

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
165-32 (COR)	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.	8/8/13 2:42 p.m.	8/8/13	Committee on Health & Human Services, Health Insurance Reform, Economic Development, and Senior Citizens			



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

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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 AUG -8 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”

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.

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.

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.

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) Not more than 360 mg of sodium per serving.

Considerations:

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

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

- Splenda
- Acesulfame-K
- Nitrite
- caffeine
- Sulfite
- Saccharin
- BHA or BHT

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

E. Consultation

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

F. Amendment of Nutrition Standards

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

G. Implementation

1. Time Line

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

2. Contract Process:

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

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

H. Evaluation

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

At the same time, any change in the attitudes and perceptions of the consumers of vending machine products in Government of Guam (GovGuam) agencies should also be measured over time. The items included in the Comprehensive Wellness Program Employee Interest Survey which was conducted in September 2010 should provide the baseline attitudes toward healthy vending machines. Consequently, the evaluation of compliance should focus on the response of two populations: (1) the consumers, and (2) the vendors.

1. Consumers

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

2. Vendors

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

Every six (6) months thereafter, random self-report surveys on vending machine 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

ATTACHMENT 1

LIST OF APPROVED SNACKS AND BEVERAGES

BEVERAGES:

- 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.)
- Pretzels (lightly salted or non-salted)
- Dry roasted or baked taro, breadfruit, or carrot chips
- Canned (1 serving size) Fruit Cocktail (and any other available serving size canned fruits)
- Cheese & cracker snacks
- Peanut butter & cracker snacks
- Dry roasted soy beans
- 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).