amending, as necessary, applicable law, policy, rules and/or  
7 regulations, so as to be compatible with the intent and effect of this new Section.

8       **Section 2. Adoption of Rules.** Notwithstanding any other provision of law, rule,  
9 regulation and Executive Order, the Department of Public Health & Social  
10 Services rules and regulations relative to “**Government of Guam Healthy**  
11 **Vending Machine Policy**”, and attached hereto as Exhibit “A”, are hereby adopted  
12 by *I Mina’ Trentai Unu Na Liheslaturan Guåhan*, and shall be codified under a  
13 NEW Chapter 13 of Division 4, Title 2, Guam Administrative Rules and  
14 Regulations.

15       **Section 3. Amendment of Rules.** The Department of Administration, in  
16 conjunction with the Department of Public Health and Social Services, *shall*, at a  
17 minimum of every five years, and pursuant to Article 3 - Rule Making Procedures,  
18 of Chapter 9, Title 5, Guam Code Annotated, review and amend, as necessary, the  
19 procedures adopted pursuant to Section 2 of this Act. It is *further*, provided, that  
20 the review of the procedures *shall* include the incorporation of *Mobile Food*  
21 *Service Establishment*’, and other food and beverage vendor activities, utilizing  
22 either permanent or temporary fixed structures, and which are licensed or  
23 permitted to operate on government property, as provided pursuant to Section 6 of  
24 this Act.

1           **Section 4.** Subsection (a) of §22420.1, *without* effect to Subsections (b)  
2 through (d), of Article 4, Chapter 22, Title 5, Guam Code Annotated, is *amended*, to  
3 read:

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

12           This Section shall also apply to a Mobile Food Service Establishment(s) or  
13 other food and beverage vendor activity, either in either temporary or permanent  
14 fixed structures, upon all government property, to the extent as provided pursuant  
15 to §22420.2 of this Article 4.

16           Agency heads *shall* be responsible for the dissemination, implementation,  
17 and compliance with the approved policy for all vending machines, either owned  
18 or leased, and shall include, all mobile food service establishment(s) and other food  
19 and beverage vendor activities, in either temporary or permanent fixed structures,  
20 situated upon all government property, or that are located within their departments  
21 premises and facilities. Failure to comply with or violation of any approved  
22 provisions of this policy *shall* result in the immediate removal or disablement of  
23 the vending machine.”

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

1           “(c) Implementation Timeline. By January ~~2014~~ 2012, at least fifty percent  
2 (50%) of all foods and beverages offered in government-contracted food and  
3 beverage vending machines within government facilities and offices *shall* adhere  
4 to the specific guidelines established pursuant to this Section. Government  
5 agencies which have existing vending machine contracts must ensure compliance  
6 by current vendors.”

7           **Section 6.** A new § 22420.2 is hereby *added* to Article 4, Chapter 22, Title  
8 5, Guam Code Annotated, to read:

9           “**§ 22420.2. Policy in Favor of Healthy Food and Beverage Products in all**  
10 **Mobile Food Service Establishment(s)’ or Other Food and Beverage Vendor**  
11 **Activities Upon Government Property or Within Government Facilities.**”

12           (a) Legislative Intent. It is the *intent* of *I Liheslaturan Guåhan* to mandate  
13 the inclusion of *Mobile Food Service Establishment’* (also commonly referred to or  
14 known as a mobile ‘*canteen*’), or other food vendor activities, in either temporary  
15 or permanent fixed structures, upon government premises, so as to comply with the  
16 provisions of §22420.1, to the *limited* extent provided pursuant to this Section. For  
17 the purposes of this Section:

18           (1) A *Mobile Food Service Establishment’* (also commonly referred to or  
19 known as a mobile ‘*canteen*’) shall *mean* any privately operated food  
20 and beverage service activity operated from a mobile unit wherein foods  
21 are prepared and served.

22           (2) A *Food And Beverage Vendor* activity shall *mean* and include fixed  
23 structures, either permanent or temporary, wherein foods and beverages  
24 are prepared and served.

1 (3) Any *Prepackaged Foods or Snacks, or Beverage(s)* shall *mean* and be  
2 inclusive of all foods not directly cooked or prepared by the vendor, and  
3 *beverages* not in the original containers (i.e., unopened can or sealed  
4 container. This section shall not apply to fresh beverages prepared on-  
5 site by the vendor; for example, but not limited to, low sugar juices or  
6 beverages made from fresh fruits and/or vegetables.

7 (4) The sale, or distribution, of any alcoholic beverage, shall mean as  
8 defined pursuant to 11GCA, Chapter3, and the sale, or distribution, of  
9 any tobacco products, as defined pursuant to subsection (g) of  
10 §6101,Chapter 6, 11 GCA, which reads, ‘Tobacco product’ means any  
11 tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing  
12 tobacco or any other form of tobacco which may be utilized for  
13 smoking, chewing, inhalation or other means of ingestion,’ and shall  
14 include, as further provided pursuant to 10 GCA, Chapter 90A -  
15 Importation and Sale of Ingestible Tobacco, and *shall* be prohibited.

16 (b) This Section shall not apply to temporary, short term food and beverage  
17 vendor activities, utilizing either mobile or fixed structures, and which are licensed  
18 or permitted to operate during special events hosted or sponsored by a municipal  
19 planning council, government of Guam, or authorized non-profit organization for  
20 village or island events.

21 (c) Development of Applicable Policy. The Director of the Department of  
22 Administration, in conjunction with the Department of Public Health & Social  
23 Services, *shall* promulgate the amendment of the policy established pursuant to  
24 §22420.1 of 5 GCA, and codified under Chapter 13 of Division 4, Title 2, Guam  
25 Administrative Rules and Regulations, within one hundred twenty ( 120) days of

1 the enactment of this Section, so as to include all *Mobile Food Service*  
2 *Establishment* (also commonly referred to or known as a mobile ‘*canteen*’), or  
3 other food and beverage vendor activities, in either temporary or permanent fixed  
4 structures, to the *extent* provided pursuant to this Section.

5 (1) The applicable rules and regulations establishing applicable nutritional  
6 standards pursuant to this Section shall be promulgated and amended, as  
7 necessary, and shall adhere to future healthy dietary and nutritional  
8 standards set forth by the U.S. Food and Drug Administration, as provided  
9 pursuant to §22420.1 of Article 4, Chapter 22, Title 5, Guam Code  
10 Annotated.

11 (d) Implementation Timeline. This Section shall be effective on January  
12 2014, **or** upon the amendment and promulgation of policy relative to this Section,  
13 as provided pursuant to Subsection (b), whichever is later.

14 Government agencies which have existing authorized or permitted food and  
15 beverage vendor agreements or contracts must ensure compliance with this Section  
16 by current vendors.

17 (e) The amendment of any policy, rules and regulations, as provided  
18 pursuant to §22420.1 and §22420.1, of Article 4, 5 GCA, and codified under  
19 Chapter 13 of Division 4, Title 2, Guam Administrative Rules and Regulations  
20 *shall* be promulgated, and may be amended, pursuant to Article 3 - Rule Making  
21 Procedures, of Chapter 9, Division 1, Title 5, Guam Code Annotated.

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

1 **"§ 23109. Vending Machines, Mobile Food Service Establishments', and Food**  
2 **and Beverage Vendors Utilizing Fixed Structures on Government Premises.**

3 The Department, in the regular conduct of inspections of vending machines pursuant  
4 to this Chapter, *shall* additionally inspect vending machines on government of Guam  
5 premises for compliance with §22420.1 - Policy in Favor of Healthy Food and  
6 Beverage Products in all Vending Machines Located within Government Facilities,  
7 of Article 4, Chapter 22, Title 5, Guam Code Annotated; and, as further, provided  
8 pursuant to §22420.2 of this Article, *shall* apply to all mobile food service  
9 establishments' (also commonly referred to or known as a mobile 'canteen'), or  
10 food and beverage vendor activity within fixed structures wherein foods and  
11 beverages are prepared and served."

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

17 **Section 9. Effective Date.** This Act shall become immediately effective  
18 upon enactment.

**EXHIBIT “A”**

1 **GOVERNMENT OF GUAM HEALTH VENDING MACHINE**  
2 **POLICY**

3 **Rules and Regulations**

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

5 Department of Public Health and Social Services

1 **Government of Guam**  
2 **Healthy Vending Machine Policy**  
3

4 Table of Contents

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

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21 **I. BACKGROUND**

22 The Department of Public Health and Social Services recognizes the impact that  
23 the increasing rates of obesity and overweight are having on chronic diseases,  
24 quality of life, and health care costs. Consumption of just 100 extra calories a day  
25 from foods such as soda and snacks can cause a ten pound weight gain each year.



1 Individual weight loss of as little as five to ten pounds can delay or prevent the  
2 onset of type 2 diabetes, metabolic syndrome, hypertension, etc. and can reduce  
3 chronic disease-related health care costs.

4

5 According to the Department of Public Health & Social Services (DPHSS), in  
6 2009 a combined total of 61.2 % of the island’s adult population was either  
7 overweight or obese and according to the 2007 Youth Risk Behavior Surveillance  
8 System (YRBS) a combined total of 40.9% middle and high school students  
9 described themselves as overweight.

10

11 The vision of the Government of Guam’s Healthy Vending Machine Policy is to  
12 promote the prevention of chronic diseases by providing access to healthier  
13 beverages and foods from vending machines within the workplace. With most  
14 employees spending nearly half their waking hours on the job, worksites can play  
15 an essential role in helping people make healthy lifestyle choices. According to  
16 the Comprehensive Wellness Program Employee Interest Survey conducted in  
17 September 2010, respondents reported that they would buy healthy snacks at the  
18 worksite if they were available. Through this policy, the Department of Public  
19 Health and Social Services is actively promoting access to healthier items at the  
20 workplace, within offices, and public facilities that serve island residents.  
21 Mandating healthier food options at the workplace and within offices and public  
22 facilities that serve island residents may be one of the most cost effective changes  
23 to immediately improve employee eating habits and to provide access to healthier  
24 beverage and food options to the public. By implementing this Healthy Vending  
25 Machine Policy, the Government is taking a reasonable first step to combat the  
26 obesity epidemic.

1

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

10

## 11 **II. RULES AND REGULATIONS**

12 This policy covers all machines designed to dispense food and/or beverages  
13 located within all government owned, leased and/or operated spaces or facilities.  
14 Should a Healthy Vending Machine Policy or public law exist at any government  
15 of Guam agency, and that agency's policy requires a percentage greater than 50%  
16 of the items sold in vending machines follow specific nutritious guidelines, that  
17 agency's policy will remain in effect and supersede this Healthy Vending Machine  
18 Rules and Regulations requirement of 50%. If, however, that agency's policy does  
19 not require that 50% of the items sold in the vending machines follow specific  
20 nutritious guidelines, this Healthy Vending Machine Rules and Regulations will  
21 supersede that agency's policy.

22

23 Each agency-designated HEALTH Coach or other designee shall have primary  
24 responsibility for the management and administration of the vending machines that  
25 are located within their respective department and facility. The Government of  
26 Guam HEALTH Steering Committee shall have the primary responsibility for

1 consulting with HEALTH Coaches or designees regarding established nutrition  
2 standards and selections as outlined and approved by this policy and assisting with  
3 the implementation of the policy.

4  
5 Agency Heads, or their appointed designee, shall be responsible for the  
6 dissemination, implementation, and compliance with the approved policy for all  
7 vending machines either owned or leased that are located within their departments  
8 and facilities. Failure to comply with, or violation of any approved provisions of  
9 these rules and regulations shall result in the immediate removal or disablement of  
10 the vending machine. The Department, in the regular conduct of inspections of  
11 vending machines pursuant to this Chapter, shall additionally inspect vending  
12 machines on government of Guam premises for compliance.

13

### 14 **III. POLICY**

#### 15 **A. Placement of Vending Machines**

16 No independently owned vending machines shall be allowed on government  
17 property without the prior written approval of the Agency Head or his/her  
18 designee. Snack and beverage vending machines shall be permitted to operate on  
19 government property for the sale of food and beverage items to government  
20 employees and members of the public who use the facilities subject to the  
21 provisions of this policy.

22

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

- 1 1. Prior to the installation, the location of a new or replacement vending machine  
2 shall be reviewed and approved by the Agency Head or his/her designee. Machines  
3 shall not be located in corridors unless adequate space has been approved and/or  
4 provided as determined by both by the Facilities Manager and, if applicable, the  
5 local Fire Marshall.
- 6 2. No vending machine shall in any way obstruct or otherwise interfere with  
7 emergency exits or access areas.
- 8 3. All vending machines must be securely fastened to a wall, floor, or other  
9 structure or otherwise secured in such a way as to prevent it from being rocked,  
10 bounced, or tipped.
- 11 4. Failure to comply with or violation of any approved provisions of this policy  
12 shall result in the immediate removal or disablement of the vending machine.

### 13 **B. Food and Beverage Operations**

- 14 1. All food and beverage products must be delivered and placed in machines in  
15 their original wrappers or in a sanitized bulk dispenser that fits on the machine as a  
16 unit and meets the nutritional standards outlined in Section D Food and Beverage  
17 Nutrition Guidelines.
- 18 2. The areas surrounding all vending machines are to be kept clean, and proper  
19 waste and/or recycling receptacles shall be provided in the immediate area of the  
20 machines.

### 21 **C. Nutrition Facts**

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

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

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

9 a) Water;

10 b) Coffee or Tea;

11 c) Nonfat or reduced fat milk (including soy or cow's milk, chocolate or  
12 other flavored milk not containing more than fifteen (15) grams of added  
13 sugar per 250 gram serving or three (3) teaspoons of sugar per one (1) cup of  
14 milk;

15 d) One hundred (100%) percent fruit/vegetable juice;

16 e) Fruit based drinks containing one hundred (100%) percent fruit juice and  
17 no added caloric sweeteners;

18 f) All other non-caloric beverages, including diet sodas; or

19 g) Sport drinks less than or equal to 100 calories

20 2. Snacks/Food:

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

23 a) Not more than 250 calories.



**SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman**  
 COMMITTEE ON HEALTH & HUMAN SERVICES, HEALTH INSURANCE REFORM,  
 ECONOMIC DEVELOPMENT AND SENIOR CITIZENS  
*Mina'trentai Dos Na Liheshaturan Guahan* • 32<sup>nd</sup> Guam Legislature

**PUBLIC HEARING DATE / TIME: Monday, September 9, 2013 9am**

**Bill No. 165-32 (COR),** An act to adopt the government of Guam healthy vending machine policy, as provided and mandated pursuant to P.L. 31-141, Division 4, Title 2, Guam Administrative Rules and Regulations. Introduced by D.G. Rodriguez, Jr.

PRINT NAME	SIGNATURE	AGENCY	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
PATRICIA LUCES	<i>[Signature]</i>	DPHSS / MCD	-	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		735-7295	patricia.luces@dpshs.gu
Tom Gillan	<i>[Signature]</i>	DPHSS	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		735-7101	Tom.Gillan@DPHSS.com.gu
Brandon Demapan	<i>[Signature]</i>	DPHSS			<input checked="" type="checkbox"/>		287-1442	bdemapan@gmail.com



EDDIE BAZA CALVO  
GOVERNOR

RAY TENORIO  
LIEUTENANT GOVERNOR

GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



JAMES W. GILLAN  
DIRECTOR

LEO G. CASIL  
DEPUTY DIRECTOR

September 9, 2013

Hafa Adai! As the, Director of the Department of Public Health and Social Services (DPHSS), I endorse Bill 165-32 (COR) AN ACT TO ADOPT THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY, AS PROVIDED AND MANDATED PURSUANT TO PULIC LAW 31-141, AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4 TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS.

The Rules and Regulations for the Government of Guam Healthy Vending Machine Policy provide the guidance and standards for the enforcement of Public Law 31-141. The Government of Guam Healthy Vending Machine Policy requires that 50% of all foods and beverages offered in Government-contracted food and beverage vending machines within Government facilities and offices shall adhere to specific guidelines. These guidelines promote good nutrition and healthy environments to prevent obesity and the diseases associated with it. The guidelines further provide restrictions on the calorie, fat, saturated fat and sugar content of foods and beverages.

The Department of Public Health and Social Services recognizes the impact that the increasing rates of obesity and overweight are having on chronic diseases, quality of life, and health care costs. Consumption of just 100 extra calories a day from foods such as soda and snacks can cause a ten pound weight gain each year. Individual weight loss of as little as five to ten pounds can delay or prevent the onset of type 2 diabetes, metabolic syndrome, hypertension, etc. and can reduce chronic disease-related health care costs. The Rules and Regulations provide the guidance for PL 31-141.

**Beverages:** In reference to PL 31-I41, at least 50% of beverages offered in a vending machine must contain one 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 250 gram serving or three (3) teaspoons of sugar per one (1) cup of milk

GOVERNMENT OF GUAM  
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
*DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT*

- d) One hundred (100%) percent fruit/vegetable juice
- e) Fruit based drinks containing one hundred (100%) percent fruit juice and no added caloric sweeteners.
- f) All other non-caloric beverages, including diet sodas
- g) Sport drinks less than or equal to 100 calories

**Snacks/Food:**

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

- a) Not more than 250 calories.
- b) Not more than thirty-five (35%) percent 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 (35%) requirement.
- c) Not more than ten (10%) percent of the calories shall be from saturated fat
- d) Shall not contain trans fats that are added during processing (hydrogenated oils and partially hydrogenated oils)
- e) Not more than thirty-five (35%) percent 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.
- f) At least one (1) item meeting the snack criteria in each vending machine shall also meet the FDA definition of "Low Sodium" (< 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
- g) Less than 200 mg of sodium per serving.



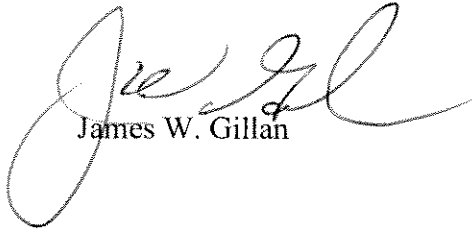
GOVERNMENT OF GUAM  
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT

I am hoping that soon, we can work together to resolve the disparity that exists due to the fact that we have not required “canteens” on Government property and facilities to follow the same guidelines. This does give those businesses an unfair advantage.

I am also hopeful that you will consider supporting a bill which would assess fees on sugar sweetened beverages, which have proven to be an underlying cause of obesity and related chronic disease, and a direct cause of tooth decays especially in our children.

I am happy to answer any questions you may have.

Very truly yours,



James W. Gillan



GOVERNMENT OF GUAM

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES  
DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



EDDIE BAZA CALVO  
GOVERNOR

RAY TENORIO  
LIEUTENANT GOVERNOR

JAMES W. GILLAN  
DIRECTOR

LEO G. CASIL  
DEPUTY DIRECTOR

Hafa Adai! As the, Program Coordinator for the Diabetes Prevention and Control Program and Non Communicable Disease (NCD) Program of the Department of Public Health and Social Services (DPHSS), I would like to present some facts and information on NCDs on Guam in reference to Bill 165-32 (COR) AN ACT TO ADOPT THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY, AS PROVIDED AND MANDATED PURSUANT TO PULIC LAW 31-141, AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4 TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS.

Diabetes affects 25.8 million people in the US. 8.3% of the U.S. population and a 10% average of the Guam population has been diagnosed with diabetes in the last 3 years. 1 in 10 males and females has been diagnosed with diabetes on Guam. According to the BRFSS an estimated 11,668 of adults population has known diagnose of diabetes.

Government estimates show 18.8 million people in the United States have diabetes and 7 million people are undiagnosed with diabetes.

Diabetes is the leading cause of kidney failure, non-traumatic lower-limb amputations, and new cases of blindness among adults in the United States. Diabetes Nephropathy is the most common cause of patients acquiring End Stage Renal Disease (ESRD) in the U.S. and Guam. On Guam, 79% of Hemodialysis (HD) patients are diabetic. 74% are Pacific Islanders.

Diabetes is the 7<sup>th</sup> leading cause of death in the US and the 5<sup>th</sup> leading cause of death in Guam in 2010. Diabetes is a major cause of heart disease and stroke.

In 2011 36.6% of adults were overweight. About 27.4 were obese. As a total over 60% of Guam's adult population if overweight and obese.

Youngest diagnosed patient on Guam for type 2 diabetes was 8 years old.

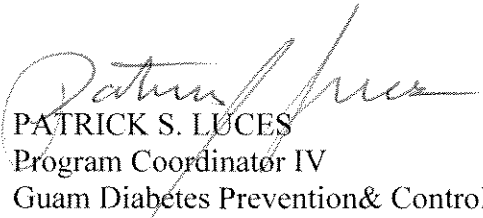
The Rules and Regulations for the Government of Guam Healthy Vending Machine Policy provide the guidance and standards for the enforcement of Public Law 31-141. The Government of Guam Healthy Vending Machine Policy requires that 50% of all foods and beverages offered in Government-contracted food and beverage vending machines within Government facilities and offices shall adhere to specific guidelines. These guidelines promote good nutrition and healthy environments to prevent obesity and the diseases associated with it. The guidelines further provide restrictions on the calorie, fat, saturated fat and sugar content of foods and beverages.

GOVERNMENT OF GUAM

**DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES**  
*DIPATTAMENTON SALUT PUPBLEKO YAN SETBISION SUSIAT*

The Department of Public Health and Social Services recognizes the impact that the increasing rates of obesity and overweight are having on chronic diseases, quality of life, and health care costs. Consumption of just 100 extra calories a day from foods such as soda and snacks can cause a ten pound weight gain each year. Individual weight loss of as little as five to ten pounds can delay or prevent the onset of type 2 diabetes, metabolic syndrome, hypertension, etc. and can reduce chronic disease-related health care costs. The Rules and Regulations provide the guidance for PL 31-141.

Thank you.

 9/9/13  
PATRICK S. LUCAS  
Program Coordinator IV  
Guam Diabetes Prevention & Control Program



## COMMITTEE ON RULES

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Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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MINORITY LEADER

Senator  
Aline Yamashita  
Member


## Certification of Waiver of

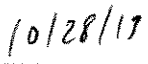
### Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **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, AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS.” – October 28, 2013. COR hereby certifies that BBMR confirmed receipt of this request on August 9, 2013 at 4:09 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 165-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

  
\_\_\_\_\_  
Senator Rory J. Respicio  
Chairperson, Committee on Rules

  
\_\_\_\_\_  
Date



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Senator  
Rory J. Respicio  
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MINORITY LEADER

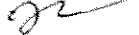
Senator  
Aline Yamashita  
Member

August 8, 2013

### MEMORANDUM

To: **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

From: **Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

Subject: **Referral of Bill No. 165-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 165-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina' Trentai Dos Na Liheslaturan Guahan*  
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>165-32 (COR)</b>	Dennis G. Rodriguez, Jr., T.C. Ada, Brant T. McCreadie	AN ACT TO ADOPT THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY, AS PROVIDED AND MANDATED PURSUANT TO PUBLIC LAW 31-141, AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS.	8/8/13 2:42 p.m.	8/8/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens			



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## FIRST NOTICE OF PUBLIC HEARING-September 9, 2013

---

Amanda Shelton <amanda@toduguan.com>

Fri, Aug 30, 2013 at 5:17 PM

To: phnotice@guamlegislature.org

### MEMORANDUM

TO: ALL SENATORS

FROM: Senator Dennis G. Rodriguez, Jr.

SUBJECT: FIRST NOTICE OF PUBLIC HEARING-September 9, 2013

Buenas yan Hafa Adai!

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a Public Hearing for **Monday, September 9, 2013** The items on the agenda are as follows:

9:00 a.m.

**Bill No. 165-32 (COR)**, An act to adopt the government of Guam healthy vending machine policy, as provided and mandated pursuant to P.L. 31-141, Division 4, Title 2, Guam Administrative Rules and Regulations. Introduced by D.G. Rodriguez, Jr.

● **Bill No. 167-32 (COR)**, An act to repeal § 23113 of Chapter 23, Title 22 of the Guam Code Annotated to remove the current tax exemption on premiums collected by insurance companies as part of the QC program. Introduced R.J. Respicio.

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I look forward to your presence and participation.

—  
*Si Yu'os Ma'ase'*

**Amanda L. Shelton**

Chief Policy Analyst

Office of Senator Rodriguez

649-8638

www.toduguan.com

---

Adam Bearce <adam@guamlegislature.org>

Tue, Sep 3, 2013 at 8:08 AM

To: Amanda Shelton <amanda@toduguan.com>, Yong Pak <yong@guamlegislature.org>



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## FIRST NOTICE OF PUBLIC HEARING-September 9, 2013

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**Amanda Shelton** <amanda@todugam.com>

Fri, Aug 30, 2013 at 5:17 PM

Bcc: Clynt Ridgell <clynt@spbgum.com>, Duane George <dmgeorge@guampdn.com>, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, Sabrina Salas Matanane <hottips@kuam.com>, john@kuam.com, Josh Tyquiengco <jtyquiengco@spbgum.com>, mpieper@guampdn.com, mvariety@pticom.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, Sabrina Salas Matanane <sabrina@kuam.com>, slimtiaco@guampdn.com, zita@mvguam.com, Amriitha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, Cameron Miculka <cimiculka@guampdn.com>, "David V. Crisostomo" <dcrisostomo@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.com>, "Jon A. Anderson" <editor@mvguam.com>, Joy <joy@mvguam.com>, Jr <news@lifenews.com>, Katrina <life@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbgum.com>, Kevin Kerrigan <news@k57.com>, Marvic Cagurangan <marvic@mvguam.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, Travis Coffman <thebigshow@k57.com>, William Gibson <breakfastshowk57@gmail.com>, Jim Gillan <james.gillan@dphss.guam.com>, rose.grino@takecareasia.com, "Larsen, Jeffrey" <Jeff.Larsen@takecareasia.com>, Timothy.Ogata@takecareasia.com, fsantos@staywellguam.com, Jason Rios <jsrios@staywellguam.com>, frank.campillo@calvosinsurance.com, jcrisostomo@netcarelifeandhealth.com, "Roselie V. Zabala" <roselie.zabala@dphss.guam.gov>, rzabaladphss@gmail.com, "Roselie V. Zabala DPHSS" <rcx1956@gmail.com>, patrick.luces@dphss.guam.gov

Hafa Adai,

Please see attached notice of public hearing. Please contact the office of Senator Rodriguez should you have any questions or concerns. Thank you.

FOR IMMEDIATE RELEASE

August 30, 2013

### PRESS RELEASE

#### FIRST NOTICE OF PUBLIC HEARING

**Monday, September 9, 2013, 9:00 a.m.**

In accordance with the Open Government Law, Public Law 24-109, relative to notice for Public Meetings. Please be advised that the Committee on Health & Human Services, Insurance Reform, Economic Development and Senior Citizens will be conducting a Public Hearing **Monday, September 9, 2013, 9:00 a.m.** at *Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

9:00 a.m.

**Bill No. 165-32 (COR)**, An act to adopt the government of Guam healthy vending machine policy, as provided and mandated pursuant to P.L. 31-141, Division 4, Title 2, Guam Administrative Rules and Regulations. Introduced by D.G. Rodriguez, Jr.

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Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to [senatordrodriguez@a.gmail.com](mailto:senatordrodriguez@a.gmail.com).

We comply with Title II of the Americans with Disabilities Act (ADA). Individuals who require an auxiliary aid or service (i.e. qualified sign language interpreters, documents in Braille, large print, etc.) for effective communication, or a modification of policies or procedures to participate in a program service, or activity of Senator Dennis Rodriguez, Jr. should contact our office at 649-8638 (TODU) as soon as possible but no later than 48 hours before this scheduled event. We look forward to your attendance and participation.

For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU).




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*Si Yu 'os Ma 'ase'*  
**Amanda L. Shelton**  
Chief Policy Analyst  
Office of Senator Rodriguez

649-8638  
www.toduguam.com

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 **September 9, 2013 Public Hearing Notice.pdf**  
217K

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**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>  
To: amanda@toduguam.com

Fri, Aug 30, 2013 at 5:17 PM

Delivery to the following recipient failed permanently:

dcrisostomo@guampdn.com

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain guampdn.com by guampdn.com.s7a1.psmtp.com. [64.18.6.10].

The error that the other server returned was:

550 5.1.1 <dcrisostomo@guampdn.com>: Recipient address rejected: User unknown in local recipient table

----- Original message -----

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d=1e100.net; s=20130820;

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:content-type;

bh=iSeckh/4PyTEQ1znFivU05NXhISzheo3RbiUCi7T87g=;

b=iMMZb9LgxLSChK13j7wyt1gab2BrGPI9oBmH83YGk9MkpWjTh0vAT89p8Yz8lujGo

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MIME-Version: 1.0

X-Received: by 10.52.101.166 with SMTP id fh6mr4328243vdb.30.1377847035268;

Fri, 30 Aug 2013 00:17:15 -0700 (PDT)

Received: by 10.220.113.5 with HTTP; Fri, 30 Aug 2013 00:17:14 -0700 (PDT)

X-Originating-IP: [114.142.238.213]

Date: Fri, 30 Aug 2013 17:17:14 +1000

Message-ID: <CAERXkdtsB2S2E\_crAHJUqBK8u01T3eLyK\_EfcSSVPaE-Deq8Q@mail.gmail.com>

Subject: FIRST NOTICE OF PUBLIC HEARING-September 9, 2013

From: Amanda Shelton <amanda@toduguam.com>

To: undisclosed-recipients;

Content-Type: multipart/mixed; boundary=bcaec548a86517ab4d04e5250344

Bcc: dcrisostomo@guampdn.com

Hafa Adai,

Please see attached notice of public hearing. Please contact the office of Senator Rodriguez should you have any questions or concerns. Thank you.

FOR IMMEDIATE RELEASE

August 30, 2013



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## SECOND NOTICE OF PUBLIC HEARING-September 9, 2013

Message

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**Amanda Shelton** <amanda@toduguam.com>  
To: phnotice@guamlegislature.org

Wed, Sep 4, 2013 at 5:09 PM

### MEMORANDUM

TO: ALL SENATORS  
FROM: Senator Dennis G. Rodriguez, Jr.  
SUBJECT: SECOND NOTICE OF PUBLIC HEARING-September 9, 2013

Buenas yan Hafa Adai!

The Committee on Health and Human Services, Health Insurance Reform, Economic Development and Senior Citizens has scheduled a Public Hearing for **Monday, September 9, 2013** The items on the agenda are as follows:

9:00 a.m.

**Bill No. 165-32 (COR)**, An act to adopt the government of Guam healthy vending machine policy, as provided and mandated pursuant to P.L. 31-141, Division 4, Title 2, Guam Administrative Rules and Regulations. Introduced by D.G. Rodriguez, Jr.

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I look forward to your presence and participation.

—  
*Si Yu'os Ma'åse'*  
**Amanda L. Shelton**  
Chief Policy Analyst  
Office of Senator Rodriguez

649-8638  
www.toduguam.com



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## SECOND NOTICE OF PUBLIC HEARING-September 9, 2013

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Amanda Shelton <amanda@toduguam.com>

Wed, Sep 4, 2013 at 5:10 PM

Bcc: Clynt Ridgell <clynt@spbgum.com>, Duane George <dmgeorge@guampdn.com>, dtamondong@guampdn.com, editor@mvariety.com, gdumat-ol@guampdn.com, gerry@mvguam.com, Sabrina Salas Matanane <hottips@kuam.com>, john@kuam.com, Josh Tyquiengco <jtyquiengco@spbgum.com>, mpieper@guampdn.com, mvariety@pticom.com, news@spbgum.com, nick.delgado@kuam.com, parroyo@k57.com, Sabrina Salas Matanane <sabrina@kuam.com>, slimtiaco@guampdn.com, zita@mvguam.com, Amritha Alladi <aalladi@guampdn.com>, Arvin Temkar <aktemkar@guampdn.com>, Cameron Miculka <cimiculka@guampdn.com>, "David V. Crisostomo" <dcrisostomo@guampdn.com>, "George, Duane M" <dmgeorge@guam.gannett.com>, gerry partido <gerrypartido.mvguam3@gmail.com>, James <officemanager@hitradio100.com>, Jason Salas <jason@kuam.com>, Jerick Sablan <jpsablan@guampdn.com>, "Jon A. Anderson" <editor@mvguam.com>, Joy <joy@mvguam.com>, Jr <news@lifenews.com>, Katrina <life@guampdn.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbgum.com>, Kevin Kerrigan <news@k57.com>, Marvic Cagurangan <marvic@mvguam.com>, Mindy Aguon <mindy@kuam.com>, Oyaol Ngirairikl <odngirairikl@guampdn.com>, Pacific Daily News <news@guampdn.com>, "rgibson@k57.com" <rgibson@k57.com>, Travis Coffman <thebigshow@k57.com>, William Gibson <breakfastshowk57@gmail.com>, Jim Gillan <james.gillan@dphss.guam.com>, rose.grino@takecareasia.com, "Larsen, Jeffrey" <Jeff.Larsen@takecareasia.com>, Timothy.Ogata@takecareasia.com, fsantos@staywellguam.com, Jason Rios <jsrios@staywellguam.com>, frank.campillo@calvosinsurance.com, jcrisostomo@netcarelifeandhealth.com, "Roselie V. Zabala" <roselie.zabala@dphss.guam.gov>, rzabaladphss@gmail.com, "Roselie V. Zabala DPHSS" <rcx1956@gmail.com>, patrick.luces@dphss.guam.gov

Hafa Adai,

Please see attached notice of public hearing. Please contact the office of Senator Rodriguez should you have any questions or concerns. Thank you.

FOR IMMEDIATE RELEASE

September 4, 2013

### PRESS RELEASE

#### SECOND NOTICE OF PUBLIC HEARING

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Introduced R.J. Respicio.

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Testimony should be addressed to Senator Dennis Rodriguez, Jr., Chairman, and may be submitted via- hand delivery to our office at 176 Serenu Avenue Suite 107 Tamuning, Guam 96931 or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagåtña, Guam 96910, or via email to [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com).

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For further information, please contact the Office of Senator Dennis Rodriguez, Jr. at 649-8638 (TODU).

###

—  
*Si Yu'os Ma'äse'*  
**Amanda L. Shelton**  
Chief Policy Analyst  
Office of Senator Rodriguez

649-8638  
[www.toduguan.com](http://www.toduguan.com)

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As of August 27, 2013**

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As of August 27, 2013**

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<a href="mailto:senbenp@guam.net">senbenp@guam.net</a>
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<a href="mailto:sitarose2@yahoo.com">sitarose2@yahoo.com</a>
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## SENATOR DENNIS G. RODRIGUEZ, JR.

### AGENDA

Monday, September 9, 2013

9am

Public Hearing Room, *I Liheslatura*

#### **I. Call to Order**

#### **II. Items public consideration:**

- **Bill No. 165-32 (COR)**, An act to adopt the government of Guam healthy vending machine policy, as provided and mandated pursuant to P.L. 31-141, Division 4, Title 2, Guam Administrative Rules and Regulations. Introduced by D.G. Rodriguez, Jr.

#### **III. Adjournment**

Testimonies may be addressed to Sen. Dennis G. Rodriguez, Jr. and sent or to 155 Hesler St. Hagatna, Guam, the Guam Legislature's Mailroom, or via email at [senatordrodriguez@gmail.com](mailto:senatordrodriguez@gmail.com).

*Si Yu'os Ma'åse'* for your participation in today's hearings and discussions!



**COMMITTEE ON RULES**

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

August 8, 2013

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

Senator  
Vicente (Ben) C. Pangelinan  
Member

**John A. Rios**  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

RE: Request for Fiscal Note--Bill No.164 & 165-32(COR)

Senator  
Dennis G. Rodriguez, Jr.  
Member

*Hafa Adai* Mr. Rios:

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

*Si Yu'os ma'åse'* for your attention to this matter.

Senator  
Frank Blas Aguon, Jr.  
Member

Very Truly Yours,

**Senator Thomas C. Ada**  
*Acting Chairperson of the Committee on Rules*

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Attachments (1)

Senator  
Aline Yamashita  
Member

Cc: Clerk of the Legislature

2013 AUG -9 PM 4: 19



Bill Nos.	Sponsor	Title
164-32 (COR)	Dennis G. Rodriguez, Jr., V. Anthony Ada, Aline A. Yamashita, Ph.D.	AN ACT TO AUTHORIZE THE GOVERNOR, PURSUANT TO EXECUTIVE ORDER, TO TEMPORARILY ADJUST, WAIVE OR SUSPEND THE PROVISIONS FOR TUBERCULOSIS TESTING, BY AMENDING §3329 OF ARTICLE 3, CHAPTER 3, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED.
165-32 (COR)	Dennis G. Rodriguez, Jr., T.C. Ada, Brant T. McCreadie	AN ACT TO ADOPT THE GOVERNMENT OF GUAM HEALTHY VENDING MACHINE POLICY, AS PROVIDED AND MANDATED PURSUANT TO PUBLIC LAW 31-141, AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES AND REGULATIONS.



## COMMITTEE ON RULES

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Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

August 8, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Thomas C. Ada**   
*Acting Chairperson of the Committee on Rules*

**Subject:** **Referral of Bill No. 165-32(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 165-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

**MINA' TRENTAI DOS NA LIHESLATURAN GUAHAN  
2013 (FIRST) Regular Session**

**Bill No. 165 -32 (COR)**

Introduced by:

**D.G. RODRIGUEZ, JR.** ✓

**T.C. ADA** ✓

**B. McCREADIE** ✓

**AN ACT TO ADOPT THE GOVERNMENT OF GUAM  
HEALTHY VENDING MACHINE POLICY, AS PROVIDED  
AND MANDATED PURSUANT TO PUBLIC LAW 31-141,  
AND TO BE CODIFIED UNDER A NEW CHAPTER 13 OF  
DIVISION 4, TITLE 2, GUAM ADMINISTRATIVE RULES  
AND REGULATIONS.**

2013 NOV - 8 PM 2:42

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  
4 Services promulgated the Government of Guam Health Vending Machine Rules  
5 and Regulations, relative to the sale of snacks and beverages from vending  
6 machines located on all government of Guam premises.

7 It is the *intent* of *I Liheslaturan Guåhan* to adopt the Rules and Regulations  
8 appended to this Act as Exhibit "A".

9 **Section 2. Adoption of Rules.** Notwithstanding any other provision of law, rule,  
10 regulation and Executive Order, the Department of Public Health & Social  
11 Services rules and regulations relative to "**Government of Guam Healthy  
12 Vending Machine Policy**", and attached hereto as Exhibit "A", are hereby  
13 adopted by *I Mina'Trentai Unu Na Liheslaturan Guåhan*, and shall be codified

1 under a NEW Chapter 13 of Division 4, Title 2, Guam Administrative Rules and  
2 Regulations.

3 **Section 3. Amendment of Rules.** The Department of Administration *shall*,  
4 at a minimum of every five years, and pursuant to Article 3 - Rule Making  
5 Procedures, of Chapter 9, Title 5, Guam Code Annotated, review and amend, as  
6 necessary, the procedures adopted pursuant to Section 2 of this Act.

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

9 “(c) Implementation Timeline. By January 2014 ~~2012~~, *at least* fifty percent  
10 (50%) of all foods and beverages offered in government-contracted food and beverage  
11 vending machines within government facilities and offices *shall* adhere to the specific  
12 guidelines established pursuant to this Section. Government agencies which have  
13 existing vending machine contracts must ensure compliance by current vendors.”

14 **Section 5. Severability.** *If* any provision of this Act or its application to  
15 any person or circumstance is found to be invalid or contrary to law, such  
16 invalidity shall *not* affect other provisions or applications of this Act which can be  
17 given effect without the invalid provisions or application, and to this end the  
18 provisions of this Act are severable.

19 **Section 6. Effective Date.** This Act shall become immediately effective  
20 upon enactment.

**EXHIBIT “A”**

**GOVERNMENT OF GUAM HEALTH VENDING MACHINE  
POLICY**

**Rules and Regulations**

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

Department of Public Health and Social Services

**Government of Guam**  
**Healthy Vending Machine Policy**

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**I. BACKGROUND**

The Department of Public Health and Social Services recognizes the impact that the increasing rates of obesity and overweight are having on chronic diseases, quality of life, and health care costs. Consumption of just 100 extra calories a day from foods such as soda and snacks can cause a ten pound weight gain each year.

1 Individual weight loss of as little as five to ten pounds can delay or prevent the  
2 onset of type 2 diabetes, metabolic syndrome, hypertension, etc. and can reduce  
3 chronic disease-related health care costs.

4  
5 According to the Department of Public Health & Social Services (DPHSS), in  
6 2009 a combined total of 61.2 % of the island's adult population was either  
7 overweight or obese and according to the 2007 Youth Risk Behavior Surveillance  
8 System (YRBS) a combined total of 40.9% middle and high school students  
9 described themselves as overweight.

10  
11 The vision of the Government of Guam's Healthy Vending Machine Policy is to  
12 promote the prevention of chronic diseases by providing access to healthier  
13 beverages and foods from vending machines within the workplace. With most  
14 employees spending nearly half their waking hours on the job, worksites can play  
15 an essential role in helping people make healthy lifestyle choices. According to  
16 the Comprehensive Wellness Program Employee Interest Survey conducted in  
17 September 2010, respondents reported that they would buy healthy snacks at the  
18 worksite if they were available. Through this policy, the Department of Public  
19 Health and Social Services is actively promoting access to healthier items at the  
20 workplace, within offices, and public facilities that serve island residents.  
21 Mandating healthier food options at the workplace and within offices and public  
22 facilities that serve island residents may be one of the most cost effective changes  
23 to immediately improve employee eating habits and to provide access to healthier  
24 beverage and food options to the public. By implementing this Healthy Vending  
25 Machine Policy, the Government is taking a reasonable first step to combat the  
26 obesity epidemic.

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

**II. RULES AND REGULATIONS**

This policy covers all machines designed to dispense food and/or beverages located within all government owned, leased and/or operated spaces or facilities. Should a Healthy Vending Machine Policy or public law exist at any government of Guam agency, and that agency’s policy requires a percentage greater than 50% of the items sold in vending machines follow specific nutritious guidelines, that agency’s policy will remain in effect and supersede this Healthy Vending Machine Rules and Regulations requirement of 50%. If, however, that agency’s policy does not require that 50% of the items sold in the vending machines follow specific nutritious guidelines, this Healthy Vending Machine Rules and Regulations will supersede that agency’s policy.

Each agency-designated HEALTH Coach or other designee shall have primary responsibility for the management and administration of the vending machines that are located within their respective department and facility. The Government of Guam HEALTH Steering Committee shall have the primary responsibility for



1 consulting with HEALTH Coaches or designees regarding established nutrition  
2 standards and selections as outlined and approved by this policy and assisting with  
3 the implementation of the policy.

4

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

13

### 14 **III. POLICY**

#### 15 **A. Placement of Vending Machines**

16 No independently owned vending machines shall be allowed on government  
17 property without the prior written approval of the Agency Head or his/her  
18 designee. Snack and beverage vending machines shall be permitted to operate on  
19 government property for the sale of food and beverage items to government  
20 employees and members of the public who use the facilities subject to the  
21 provisions of this policy.

22

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

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

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

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

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

13 **B. Food and Beverage Operations**

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

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

21 **C. Nutrition Facts**

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

#### 5 **D. Food and Beverage Nutrition Guidelines**

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

9 a) Water;

10 b) Coffee or Tea;

11 c) Nonfat or reduced fat milk (including soy or cow's milk, chocolate or  
12 other flavored milk not containing more than fifteen (15) grams of added  
13 sugar per 250 gram serving or three (3) teaspoons of sugar per one (1) cup of  
14 milk;

15 d) One hundred (100%) percent fruit/vegetable juice;

16 e) Fruit based drinks containing one hundred (100%) percent fruit juice and  
17 no added caloric sweeteners;

18 f) All other non-caloric beverages, including diet sodas; or

19 g) Sport drinks less than or equal to 100 calories

20 2. Snacks/Food:

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

23 a) Not more than 250 calories.

1 b) Not more than thirty-five (35%) percent of the calories shall be from fat  
2 with the exception of nuts and seeds; snack mixes and other foods of which  
3 nuts are a part must meet the thirty five (35%) requirement.

4 c) Not more than ten (10%) percent of the calories shall be from saturated  
5 fat

6 d) Shall not contain trans fats that are added during processing  
7 (hydrogenated oils and partially  
8 hydrogenated oils)

9 e) Not more than thirty-five (35%) percent of the total weight shall be from  
10 sugar and caloric sweeteners with the exception of fruits and vegetables that  
11 have not been processed with added sweeteners or fats.

12 f) At least one (1) item meeting the snack criteria in each vending machine  
13 shall also meet the FDA definition of “Low Sodium” (< 140mg per serving)  
14 Further, the policy recommends that options within the vending machine  
15 contain items that include at least two (2) grams of dietary fiber

16 g) Not more than 360 mg of sodium per serving.

17 Considerations:

- 18 • Avoid fat content above 3 gm/serving when possible
- 19 • Avoid products with chocolate as prominent ingredient
- 20 • Avoid products with first or second ingredient as salt or sugar
- 21 • Avoid sugar or salt coated products
- 22 • Avoid sodium content above 50 mg/serving when possible
- 23 • Avoid foods that have the following ingredients:
  - 24 ○ Aspartame, MSG, Ajinomoto, Accent, Glutamate, Textured
  - 25 protein, Monosodium glutamate, Hydrolyzed protein (any
  - 26 protein that is hydrolyzed), Monopotassium glutamate,

1                   Glutamic acid, Yeast extract, Calcium caseinate, Yeast food,  
2                   Sodium caseinate, Autolyzed yeast, Gelatin, Yeast nutrient  
3                   (these are all possible forms of MSG)

- 4                   ○ Splenda
- 5                   ○ Acesulfame-K
- 6                   ○ Nitrite
- 7                   ○ caffeine
- 8                   ○ Sulfite
- 9                   ○ Saccharin
- 10                  ○ BHA or BHT

11                  h) In reference to PL 31-141, effective January 2012, at least 50% of the  
12                  snacks/foods sold in vending machines must abide by the criteria outlined  
13                  above.

#### 14 **E. Consultation**

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

#### 18 **F. Amendment of Nutrition Standards**

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

#### 22 **G. Implementation**

23                  1. Time Line

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

5 **2. Contract Process:**

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

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

13 **H. Evaluation**

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

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

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

1 1. Consumers

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

7 2. Vendors

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

23 Every six (6) months thereafter, random self-report surveys on vending machine  
24 utilization will be conducted. At the same time, vendors will also be asked to

1 report vending machine consumption. DPHSS coordinates the surveys and ensure  
2 that vendors will submit the reports in a timely manner.

3

4



1 **ATTACHMENT 1**

2 **LIST OF APPROVED SNACKS AND BEVERAGES**

3 **EVERAGES:**

- 4 ○ Water
- 5 ○ Coffee or Tea
- 6 ○ Nonfat or reduced fat milk (chocolate or other flavored milk), shelf stable
- 7 portion size
- 8 ○ Soy milk (chocolate or other flavored milk)
- 9 ○ Fruit/vegetable juice – 100% juice, shelf stable portion size
- 10 ○ Non-caloric beverages, including diet sodas

11 **SNACKS:**

- 12 ○ Pop corn (light or no butter)
- 13 ○ Pop Tarts (like those allowable in Public School machines)
- 14 ○ Trail mix (dry nuts & dry fruits, coconut meat, etc)
- 15 ○ Granola bars
- 16 ○ Fig bars
- 17 ○ Nuts – 1 serving per container (peanuts, cashews, pine nuts, almonds,
- 18 pistachio nuts, etc)
- 19 ○ Mixed nuts
- 20 ○ Seeds – 1 serving size container (unsalted sunflower, pumpkin)
- 21 ○ Raisins
- 22 ○ Dried fruits – 1 serving size container (apples, prunes, peaches, apricots,
- 23 etc.)
- 24 ○ Pretzels (lightly salted or non-salted)
- 25 ○ Dry roasted or baked taro, breadfruit, or carrot chips
- 26 ○ Canned (1 serving size) Fruit Cocktail (and any other available serving size
- 27 canned fruits)
- 28 ○ Cheese & cracker snacks
- 29 ○ Peanut butter & cracker snacks
- 30 ○ Dry roasted soy beans
- 31 ○ Dry roasted peas

- 1      ○ Dry Seaweed
- 2      ○ Rice snack crackers
- 3      ○ Oatmeal cookies (with raisins & nuts if possible)
- 4      ○ Beef Jerky
- 5      ○ Fruit
- 6      ○ Low fat yogurt
- 7      ○ Similar food groups approved by USDA, FNS, USFDA and Food &
- 8      Nutrition Services Management Division-GDOE (former GPSS).