

..1 Introduced \_\_\_\_\_  
Public Hearing \_\_\_\_\_  
Council Action \_\_\_\_\_  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2015 Legislative Session

Legislative Day No. 5

### Bill No. 17 - 2015

Introduced by:  
Calvin Ball, Councilperson

**AN ACT** requiring that healthy food and beverage options be provided on certain County properties and for certain county programs, under certain conditions; establishing standards for healthy food and beverages in connection with these requirements; providing exemptions for these requirements; establishing certain requirements on placement, pricing, advertising and marketing of food and beverages in relation to these requirements; establishing certain duties for the Office of Purchasing in relation to these requirements; and generally relating to healthy food and beverages.

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Introduced and read first time \_\_\_\_\_, 2015. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2015.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2015 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_\_\_ day of \_\_\_\_\_, 2015 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved by the County Executive \_\_\_\_\_, 2015

\_\_\_\_\_  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, According to the Centers for Disease Control and Prevention, 112,000  
2 Americans die each year due to diseases such as heart disease, cancer, stroke and  
3 diabetes – diseases linked to poor nutrition and excess weight; and

4 **WHEREAS**, According to Trust for America’s Health, adult obesity rates have more  
5 than doubled over the past 30 years while childhood obesity rates almost  
6 quadrupled and the average American adult is more than 24 pounds heavier today  
7 than in 1960; and

8 **WHEREAS**, One-third of all White children and half of all African-American and  
9 Latino children born today in the US will likely develop type 2 diabetes in their  
10 lifetimes, according to the Centers for Disease Control and Prevention which may  
11 if undiagnosed or uncontrolled can lead to debilitation, blindness, serious heart  
12 and kidney complications, amputations, and even death; and

13 **WHEREAS**, Sugary drinks, such as regular soda, fruit drinks, sports drinks, energy  
14 drinks, flavored waters, and flavored teas contribute more calories and added  
15 sugars to our diets than any other food or beverage category, according to the  
16 Institute of Medicine and daily sugary drink consumption is strongly linked to  
17 diabetes, high blood pressure, high cholesterol levels and weight gain; and

18 **WHEREAS**, Establishing nutrition standards should be a priority for local governments,  
19 according to the Centers for Disease Control and Prevention and the Institute of  
20 Medicine states that local government nutrition standards are important measures  
21 that can help reduce diabetes, obesity, and other chronic diseases in local  
22 communities; and

23  
24 **WHEREAS**, the 2015 Transition Team Report states as a goal that the Howard County  
25 Health Department should “Aggressively address the County’s obesity issue.  
26 Develop a comprehensive plan to prevent, diagnose, and treat the risk factors  
27 contributing to obesity, a major driver for chronic illness in Howard County.  
28 Work with the business community and other community partners to

1           develop both education and public policy strategies that will affect positive and  
2           measurable change.”

3  
4

5   ***Section 1. Be It Enacted*** by the County Council of Howard County, Maryland, that the  
6   Howard County Code is amended as follows:

7  
8   *By adding:*

9                           *Title 12. Health and Social Services*  
10                          *Subtitle 18. Healthy Food and Beverages – County Property*

11  
12

**Title 12 – Health and Social Services**

**SUBTITLE 18 – HEALTHY FOOD AND BEVERAGES – COUNTY PROPERTY**

13  
14  
15

**SECTION 12.1800. DEFINITIONS.**

16           (a) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

17                   (1) *COUNTY-SPONSORED EVENT* MEANS ANY ACTIVITY, EVENT, MEETING, OR  
18                   PROGRAM THAT IS HOSTED BY A COUNTY AGENCY, DEPARTMENT OR OFFICE,  
19                   EXCLUDING THOSE SPONSORED DIRECTLY BY THE HOWARD COUNTY  
20                   PUBLIC SCHOOL SYSTEM.

21                   (2) *COUNTY PROPERTY* MEANS ANY PROPERTY OWNED, LEASED OR OPERATED BY  
22                   HOWARD COUNTY. COUNTY PROPERTY DOES NOT INCLUDE PROPERTY  
23                   MANAGED BY THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM OR YOUTH-  
24                   ORIENTED COUNTY FACILITIES AS DEFINED IN SECTION 12.1800 (7).

25                   (3) *FOOD OR BEVERAGE VENDING MACHINE* MEANS A SELF-SERVICE MACHINE  
26                   OFFERED FOR PUBLIC USE WHICH, UPON INSERTION OF A COIN, PAPER  
27                   CURRENCY, TOKEN, CARD, OR KEY, OR BY OPTIONAL MANUAL OPERATION,  
28                   DISPENSES SERVINGS OF FOOD OR BEVERAGE IN BULK OR IN PACKAGES, OR  
29                   PREPARED BY THE MACHINE, WITHOUT THE NECESSITY OF REPLENISHING  
30                   THE DEVICE BETWEEN EACH VENDING OPERATION.

1 (4) *FOOD OR BEVERAGE CONCESSION* MEANS A COMMERCIAL OPERATION  
2 SELLING PACKAGED FOOD OR BEVERAGE WITHIN THE PREMISES OF A  
3 LARGER CONCERN, INCLUDING VENDING MACHINES, VENDORS, STANDS,  
4 COUNTERS AND KIOSKS.

5 (5) *HEALTHY FOOD OR BEVERAGE* MEANS ANY PACKAGED FOOD OR BEVERAGE  
6 THAT MEETS THE HOWARD COUNTY HEALTHY FOOD AND BEVERAGE  
7 STANDARDS ESTABLISHED IN SECTION 12.1802 OF THIS SUBTITLE.

8 (6) *YOUTH-ORIENTED COUNTY GOVERNMENT FACILITY* MEANS ANY COUNTY-  
9 OWNED, LEASED, OR MANAGED COMMUNITY CENTER, LIBRARY, PARK, OR  
10 RECREATION CENTER, EXCLUDING PROPERTY MANAGED BY THE HOWARD  
11 COUNTY PUBLIC SCHOOL SYSTEM, THAT SELLS, OFFERS FOR SALE, OR  
12 PROVIDES PACKAGED FOOD, BEVERAGES OR SNACKS TO YOUTH.

13 (7) *YOUTH-ORIENTED COUNTY GOVERNMENT PROGRAM* MEANS ANY COUNTY-  
14 SPONSORED EVENT THAT SELLS, OFFERS FOR SALE, OR PROVIDES PACKAGED  
15 FOOD, BEVERAGES AND SNACKS TO YOUTH, INCLUDING BEFORE AND AFTER  
16 SCHOOL PROGRAMS, RECREATION PROGRAMS, LIBRARY PROGRAMS, AND  
17 DAY CAMPS.

18  
19 **SECTION 12.1801. FOOD AND BEVERAGES ON COUNTY PROPERTY**

20 (a) ALL PACKAGED FOOD OR BEVERAGE CONCESSIONS PROCURED, SERVED OR SOLD AT  
21 YOUTH-ORIENTED COUNTY GOVERNMENT FACILITIES AND YOUTH-ORIENTED  
22 COUNTY GOVERNMENT PROGRAMS, INCLUDING PACKAGED FOOD OR BEVERAGE  
23 VENDING MACHINE SERVICES, COUNTY MANAGED PACKAGED FOOD OR BEVERAGE  
24 PROGRAM SERVICES, CONTRACTED PACKAGED FOOD OR BEVERAGE SERVICES,  
25 PACKAGED FOOD OR BEVERAGE PROCUREMENT, OR LEASES OR OTHER AGREEMENTS  
26 RELATED TO PACKAGE FOOD OR BEVERAGE SHALL COMPLY WITH THE HOWARD  
27 COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS AS ESTABLISHED IN SECTION  
28 12.1802 OF THIS SUBTITLE.  
29

1 (b) ON ALL OTHER COUNTY PROPERTY, AT LEAST SEVENTY-FIVE (75) PERCENT OF THE  
2 PACKAGED FOOD AND BEVERAGE ITEMS PROCURED, SERVED, OR SOLD, INCLUDING  
3 PACKAGED FOOD AND BEVERAGE VENDING MACHINES, MUST MEET THE HOWARD  
4 COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS ESTABLISHED IN SECTION  
5 12.1802 OF THIS SUBTITLE.

6  
7 (c) WATER MUST BE MADE AVAILABLE FREE-OF-CHARGE AT ALL COUNTY-SPONSORED  
8 EVENTS WHEN OTHER PACKAGED FOOD AND BEVERAGES ARE BEING SOLD OR  
9 OFFERED.

10  
11 **SECTION 12.1802. HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS.**

12 (A) BEVERAGES THAT MEET THE STANDARDS INCLUDE:

13 (1) WATER, INCLUDING CARBONATED WATER, WITH NO ADDED CALORIC  
14 SWEETENERS;

15 (2) MILK, INCLUDING NON-FAT, OR LOW-FAT MILK, SOY MILK, RICE MILK OR OTHER  
16 SIMILAR DAIRY OR NONDAIRY MILK WITH NO MORE THAN 130 CALORIES PER 8  
17 OUNCES SERVED IN PORTIONS OF NO MORE THAN 12-OUNCE PORTIONS;

18 (3) 0- TO 8-OUNCE PORTIONS OF 100% FRUIT OR VEGETABLE JUICE OR FRUIT JUICE  
19 COMBINED WITH WATER, WITH NO ADDED CALORIC SWEETENERS, AND NO MORE  
20 THAN 140 MG OF SODIUM PER PORTION;

21 (4) LOW- TO MID-CALORIE BEVERAGES WITH NO MORE THAN 40 CALORIES PER  
22 CONTAINER; AND

23 (5) DIET DRINKS WITH NON-CALORIC SWEETENERS SHALL HAVE LESS THAN FIVE (5)  
24 CALORIES PER SERVING AND WILL CONSTITUTE NO MORE THAN ONE-THIRD  
25 (33%) OF THE TOTAL BEVERAGE OFFERINGS.

26  
27 (b) WATER WITH NO ADDED CALORIC OR NON-CALORIC SWEETENERS MUST BE SOLD AS  
28 PART OF THE TOTAL BEVERAGE OFFERINGS.

29  
30 (c) FRESH COFFEE AND TEA ARE EXEMPTED.

31

- 1 (d) PACKAGED FOODS THAT MEET THE STANDARDS CONTAIN:
- 2 (1) NO TRANS-FAT;
- 3 (2) NO MORE THAN TWO-HUNDRED (200) CALORIES PER PORTION (AS PACKAGED);
- 4 (3) LESS THAN THIRTY-FIVE (35) PERCENT OF CALORIES FROM FAT, EXCEPT FOR
- 5 FOOD CONTAINING ONE-HUNDRED (100) PERCENT NUTS AND/OR SEEDS;
- 6 (4) LESS THAN TEN (10) PERCENT OF CALORIES FROM SATURATED FAT;
- 7 (5) NO MORE THAN THIRTY-FIVE (35) PERCENT OF CALORIES FROM TOTAL SUGARS,
- 8 EXCEPT FOR LOW FAT (1% OR 2%) OR NONFAT DAIRY OR NONDAIRY MILK
- 9 PRODUCTS, AND FRUITS OR VEGETABLES ARE EXEMPTED; AND
- 10 (6) NO MORE THAN TWO-HUNDRED (200) MG OF SODIUM PER PORTION (AS
- 11 PACKAGED).
- 12

13 **SECTION 12.1803. EXEMPTIONS**

- 14 (a) THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF THIS SUBTITLE:
- 15 (1) PROPERTY MANAGED BY HOWARD COUNTY PUBLIC SCHOOL SYSTEM.
- 16 (2) COUNTY-SPONSORED EVENTS HELD ON PRIVATE PROPERTY, INCLUDING THE
- 17 JULY 4<sup>TH</sup> FESTIVAL AND FIREWORKS AND WINE IN THE WOODS EXCEPT THAT
- 18 THE COUNTY SHALL ENSURE THAT PLAIN DRINKING WATER IS AVAILABLE TO
- 19 PATRONS FOR FREE UPON REQUEST AT THESE EVENTS.
- 20 (3) PACKAGED FOOD AND BEVERAGES SOLD BY NON-PROFIT ORGANIZATIONS ON
- 21 COUNTY PROPERTY OR IN YOUTH-ORIENTED COUNTY FACILITIES FOR
- 22 FUNDRAISING PURPOSES.
- 23 (4) PACKAGED FOOD OR BEVERAGES OFFERED OR PROVIDED BY COUNTY
- 24 EMPLOYEES FOR THEIR OWN CONSUMPTION OR CONSUMPTION BY FELLOW
- 25 COUNTY EMPLOYEES.
- 26
- 27
- 28
- 29

1 **SECTION 12.1804. PACKAGED FOOD AND BEVERAGE PLACEMENT AND PRICING.**

2 (a) ALL HEALTHY FOOD OR BEVERAGES SERVED OR SOLD ON COUNTY PROPERTY OR AT  
3 COUNTY-SPONSORED EVENTS MUST BE DISPLAYED IN WAYS THAT ARE EASILY  
4 VISIBLE AND DISTINGUISHABLE FROM LESS-HEALTHY ITEMS.

5  
6 (b) ONLY HEALTHY FOOD OR BEVERAGES SHALL BE PLACED ON THE TOP ONE-THIRD  
7 (33%) OF THE SHELVING OF VENDING MACHINES LOCATED ON COUNTY PROPERTY  
8 SO THAT THE ITEMS ARE EASILY VISIBLE AT EYE LEVEL.

9  
10 (c) ALL HEALTHY BEVERAGES SOLD IN FOOD AND BEVERAGE MACHINES ON COUNTY  
11 PROPERTY MUST BE PRICED AT LEAST \$0.25 LESS THAN COMPARABLE PRODUCTS  
12 THAT DO NOT MEET THE STANDARDS ESTABLISHED IN SECTION 12.1802 OF THIS  
13 SUBTITLE.

14  
15 **SECTION 12.1805. FOOD AND BEVERAGE CONTRACTS.**

16 (a) IN THE ABSENCE OF ANY EXISTING BINDING CONTRACT OR AGREEMENT, ALL  
17 PACKAGED FOOD AND BEVERAGES PROCURED, SERVED OR SOLD ON COUNTY  
18 PROPERTY, AT COUNTY SPONSORED EVENTS, IN YOUTH-ORIENTED COUNTY  
19 GOVERNMENT FACILITIES, OR DURING YOUTH-ORIENTED COUNTY GOVERNMENT  
20 PROGRAMS, SHALL COMPLY WITH THIS SUBTITLE.

21  
22 (b) IN CASES WHERE COUNTY PROPERTY IS LEASED TO A PRIVATE BUSINESS, THE  
23 COUNTY WILL ENCOURAGE TENANTS TO ADOPT THE HOWARD COUNTY HEALTHY  
24 FOOD AND BEVERAGE STANDARDS.

25  
26 **SECTION 12.1806. HEALTH DEPARTMENT TO MONITOR AND MAKE**  
27 **RECOMMENDATIONS.**

28 (a) THE COUNTY COUNCIL REQUESTS THAT THE DEPARTMENT OF HEALTH REVIEW THE  
29 HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS AND SUBMIT A BI-

1 ANNUAL REPORT (FROM THE DATE OF IMPLEMENTATION) TO THE COUNTY  
2 EXECUTIVE, THE COUNTY COUNCIL AND THE COUNTY BOARD OF HEALTH.

3  
4 (b) THE BI-ANNUAL REPORT MAY:

- 5 (1) REVIEW THE HOWARD COUNTY HEALTHY FOOD AND BEVERAGE  
6 STANDARDS AND MAKE RECOMMENDATIONS ON THE BEST PRACTICE  
7 NUTRITION STANDARDS FOR PACKAGED FOOD AND BEVERAGES PROCURED,  
8 SERVED OR SOLD ON COUNTY PROPERTY, AT COUNTY SPONSORED EVENTS,  
9 IN YOUTH-ORIENTED COUNTY GOVERNMENT FACILITIES, OR DURING  
10 YOUTH-ORIENTED COUNTY GOVERNMENT PROGRAMS;  
11 (2) EVALUATE THE IMPACT OF THE HOWARD COUNTY HEALTHY FOOD AND  
12 BEVERAGE STANDARDS ON COUNTY EMPLOYEES AND RESIDENTS;  
13 (3) DEVELOP A HEALTHY FOOD AND BEVERAGE GUIDE TO SUPPORT  
14 COMPLIANCE; AND  
15 (4) MAINTAIN A LIST OF PRODUCTS THAT MEET THE HOWARD COUNTY  
16 HEALTHY FOOD AND BEVERAGE STANDARDS AS ESTABLISHED IN SECTION  
17 12.1802.  
18

19 **SECTION 12.1807. ENFORCEMENT.**

20 (a) THIS SUBTITLE SHALL BE ENFORCED BY THE OFFICE OF PURCHASING.  
21

22 (b) THE OFFICE OF PURCHASING SHALL CONDUCT TRAININGS DESIGNED SPECIFICALLY  
23 FOR STAFF INVOLVED IN THE PROCUREMENT AND/OR EVENT COORDINATION TASKS  
24 FOR THEIR RESPECTIVE DEPARTMENT, OFFICE, BUREAU OR DIVISION, ON HOW TO  
25 COMPLY WITH THE HOWARD COUNTY HEALTHY FOOD AND BEVERAGE  
26 STANDARDS.  
27

28 (c) EACH COUNTY DEPARTMENT HEAD, AS ESTABLISHED IN TITLE 6, SUBTITLE 2, OF  
29 THE HOWARD COUNTY CODE SHALL:



- 1 (1) ESTABLISH MONITORING PROCEDURES TO ENSURE THAT ALL PACKAGED  
2 AND FOOD CONCESSIONS ON DEPARTMENT PROPERTY OR AT DEPARTMENT-  
3 SPONSORED EVENTS MEET THE REQUIREMENTS OF THIS SUBTITLE; AND  
4 (2) REPORT PROGRESS TO THE OFFICE OF PURCHASING OR DESIGNEE.

5  
6 (d) THE OFFICE OF PURCHASING SHALL UPDATE ITS PROCUREMENT PROCEDURES TO  
7 ENSURE ALL COUNTY SOLICITATIONS FOR FOOD AND BEVERAGE  
8 CONTRACTS/VENDORS COMPLY WITH THIS SUBTITLE, AND PROVIDE EACH  
9 DEPARTMENT, OFFICE, BUREAU AND DIVISION WITH THE UPDATED PROCEDURES.

10  
11 (e) COMPLIANCE WILL BE MONITORED BY THE OFFICE OF PURCHASING THROUGH  
12 RANDOM AND COMPLAINT-BASED INSPECTIONS.

13  
14 (f) NON-COMPLIANCE WILL BE ADDRESSED THROUGH ON-GOING TRAINING AND  
15 SUPPORT TO VENDORS; CONTINUED NON-COMPLIANCE MAY RESULT IN REMOVAL OF  
16 FOOD OR BEVERAGE CONCESSIONS OR TERMINATION OF THE CONTRACT.

17  
18 **SECTION 12.1808. SEVERABILITY.**

19 IF ANY PART OF THIS SUBTITLE IS HELD INVALID, THE INVALIDITY SHALL NOT AFFECT THE  
20 OTHER PARTS.

21  
22 *Section 2. And Be It Further Enacted by the County Council of Howard County,*  
23 *Maryland, that this Act shall become effective 61 days after its enactment.*