

By: Lucio III

H.B. No. 2824

A BILL TO BE ENTITLED

AN ACT

relating to food and beverages available from a vending machine located on property owned or leased by the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2203, Government Code, is amended by adding Section 2203.006 to read as follows:

Sec. 2203.006. STANDARDS FOR VENDING MACHINE FOOD AND BEVERAGES. (a) In this section, "department" means the Department of State Health Services.

(b) This section applies to food and beverages offered in a vending machine that is located on property that is owned or leased by the state, including a vending machine operated under Chapter 94, Human Resources Code.

(c) Food and beverages to which this section applies must meet minimum nutrition standards adopted by rule by the department.

(d) The minimum nutrition standards must ensure that:

(1) food offered in a vending machine:

(A) contains zero grams of trans fatty acids per serving, as defined by the United States Food and Drug Administration; and

(B) contains not more than:

(i) 230 milligrams of sodium per serving if the food is not a refrigerated meal or other individual meal item;

or

1                    (ii) 480 milligrams of sodium per serving  
2 if the food is a refrigerated meal or other individual meal item;

3                    (2) at least half of the beverage choices offered in a  
4 vending machine, excluding unsweetened milk and 100 percent juice,  
5 contain less than 40 calories per serving;

6                    (3) any milk offered is two percent, one percent, or  
7 nonfat;

8                    (4) if juice is offered, at least one offering is 100  
9 percent juice with no added sweetener; and

10                   (5) any vegetable juice offered contains not more than  
11 230 milligrams of sodium per serving.

12                   (e) In addition to the minimum nutrition standards required  
13 under Subsection (d)(1), at least 25 percent of packaged foods that  
14 are offered in a vending machine, other than nuts and seeds that do  
15 not have added fats, oils, or sweeteners, must:

16                    (1) have a calorie content made up of:

17                      (A) not more than 10 percent saturated fat; and

18                      (B) not more than 35 percent sugars, excluding  
19 fruits and vegetables without added sweeteners; and

20                    (2) if the food is not a refrigerated meal or other  
21 individual meal item, have less than 200 calories.

22                    (f) A vending machine to which this section applies must  
23 display the total calorie content for each item offered.

24                    (g) The department may provide exceptions to the minimum  
25 nutrition standards adopted under this section for certain vending  
26 machines that are frequently used by persons with certain medical  
27 or dietary profiles identified by the department.

1       (h) The department shall, at least every five years, review  
2 and, if necessary, update the minimum nutrition standards adopted  
3 under this section. In reviewing the standards, the department  
4 shall consider advancements in nutrition science, dietary data, new  
5 product availability, and updates to the Dietary Guidelines for  
6 Americans, as published by the United States Department of  
7 Agriculture and the United States Department of Health and Human  
8 Services.

9       (i) A contract with a vendor for operation of a vending  
10 machine to which this section applies must include a provision  
11 requiring the vendor to offer food and beverages that meet the  
12 minimum nutrition standards adopted by the department under this  
13 section.

14       (j) The statewide wellness coordinator designated under  
15 Section 664.053 shall provide information and resources to state  
16 agencies to promote state employee wellness through implementing  
17 the requirements of this section.

18       SECTION 2. (a) Not later than September 1, 2016, the  
19 Department of State Health Services shall adopt rules to establish  
20 minimum nutrition standards under Section 2203.006, Government  
21 Code, as added by this Act.

22       (b) A state agency is not required to comply with Section  
23 2203.006, Government Code, as added by this Act, until September 1,  
24 2017.

25       (c) Section 2203.006(i), Government Code, as added by this  
26 Act, applies only to a contract for vending machine services for  
27 which a state agency first advertises or otherwise solicits bids,

1 proposals, offers, or qualifications on or after September 1, 2016.

2           SECTION 3. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2015.