

By: Lucio III

H.B. No. 718

A BILL TO BE ENTITLED

AN ACT

relating to food and beverages available from a vending machine located on property used by a state agency.

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, "executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(b) This section applies to food and beverages offered in a vending machine that is located on property that is:

(1) owned by the state and under the charge and control of a state agency; or

(2) leased by the state for the use of a state agency.

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

(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

1 the food is not a refrigerated meal or other individual meal item;

2 or

3 (ii) 480 milligrams of sodium per serving

4 if the food is a refrigerated meal or other individual meal item;

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

8 (3) any milk offered is two percent, one percent, or  
9 nonfat;

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

12 (5) any vegetable juice offered contains not more than  
13 230 milligrams of sodium per serving.

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

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

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

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

22 (2) have less than 200 calories.

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

25 (g) The executive commissioner shall, at least every five  
26 years, review and, if necessary, update the minimum nutrition  
27 standards adopted under this section. In reviewing the standards,

1 the executive commissioner shall consider advancements in  
2 nutrition science, dietary data, new product availability, and  
3 updates to the Dietary Guidelines for Americans, as published by  
4 the United States Department of Agriculture and the United States  
5 Department of Health and Human Services.

6 (h) A contract with a vendor for operation of a vending  
7 machine to which this section applies must include a provision  
8 requiring the vendor to offer food and beverages that meet the  
9 minimum nutrition standards adopted by the executive commissioner  
10 under this section.

11 (i) The statewide wellness coordinator designated under  
12 Section 664.053 shall provide information and resources to state  
13 agencies to promote state employee wellness through implementing  
14 the requirements of this section.

15 SECTION 2. (a) Not later than September 1, 2020, the  
16 executive commissioner of the Health and Human Services Commission  
17 shall adopt rules to establish minimum nutrition standards under  
18 Section 2203.006, Government Code, as added by this Act.

19 (b) Except as provided by Subsection (c) of this section, a  
20 state agency is not required to comply with Section 2203.006,  
21 Government Code, as added by this Act, until September 1, 2021.

22 (c) Section 2203.006(h), Government Code, as added by this  
23 Act, applies only to a contract for vending machine services for  
24 which a state agency first advertises or otherwise solicits bids,  
25 proposals, offers, or qualifications on or after September 1, 2020.

26 SECTION 3. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2019.