



KANSAS HEALTHY VENDING IMPLEMENTATION GUIDE



Public vending machines offer food and drink options to thousands of local government employees and community members throughout Kansas. However, these options often are limited to items that are high in calories, sugar and salt, despite the fact that healthy options are growing in popularity with customers.

By adopting a policy that sets nutrition standards for food and beverages sold through vending machines in local government buildings and facilities, local governments can model public health strategies to reduce nutrition-related chronic diseases and increase customer choices in ways that also support vendor profitability.^{1,2,3,4}

Good implementation is a crucial part of any good policy. For healthy food and beverage policies in particular, implementation can pres-



ent unexpected challenges. This guide describes key steps and considerations relating to the implementation of a healthy vending policy for public property. Keep in mind that thinking about

implementation is an important part of the policy design process, so many of these steps will occur prior to and during the policy writing process. For more tips on policy drafting, see the Public Health Law Center's resources on [Drafting Effective Policies](#) and [Key Components of Food Procurement & Vending Policies](#).⁵

Engage Staff, Vendors and Partners

Open communication with both the vendors and the staff that manages vending is a key step before and during the implementation of a healthy vending policy. This will ensure that you have a consistent healthy vending policy across government facilities. Engaging and communicating with vendors is particularly crucial to the success of a healthy vending policy because their cooperation is necessary for effective policy implementation. Managers, distributors, truck drivers, stockers all must be informed of the requirements in the policy, including the nutrition standards and the specific language in the vending contract. Even with good communication and buy-in from government staff and vendors, you should anticipate challenges in implementing the policy.

The following are steps you can take to develop an effective policy and minimize implementation issues. Advocacy staff at the American Heart Association are also an important resource; they can assist you in writing an effective healthy vending policy for your community, and provide guidance on anticipating potential implementation challenges.

Conduct an Assessment

Assess Vending Machine Food and Beverage Products

Conducting a baseline assessment of the vending machine locations and the food and beverages for sale in those machines can better facilitate the development and implementation of a healthy vending policy. The assessment is composed of two equally important pieces; an assessment of the vending operations and an assessment of the food and beverage items.

Vending operations assessment

The healthy vending policy will set standards for vending machine operations and require local government employees to include them in all future requests for proposal and contracts for vendors. Before you start writing the policy, you will need to understand the current state of the vending operations in the areas that will be covered by the policy, including learning who the key stakeholders are (contract manager(s), procurement officer, vending companies, etc.), under-

standing the contracts between the government and vendors, and assessing what the capacity is for enforcing a healthy vending policy. Having this information will allow you to identify where, when and how to implement the policy.

For example, there may not be any contracts in place. In this case, it may be easy to change the products offered in the vending machines to meet nutrition standards. Or if there is an existing vending contract, it may be up for renewal or ending soon, which presents a good opportunity to talk with the vendors about updating old machines and incorporating nutrition standards into the next contract with new products. Even if there is a current contract that continues for several years, the existing agreement may allow for changing the product mix and getting newer, healthier items into the machines. If the departments in the local government have separate contracts, the following steps should be tailored for each department that would be covered by the written policy. Examples of questions that should be asked about the vending operations are in the box below.

Vending operations checklist

- Where are machines located, and in what type of facility (i.e., office building, community center, library, etc.)?
- What type of vending machines are there (i.e., snack, refrigerated snack, cold beverage, hot beverage, bottles only, cans only, etc.)?
- Does the local government contract for vending machine operations, or does it operate its machines on its own? Does it depend on the particular department? If there are no contracts, are there informal agreements with vendors?
- If contracts are used, is there one contract for all government facilities or does each agency/department have its own contracts?
- Who manages the vending contracts?
- When does the current contract end?
- Does the current contract already include any language about healthy food and beverage items (e.g., FitPick), or refer to the types of items that will be sold?
- Who re-stocks the machines and how often do they re-stock them?
- Are machines stocked year-round?

Food and beverage assessment

There are several assessment tools designed to capture the characteristics of the food and beverage items for sale in vending machines. One comprehensive tool is the *Nutrition Environment Measures Survey — Vending* (NEMS-V).⁶ This tool can be modified to include the standards and the types of vending machines that would be covered by the policy. Sometimes, the results from this type of assessment can reveal that it may be easier to meet the new nutrition standards than you realized. No matter which assessment tool is used, the food and beverage assessment should measure the characteristics in the box below.

Food and beverage assessment checklist

- The types of options available (i.e., availability of both healthy and unhealthy vending options based on the selected nutrition standards)
- The prices of healthy and unhealthy foods
- The placement and labeling of healthy and unhealthy foods in or near the vending machines
- If possible, the total sales (monthly) of the foods and beverages at each location, or by machine, and across all vending machines

Define “Vending Machine” and “Government Property”

Definitions are a crucial part of a healthy vending policy. The definitions should be broad enough to cover all the types of vending machine outlets that are on the local government’s property. The assessment can help gather this information. Are there typical vending machines only, or are micro-marts, beverage mixing machines, and other types of newer automated devices involved? Here is one example of a definition based on the Kansas Department of Agriculture’s definition of food vending machines: “any self-service device, which, upon payment, dispenses unit servings of food [or beverages], either in bulk or in packages. Such device shall not necessitate replenishing between each vending operation.”⁷ It further defines food vending machine companies as “any person in the business of operating and servicing food [or beverage] vending machines.”⁸

Government property should be defined as any property owned, operated or managed by the local government (city, county, township, or park and recreation district). Depending on the local government, this may include government buildings, parks, recreation and event facilities. Keep

in mind that schools are beyond the scope of this policy because schools have their own governing bodies which establish policies for the facilities they own or operate, and most schools have to follow food service standards included in the federal school meal programs. So to be clear, your definition of government property should exclude schools.

Create an Implementation Plan

Select Nutrition Standards

The information collected through the assessments should inform what nutrition standards will be included in the policy. There are many different nutrition standards for vending machine food and beverages, and some are more evidence-based than others. Three of the best evidence-based standards are from the American Heart Association's (AHA) *Healthy Workplace Food and Beverage Toolkit*,⁹ the *Food Service Guidelines for Federal Facilities*¹⁰ or the *National Alliance for Nutrition and Activity's Model Vending Guidelines*.¹¹ The selection of nutrition standards will be based on the vending machine assessment, so think about which of the three standards is most feasible to implement depending on the answers to the assessment questions. The standards selected should be written into the policy. For an example of how the AHA standards are used in a policy, see our [Kansas Sample Healthy Vending Policy in the appendix](#).

- Some vending machines may be labeled as having FitPick options, which is a marketing program designed by the vending machine industry. The FitPick guidelines do not qualify as evidence-based nutrition standards that meet AHA recommendations.¹²

Decide on an implementation approach

The date when the policy will go into effect is an important detail of the policy because it identifies when the nutrition standards and other requirements will become enforceable. Depending on the input you get from talking to staff and vendors, you may decide on one of several options for an effective date. If there is a contract and it is ending soon, you may wish to start the policy before the contract is renewed, before a new one is signed, or before a new request for proposals goes out, whichever is sooner. If the local government code includes a general provision that states when laws become effective but more time might be needed for implementation, then you may wish to write in a delayed effective date to allow for implementation of the standards. For an example of how an effective date is written into a policy, see our [Kansas Sample Healthy Vending Policy in the appendix](#). The effective date and the implementation approach should go hand in hand.



SUCCESS STORY: Lawrence, Kansas

The Lawrence Parks and Recreation Department created nutrition standards, pricing components and product placement requirements for vending machines on Parks and Recreation property. These standards and requirements were written into a request for proposals.¹³

There are two options when choosing an implementation approach. A 100% approach requires that 100% of the items meet the nutrition standards by the effective date. A phased-in approach allows for the requirements to be met over a specified period of time. For example, the policy could say that, to start with, 50% of food items and 75% of beverage items must meet

the nutrition standards, leading up to 100% application by the end of the third year. If a phased-in approach like this is used, there are several other details to think about. For starters, how will implementation be measured? Will it be by the number of slots per machine? The slots that are stocked or all slots? Benchmarks for phased-in implementation will also need to be identified. What percent of requirements need to be met by which dates? Which approach is best will depend on the assessment findings and the circumstances. The Public Health Law Center's resource on [*Promoting Healthy Food & Beverage Choices in Parks and Recreation Facilities*](#) provides information on how to decide on a 100% or phased-in approach.¹⁴ For sample language using a phased-in approach, see our [Kansas Sample Healthy Vending Policy in the appendix](#).

Keep in mind, that while monitoring implementation is important for both approaches, it is particularly critical for phased-in approaches because not all food and beverages will meet the nutrition standards (see below for more on monitoring and enforcement). The following are strategies that can help differentiate healthy food and beverage products from non-healthy items, which are essential when using a phased-in approach.

Product lists

Identifying eligible products tailored to the selected nutrition standards is an effective way to minimize barriers in implementing a healthy vending policy. Ask to see the vendor's product lists and identify food and beverage items that meet the nutrition standards. If they do not have a list, the Center for Science in the Public Interest has a [*Snack, Entrée, and Beverage Options that Meet NANA, AHA, and GSA/HHS Vending Standards*](#)¹⁵ and Amazon Business has a list of products that meet USDA Smart Snacks in Schools Standards.¹⁶

SUCCESS STORY: Missouri Department of Health and Senior Services

A pilot program at the Missouri Department of Health and Senior Services showed that when vending machines were stocked with between 50% and 60% healthy items over a three-month period, vendor revenues increased by more than \$650.¹⁷

Placement

The arrangement of items within a vending machine is an important factor in sales and therefore, an important part of this kind of policy. For example, research shows that placing healthy products at eye level improves their visibility, making them more likely to be purchased.¹⁸ For an example of how to write placement strategies into a healthy vending policy, see our [Kansas Sample Healthy Vending Policy in the appendix](#).

Pricing

Selling healthy food and beverage items at the same or lower price than unhealthy items is an effective way to promote purchasing of healthy items. Research has shown that lowering the prices of healthy snacks can increase their sales by up to 80%.¹⁹ For an example of how to write pricing strategies into the policy, see our [Kansas Sample Healthy Vending Policy in the appendix](#).

- **Planograms**

A planogram is a tool used in retail environments that provides vendors with visual depictions of the placements of products. A vending machine planogram can be an important tool to provide vendors when implementing a healthy vending policy because it allows them to more easily arrange and price healthy products in compliance with the policy requirements. The Food Trust provides an example of a vending planogram from the [City of Philadelphia](#).²⁰

Promotion

Promoting healthy food and beverage items is a highly effective way to increase consumer buy-in and support. Marketing strategies such as taste tests to introduce new items and attractive signage to promote awareness of products can be valuable ways to encourage purchasing of healthy food and beverages. Additionally, surveys capturing consumer feedback on new products can demonstrate approval to vendors.

SUCCESS STORY: Iowa Department of Public Health

The Iowa Department of Public Health developed a social marketing campaign to motivate consumers to make healthier choices when using vending machines located in office buildings. Results demonstrated a 10% increase in sales of healthier products when messages were placed at the point of purchase in comparison to control machines.²¹

Randolph-Sheppard Act

The Randolph-Sheppard Act gives preferences to eligible blind vendors on federal property. In Kansas, the law extends these preferences to vending machines on state and local property.²² This is another reason to engage vendors early on in the policy development and implementation process. For more information on this law, see the Public Health Law Center's resource on [Healthy Vending in Kansas and the Randolph-Sheppard Act](#).²³

Federal calorie labeling requirements

In 2010, Congress passed a law that set new requirements for calorie labeling by vending machine operators with 20 or more vending machines. All vending machine policies should incorporate this requirement. See our [Kansas Sample Healthy Vending Policy in the appendix](#) for an example of how to integrate this federal law into a healthy vending policy.

Design a monitoring and enforcement plan

Who will monitor the implementation process and how the nutrition guidelines and other standards will be enforced are also key considerations. This is particularly important in the first few months of the policy's implementation because staff and vendors will be adjusting to the new requirements. Think about the results from the assessment. Who is currently enforcing the contract requirements? Do they have the capacity to monitor and enforce the new nutrition standards? If not, who has the resources to take on this role?

In addition to understanding who will be monitoring the policy, it is important to decide how they will do it. If possible, providing on-the-spot monitoring to ensure that the correct products are being stocked, and in the places and at the prices required by the policy language, is highly



recommended. After an initial phase of on-the-spot monitoring (between three to six months), a regular monitoring schedule should be determined to assess compliance with the contract. This will be based on the resources available to local government departments and staff. Keep in mind that changes in staffing, vending machines and stocking frequency will require additional monitoring to ensure compliance. You will also need to determine how mistakes or non-compliance will be corrected. For examples of how to address non-compliance in the policy, see our [Kansas Sample Healthy Vending Policy in the appendix](#).

Reviewing and reporting

Providing language in the policy that calls for the nutrition standards to be reviewed and updated periodically (every three to five years or so) may also be a good idea. This ensures that the policy will stay current with research and revisions to the Dietary Guidelines for Americans. Whether this type of language should be included in the policy depends on whether the staff have the expertise and capacity to do this kind of review. Similarly, language that requires that an implementation report be prepared should also be included. This report could measure compliance with the nutrition standards and identify challenges and opportunities for improving implementation in the future. For model language on reviewing and reporting see our [Kansas Sample Healthy Vending Policy in the appendix](#).

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Endnotes

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Appendix: Kansas Sample Healthy Vending Policy

The sample policy language presented here is for a law or administrative policy at the township, city, or county level that establishes nutrition standards for food and beverages in vending machines on local government property, and that follows American Heart Association recommendations.

Please note that this language is not applicable to vending machines in schools because school districts have their own policymaking process and requirements. Also, for other types of food outlets, such as concession stands, cafeterias, catering for meetings and events, food procurement and other food service operations, policy language and standards would need to be tailored for these outlets due to the different ways they operate. For example, *Food Service Guidelines for Federal Facilities* provide standards tailored for cafeteria and similar food service operations. Additional guidance for these types of outlets is also available from the American Heart Association and Public Health Law Center.

Note: This policy language is tailored specifically to American Heart Association recommendations. When language appears in brackets below, it provides additional options or explains the type of information that could be used to customize the policy.



Nutrition Standards

The sample language uses nutrition standards developed by the American Heart Association for their *Healthy Workplace Food and Beverage Toolkit*.¹ Other nutritional standards such as the *Food Service Guidelines for Federal Facilities*² or the *National Alliance for Nutrition and Activity Model Vending Guidelines*³ may be substituted, if preferred.

Example Language

Comment: Findings that include data and information specific to your community help community members and policy makers understand the need for the policy and how it is relevant. If you don't have data that is specific to your community, use the most relevant information you do have — county, state, or even national data can work. Also, the following policy language uses placeholders and should be replaced with appropriate numbering/titles to fit within the town/city/county's code.

Findings

- (1) Over the past 30 years, the rate of unhealthy weights in the United States has more than doubled. According to the Centers for Disease Control and Prevention, more than two-thirds (68.5%) of American adults are overweight or obese.⁴ In [year of the most recent information] in [town/city/county], [X percentage] of adult residents were overweight or obese. About a third of children nationwide are overweight or obese.⁵ In [state or town/city/county], [X percentage] of children are overweight or obese. Compared to non-obese children, the risk of adult obesity is twice as high for obese children.⁶
- (2) Obesity-related health conditions have serious economic costs for both communities and individuals. Annual health care costs from obesity are estimated to be as high as 190 billion dollars⁷ — or 21% of total health care spending — and are expected to continue to rise.⁸ Historical data indicate that roughly one-half of these costs are being paid through Medicare and Medicaid.⁹ Medicare and Medicaid spending could be reduced by 8.5% and 11.8%, respectively, in the absence of obesity-related spending.¹⁰ Annual medical expenditures related to unhealthy weights in [town/city/county] are estimated at [town/city/county costs related to obesity and overweight].¹¹
- (3) In addition, obesity is associated with job absenteeism and with lower productivity while at work.¹²

(4) There are [number of town/city/county employees] people employed by [town/city/county]. In addition, [X number] community members and visitors are served by [town/city/county facilities] through [government property/programs that use or operate near vending machines (e.g., recreation facilities, library, etc.)] each year. By adopting healthy vending machine standards, the [town/city/county] can help to improve the health of its employees, community members and visitors.

Section One: Purpose

[Town/City/County] is committed to the health and well-being of our residents, employees and visitors. Because of the strong relationship between diet and health and the increasing rates of obesity and resulting chronic diseases, supporting nutritious choices in the community is a core part of [town/city/county]'s commitment to health. The purpose of this [policy/article/chapter/other appropriate designation] is to support access to healthy and appealing food choices for employees, customers, and visitors to [town/city/county] facilities.



Section Two: Definitions

- (1) “[Town/City/County] Property” as used in this [policy/article/chapter/other] means all real property, or part thereof, used for [town/city/county] purposes and either owned, leased, rented, or otherwise controlled by, operated by or occupied by, any [town/city/county] department. [Town/City/County] Property does not include property owned or managed by the [name] Public Schools. [The policy should cover all government facilities over which the town/city/county council or board has authority; if the town/city/county does not have authority over other public facilities (for example, parks and recreation facilities might have their own policymaking body), those facilities could also be identified here].

Comment: Check the local government code to make sure that “town/city/county property” is not already defined elsewhere. Schools are not covered by this policy but other facilities may be covered depending on the town/city/county. Check with your American Heart Association contact to see which facilities, if any, may be excluded in the definition of government property in your community.

- (2) “Nutrition standards” means the nutrition standards in [*Healthy Workplace Food and Beverage Toolkit* (2015) developed by American Heart Association] and described in [section number for Nutrition Standards]. [If you are not using the *Healthy Workplace Food and Beverage Toolkit* as your default standards, change this definition to reflect your choice of standards.]
- (3) “Vending machine” means any self-service device, which, upon payment, dispenses unit servings of food or beverages, either in bulk or in packages, and which does not require replenishing between each vending operation. Vending machines may include, but are not limited to, self-service micro-marts, self-service coolers or self-service kiosks. Payment may include, but is not limited to, coin, paper, currency, token, card or key. [Optional additional language: “Vending machine” for purposes of this [policy/article/chapter/other appropriate designation] includes only those devices that are owned or leased by the [town/city/county], or which are operated directly by or through a contracted vendor with [town/city/county]].

Comment: Check the local government code to make sure that vending machines are not already defined. Optional language is designed to address situations where individuals have pooled their own personal funds to obtain and stock a vending machine that is on government property. Check with your American Heart Association contact about whether this kind of exception is desirable.

- (4) “Covered vending machine” means any vending machine located on [town/city/county] property.

Section Three: Vending Machine Food Standards and Disclosures

Comment: These nutrition standards are taken from the American Heart Association’s *Healthy Workplace Food and Beverage Toolkit*.

(1) Nutrition Standards

- a. The following criteria apply to food items offered in covered vending machines, except for plain nuts and nut/fruit mixes:
 - i. No more than 200 calories per label serving.
 - ii. No more than 240 milligrams of sodium per label serving (preferably no more than 140 milligrams).
 - iii. Zero grams trans fat per label serving and no products containing partially hydrogenated oils.
 - iv. No more than one gram of saturated fat per label serving.
 - v. No more than 35% of the total weight of any food item can come from sugar.
- b. The following criteria apply to beverages offered in covered vending machines:
 - i. Water, including, plain, sparkling and flavored varieties shall not exceed 10 calories per serving.
 - ii. Milk shall be fat-free (skim) or low-fat (1% milk fat) or milk alternatives (soy, almond, etc.) and shall not exceed 130 calories per 8 fluid ounces.

- iii. Juices must contain 100% fruit or vegetable juice (or juice and water), and shall not include added sugars/sweeteners (except non-nutritive sweeteners), shall not exceed 120 calories per 8 fluid ounces; (preferred serving size); 150 calories per 10 fluid ounces; or 180 calories per 12 fluid ounces.
 - iv. All other beverages shall not exceed 10 calories per serving.
- c. The following criteria apply to plain nuts and nut and fruit mixes offered in covered vending machines:
- i. The serving size shall not exceed 1.5 ounces.
 - ii. Sodium content shall not exceed 140 milligrams per label serving.
- (2) Calorie Labeling: All covered vending machines must display the total calorie content for each item, as sold, clearly and conspicuously, adjacent or in close proximity to so as to be clearly associated with the item. Compliance with the standards for calorie labeling that are set forth in 21 Code of Federal Regulations section 101.8 are sufficient to satisfy this requirement.

Section Four: Stocking

[Either a phased in approach or 100% approach may be used for stocking]

Comment: You may decide to use a phased in or 100% approach to stocking the required food and beverage items, depending on the circumstances of your town, city or county. See the *Implementation Guide* for more information on how to choose and implement an approach. A phased in approach must result in 100% of food and beverage items meeting the nutrition standards within no more than three years.

Nutrition Standards for All Food and Beverage Items:

- (1) 100% of the food and beverage items offered in covered vending machines must meet the nutrition standards listed [in Section XX upon the effective date/within three/six months of the effective date of this [policy/article/chapter/other]].

Comment: Staff (such as procurement or contract managers), vendors, and other stakeholders should be consulted when thinking about the date for full implementation. See the *Implementation Guide* for recommendations on engaging stakeholders early in the policy development process.

Or

Nutrition Standards to Be Phased in Over Time:

- (1) [Upon the effective date/Within three months of the effective date of this [policy/article/chapter/other]] at least [50%] of the food items and [75%] of the beverage items offered in each covered vending machine must meet the nutrition standards listed [in Section XX], except that 100% of the food items must meet the sodium and trans fat requirements.

Comment: Which initial percentage(s) to use should be decided based on an assessment of what kinds of items are already being sold in the machines, and in consultation with local government staff and vendors. Because bottled water is a very popular product, it is often easier to meet a higher percentage with beverages. Separate benchmarks should be used for food and beverages — they should not be combined. Also, the standards should apply to each machine and not all machines grouped together. For example, it would be less effective if, to meet a 50% standard, one machine is stocked only with items meeting the nutrition standards and another machine is stocked only with items that do not meet the standards. See the *Implementation Guide* for more discussion.

- (2) [Within two years of the effective date, or by date], at least [75%] of the food and [100%] beverage items offered in each covered vending machine must meet the nutrition standards listed [in Section XX], except that 100% of the food items must meet the sodium and trans fat requirements.
- (3) [Within three years of the effective date, or by date], [100%] of the food and beverage items offered in covered vending machines must meet the nutrition standards listed [in Section XX].
- (4) Placement Standards:
 - a. All food and beverage items in covered vending machines that meet the nutrition standards must be displayed and/or labeled in ways that are easily visible and distinguishable from items that do not meet the nutrition standards.
 - b. Food and beverage items that meet the nutrition standards will be placed in the prime selling positions, including but not limited to the top one-third (33%) of the shelving or at eye level, and near the selection buttons of the vending machines so that items are readily visible and identified.



- (5) Pricing Standards: All foods and beverages in covered vending machines that meet the nutrition standards must be priced less than or equal to products that do not meet the nutrition standards.

Comment: These placement and pricing strategies are required for policies that use a phased in approach. Otherwise, 100% of food and beverage items will meet the nutrition standards. For further information on placement and promotion strategies see the *Implementation Guide*.

Section Five: Contracts

- (1) [Recommended Language: This section shall not apply to any covered vending machine contracts that were executed prior to the adoption of this section.] Any contract renew-

als, extensions or new contracts, and any [requests for proposals or requests for bids] issued or entered into after the effective date of this law must comply with this section and shall expressly incorporate the standards and requirements contained in this section.

Comment: The above language could be used to avoid problems with existing contracts.

- (2) All contracts and [requests for proposals or bids] executed after the effective date of this section must state that failure to comply with the standards and requirements of this section shall be deemed a material breach of the contract, which may subject the contract to immediate termination at [government entity]'s sole discretion or to such other remedies as determined appropriate by [government entity].

Section Six: Other implementation and enforcement provisions

- (1) This [policy/article/chapter/other] shall become effective [choose appropriate date based on the policymaking process in your jurisdiction — the town/city/county code may have a general provision addressing effective dates].
- (2) **Recommended Language:** Within [number of years] years after enactment of this [policy/article/chapter/other] and every [number of years] years thereafter, the [city procurement manager or other appropriate person] shall review the nutritional standards and if necessary, recommend amendments to the nutrition standards to reflect advancements in nutrition science, dietary data, and new product availability.
- (3) The [city procurement manager or other appropriate person] shall prepare a [annual/biennial] report on the status of implementation. The report shall include:
 - a. An assessment of compliance with the nutrition standards and stocking requirements;
 - b. A list of successes, challenges, and barriers experienced in implementation; and
 - c. Recommendations for improvement of the nutrition standards and compliance.

Comment: The government staff or departments responsible for contracting with vendors, and implementing and enforcing the standards and requirements in the policy will differ by community. Insert the correct government entity based on the processes and expertise specific to your community.

Comment: A local government may implement this policy by ensuring that its contracts with vending machine operators contain the requirements. If so, the local government can use contractual remedies to ensure that the operators comply with the necessary requirements. In that case, detailed compliance provisions may not be necessary in this policy. See the *Implementation Guide* for more information on how to effectively implement a healthy vending policy.

If there is an appropriate governmental body to which a report could be submitted such as a food and farm taskforce or a worksite wellness taskforce, the language above should be changed to state that the responsible government entity will submit the report to the appropriate oversight body.

[Optional Section Seven: Minimum Standards

This [policy/article/chapter/other] establishes minimum standards. A [department/office/other appropriate unit of the local government] may impose additional requirements for food and beverage vending machine operations that are consistent with this [policy/article/chapter/other] and any other applicable local, state, and federal laws.]

Comment: The optional language above would allow a unit of the local government to exceed the minimum standards established by the policy. As part of the staff engagement process, it should be determined whether this kind of approach would be consistent with the way the jurisdiction manages food procurement and its food and beverage vending machines.

Section Eight: Severability

Nothing in this [policy/article/chapter/other] is intended to conflict with or contradict applicable local, state, or federal laws. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this [policy/article/chapter/other] or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this [policy/article/chapter/other] or any part thereof.

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The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice.

Endnotes

- 1 Am. Heart Ass'n, *Healthy Workplace Food and Beverage Toolkit* (Sept. 12, 2017), http://www.heart.org/HEARTORG/HealthyLiving/WorkplaceWellness/WorkplaceWellnessResources/Healthy-Workplace-Food-and-Beverage-Toolkit_UCM_465195_Article.jsp#.Wfd81mhSyUk.
- 2 Ctrs. for Disease Control and Prevention, *Healthy Food Service Guidelines* (Aug. 1, 2017), available at: <https://www.cdc.gov/obesity/strategies/food-serv-guide.html>.
- 3 Ctr. for Science in the Pub. Interest, *NANA Model Beverage and Food Vending Machine Standards* (Oct. 29, 2013), available at: <https://cspinet.org/resource/nana-model-beverage-and-food-vending-machine-standards>.
- 4 C.L. Ogden et al., *Prevalence of Childhood and Adult Obesity in the United States, 2011-201*, 311 J. AM. MED ASS'N 806 (2014), <https://jama.jamanetwork.com/article.aspx?articleid=1832542>.
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- 6 M.K. Serdula et al., *Do Obese Children Become Obese Adults? A Review of the Literature*, 22 PREVENTIVE MED. 167 (1993), www.ncbi.nlm.nih.gov/pubmed/8483856.
- 7 J. Cawley et al., *The Medical Care Costs of Obesity: An Instrumental Variables Approach*, 31 J. HEALTH ECONOMICS 219 (2012).
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- 9 E.A. Finkelstein et al., *Annual Medical Spending Attributable to Obesity: Payer-And Service-Specific Estimates*, 28 Health Affairs w822 (2009).
- 10 E.A. Finkelstein et al., *Annual Medical Spending Attributable to Obesity: Payer-And Service-Specific Estimates*, 28 HEALTH AFFAIRS w822, w828 (2009).
- 11 For state-specific health care spending data, see E.A. Finkelstein et al., *State-Level Estimates of Annual Medical Expenditures Attributable to Obesity*, 12 OBESITY RESEARCH 18 (2004). These state-level data are for 2003. State health agencies may have more recent spending data.
- 12 See, e.g., D. Gates et al., *Obesity and Presenteeism: The Impact of Body Mass Index on Workplace Productivity*, 50 J. OCC. ENVIR. MED. 39 (2008).