

..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 Department of the County Administration~~ in relation to these requirements; and generally relating to healthy food and beverages.

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 to the County Administration ~~states~~ stated
25 as a goal that the Howard County Health Department should “Aggressively
26 address the County’s obesity issue. Develop a comprehensive plan to prevent,
27 diagnose, and treat the risk factors contributing to obesity, a major driver for
28 chronic illness in Howard County. Work with the business community and other

1 community partners to develop both education and public policy strategies that
2 will affect positive and 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

13

SUBTITLE 18 – HEALTHY FOOD AND BEVERAGES – COUNTY PROPERTY

14

15

SECTION 12.1800. DEFINITIONS.

16

(a) IN THIS ~~SECTION~~ SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

17

INDICATED.

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(1) *COUNTY-SPONSORED EVENT* MEANS ANY ACTIVITY, EVENT, MEETING, OR

19

PROGRAM THAT IS HOSTED BY A COUNTY AGENCY, DEPARTMENT OR OFFICE,

20

EXCLUDING THOSE SPONSORED DIRECTLY BY THE HOWARD COUNTY

21

PUBLIC SCHOOL SYSTEM.

22

(2) *COUNTY PROPERTY* MEANS ANY PROPERTY OWNED, LEASED OR OPERATED BY

23

HOWARD COUNTY. COUNTY PROPERTY DOES NOT INCLUDE PROPERTY

24

MANAGED BY THE HOWARD COUNTY PUBLIC SCHOOL SYSTEM ~~OR YOUTH-~~

25

~~ORIENTED COUNTY FACILITIES AS DEFINED IN SECTION 12.1800 (7).~~

26

(3) *FOOD OR BEVERAGE VENDING MACHINE* MEANS A SELF-SERVICE MACHINE

27

OFFERED FOR PUBLIC USE WHICH, UPON INSERTION OF A COIN, PAPER

28

CURRENCY, TOKEN, CARD, OR KEY, OR BY OPTIONAL MANUAL OPERATION,

29

DISPENSES SERVINGS OF FOOD OR BEVERAGE IN BULK OR IN PACKAGES, OR

1 PREPARED BY THE MACHINE, WITHOUT THE NECESSITY OF REPLENISHING
2 THE DEVICE BETWEEN EACH VENDING OPERATION.

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

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

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

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

20 (4) *HEALTHY FOOD OR BEVERAGE OPTION* MEANS ANY PACKAGED FOOD OR
21 BEVERAGE THAT MEETS THE HOWARD COUNTY HEALTHY FOOD AND
22 BEVERAGE STANDARDS AS ESTABLISHED IN SECTION 12.1801 OF THIS
23 SUBTITLE.

24 (5) *PACKAGED* MEANS BOTTLED, CANNED, CARTONED, SECURELY BAGGED, OR
25 SECURELY WRAPPED, WHETHER PACKAGED IN A FOOD ESTABLISHMENT OR A
26 FOOD PROCESSING PLANT. "PACKAGED" DOES NOT INCLUDE A WRAPPER,
27 CARRY-OUT BOX, OR OTHER NONDURABLE CONTAINER USED TO
28 CONTAINERIZE FOOD WITH THE PURPOSE OF FACILITATING FOOD
29 PROTECTION DURING SERVICE AND RECEIPT OF THE FOOD BY THE
30 CONSUMER.

1 (6) YOUTH-ORIENTED COUNTY GOVERNMENT PROGRAM MEANS ANY COUNTY-
2 SPONSORED PROGRAM DESIGNED FOR YOUTH PARTICIPATION WITHOUT
3 PARENTAL SUPERVISION, INCLUDING BEFORE AND AFTER SCHOOL
4 PROGRAMS, RECREATION PROGRAMS, AND DAY CAMPS.
5

6 **SECTION 12.1801. FOOD AND BEVERAGES ON COUNTY PROPERTY**

7 ~~(a) ALL PACKAGED FOOD OR BEVERAGE CONCESSIONS PROCURED, SERVED OR SOLD AT~~
8 ~~YOUTH-ORIENTED COUNTY GOVERNMENT FACILITIES AND YOUTH-ORIENTED~~
9 ~~COUNTY GOVERNMENT PROGRAMS, INCLUDING PACKAGED FOOD OR BEVERAGE~~
10 ~~VENDING MACHINE SERVICES, COUNTY-MANAGED PACKAGED FOOD OR BEVERAGE~~
11 ~~PROGRAM SERVICES, CONTRACTED PACKAGED FOOD OR BEVERAGE SERVICES,~~
12 ~~PACKAGED FOOD OR BEVERAGE PROCUREMENT, OR LEASES OR OTHER AGREEMENTS~~
13 ~~RELATED TO PACKAGE FOOD OR BEVERAGE SHALL COMPLY WITH THE HOWARD~~
14 ~~COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS AS ESTABLISHED IN SECTION~~
15 ~~12.1802 OF THIS SUBTITLE.~~

16
17 ~~(b) ON ALL OTHER COUNTY PROPERTY, AT LEAST SEVENTY-FIVE (75) PERCENT OF THE~~
18 ~~PACKAGED FOOD AND BEVERAGE ITEMS PROCURED, SERVED, OR SOLD, INCLUDING~~
19 ~~PACKAGED FOOD AND BEVERAGE VENDING MACHINES, MUST MEET THE HOWARD~~
20 ~~COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS ESTABLISHED IN SECTION~~
21 ~~12.1802 OF THIS SUBTITLE.~~

22
23 ~~(c) WATER MUST BE MADE AVAILABLE FREE OF CHARGE AT ALL COUNTY-SPONSORED~~
24 ~~EVENTS WHEN OTHER PACKAGED FOOD AND BEVERAGES ARE BEING SOLD OR~~
25 ~~OFFERED.~~

26
27 **SECTION 12.1802. HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS.**

28 (A) BEVERAGES THAT MEET THE STANDARDS INCLUDE:

29 (1) WATER, INCLUDING CARBONATED WATER, WITH NO ADDED CALORIC
30 SWEETENERS;

- 1 ~~(2) MILK, INCLUDING NON-FAT, OR LOW-FAT MILK, SOY MILK, RICE MILK OR OTHER~~
2 ~~SIMILAR DAIRY OR NONDAIRY MILK WITH NO MORE THAN 130 CALORIES PER 8~~
3 ~~OUNCES SERVED IN PORTIONS OF NO MORE THAN 12-OUNCE PORTIONS;~~
4 ~~(3) 0- TO 8- OUNCE PORTIONS OF 100% FRUIT OR VEGETABLE JUICE OR FRUIT JUICE~~
5 ~~COMBINED WITH WATER, WITH NO ADDED CALORIC SWEETENERS, AND NO MORE~~
6 ~~THAN 140 MG OF SODIUM PER PORTION;~~
7 ~~(4) LOW- TO MID- CALORIE BEVERAGES WITH NO MORE THAN 40 CALORIES PER~~
8 ~~CONTAINER; AND~~
9 ~~(5) DIET DRINKS WITH NON- CALORIC SWEETENERS SHALL HAVE LESS THAN FIVE (5)~~
10 ~~CALORIES PER SERVING AND WILL CONSTITUTE NO MORE THAN ONE- THIRD~~
11 ~~(33%) OF THE TOTAL BEVERAGE OFFERINGS.~~

12
13 ~~(b) WATER WITH NO ADDED CALORIC OR NON- CALORIC SWEETENERS MUST BE SOLD AS~~
14 ~~PART OF THE TOTAL BEVERAGE OFFERINGS.~~

15
16 ~~(c) FRESH COFFEE AND TEA ARE EXEMPTED.~~

17
18 ~~(d) — PACKAGED FOODS THAT MEET THE STANDARDS CONTAIN:~~

- 19 ~~(1) NO TRANS-FAT;~~
20 ~~(2) NO MORE THAN TWO HUNDRED (200) CALORIES PER PORTION (AS PACKAGED);~~
21 ~~(3) LESS THAN THIRTY-FIVE (35) PERCENT OF CALORIES FROM FAT, EXCEPT FOR~~
22 ~~FOOD CONTAINING ONE HUNDRED (100) PERCENT NUTS AND/OR SEEDS;~~
23 ~~(4) LESS THAN TEN (10) PERCENT OF CALORIES FROM SATURATED FAT;~~
24 ~~(5) NO MORE THAN THIRTY-FIVE (35) PERCENT OF CALORIES FROM TOTAL SUGARS,~~
25 ~~EXCEPT FOR LOW-FAT (1% OR 2%) OR NONFAT DAIRY OR NONDAIRY MILK~~
26 ~~PRODUCTS, AND FRUITS OR VEGETABLES ARE EXEMPTED; AND~~
27 ~~(6) NO MORE THAN TWO HUNDRED (200) MG OF SODIUM PER PORTION (AS~~
28 ~~PACKAGED).~~

29 **SECTION 12.1801. HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS.**

30 (A) HEALTHY BEVERAGE OPTIONS SHALL CONTAIN NO MORE THAN 40 CALORIES PER
31 PACKAGE EXCEPT:

- 1 (1) MILK, INCLUDING NON-FAT, OR LOW-FAT MILK, SOY MILK, RICE MILK OR OTHER
2 SIMILAR DAIRY OR NONDAIRY MILK WITH NO MORE THAN 130 CALORIES PER 8
3 OUNCES PACKAGED IN CONTAINERS NO LARGER THAN 12 OUNCES;
4 (2) PACKAGES OF 8 OUNCES OR LESS OF 100% FRUIT OR VEGETABLE JUICE OR
5 FRUIT JUICE COMBINED WITH WATER, WITH NO ADDED CALORIC SWEETENERS,
6 AND NO MORE THAN 140 MG OF SODIUM PER PACKAGE.
7 (b) WATER WITH NO ADDED CALORIC OR NON-CALORIC SWEETENERS MUST BE SOLD AS
8 PART OF THE TOTAL BEVERAGE OFFERINGS IN ANY BEVERAGE VENDING
9 MACHINE ON COUNTY PROPERTY.
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11 (c) DIET DRINKS WITH NON-CALORIC SWEETENERS SHALL CONSTITUTE NO MORE THAN
12 ONE-THIRD OF THE TOTAL BEVERAGE OFFERINGS IN A VENDING MACHINE ON
13 COUNTY PROPERTY.
14 (d) HEALTHY FOOD OPTIONS SHALL MEET THE FOLLOWING STANDARDS:
15 (1) CONTAIN NO TRANS-FAT (0.5 G OR LESS PER SERVING);
16 (2) CONTAIN NO MORE THAN TWO-HUNDRED CALORIES PER PACKAGE;
17 (3) CONTAIN LESS THAN THIRTY-FIVE PERCENT OF CALORIES FROM FAT, EXCEPT
18 FOR FOOD CONTAINING ONE-HUNDRED PERCENT NUTS OR SEEDS;
19 (4) CONTAIN LESS THAN TEN PERCENT OF CALORIES FROM SATURATED FAT;
20 (5) CONTAIN NO MORE THAN THIRTY-FIVE PERCENT OF CALORIES FROM TOTAL
21 SUGARS, EXCEPT FOR LOW FAT (1% OR 2%) OR NONFAT DAIRY OR NONDAIRY
22 MILK PRODUCTS, AND FRUITS OR VEGETABLES; AND
23 (6) CONTAIN NO MORE THAN TWO-HUNDRED MG OF SODIUM PER PACKAGE.
24

25 **SECTION 12.1802. FOOD AND BEVERAGES ON COUNTY PROPERTY**

- 26 (a) ALL PACKAGED FOOD OR BEVERAGE ITEMS, SERVED OR SOLD AS PART OF YOUTH-
27 ORIENTED COUNTY GOVERNMENT PROGRAMS, SHALL BE HEALTHY FOOD OR
28 BEVERAGE OPTIONS.

1 (b) ON ALL COUNTY PROPERTY, AT LEAST SEVENTY-FIVE PERCENT OF THE PACKAGED
2 FOOD AND BEVERAGE OPTIONS OFFERED IN VENDING MACHINES SHALL BE HEALTHY
3 FOOD OR BEVERAGE OPTIONS.
4

5 **SECTION 12.1803. EXEMPTIONS**

6 (a) ~~THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF THIS SUBTITLE DO NOT~~
7 APPLY TO THE FOLLOWING:

8 (1) PROPERTY MANAGED BY HOWARD COUNTY PUBLIC SCHOOL SYSTEM.

9 (2) COUNTY-SPONSORED EVENTS HELD ON PRIVATE PROPERTY, INCLUDING THE
10 JULY 4TH FESTIVAL AND FIREWORKS AND WINE IN THE WOODS ~~EXCEPT THAT~~
11 ~~THE COUNTY SHALL ENSURE THAT PLAIN DRINKING WATER IS AVAILABLE TO~~
12 ~~PATRONS FOR FREE UPON REQUEST AT THESE EVENTS.~~

13 (3) PACKAGED FOOD AND BEVERAGES SOLD BY NON-PROFIT ORGANIZATIONS ON
14 COUNTY PROPERTY ~~OR IN YOUTH-ORIENTED COUNTY FACILITIES FOR~~
15 ~~FUNDRAISING PURPOSES.~~

16 (4) PACKAGED FOOD OR BEVERAGES OFFERED OR PROVIDED BY COUNTY
17 EMPLOYEES FOR THEIR OWN CONSUMPTION OR CONSUMPTION BY FELLOW
18 COUNTY EMPLOYEES.
19

20 **~~SECTION 12.1804. PACKAGED FOOD AND BEVERAGE PLACEMENT AND PRICING.~~**

21 ~~(a) ALL HEALTHY FOOD OR BEVERAGES SERVED OR SOLD ON COUNTY PROPERTY OR AT~~
22 ~~COUNTY-SPONSORED EVENTS MUST BE DISPLAYED IN WAYS THAT ARE EASILY~~
23 ~~VISIBLE AND DISTINGUISHABLE FROM LESS-HEALTHY ITEMS.~~
24

25 ~~(b) ONLY HEALTHY FOOD OR BEVERAGES SHALL BE PLACED ON THE TOP ONE-THIRD~~
26 ~~(33%) OF THE SHELVING OF VENDING MACHINES LOCATED ON COUNTY PROPERTY~~
27 ~~SO THAT THE ITEMS ARE EASILY VISIBLE AT EYE LEVEL.~~
28

29 ~~(c) ALL HEALTHY BEVERAGES SOLD IN FOOD AND BEVERAGE MACHINES ON COUNTY~~
30 ~~PROPERTY MUST BE PRICED AT LEAST \$0.25 LESS THAN COMPARABLE PRODUCTS~~

1 THAT DO NOT MEET THE STANDARDS ESTABLISHED IN SECTION 12.1802 OF THIS
2 SUBTITLE.

3 **SECTION 12.1804. PACKAGED FOOD AND BEVERAGE PLACEMENT.**

4 (a) ALL HEALTHY FOOD OR BEVERAGES OFFERED FOR SALE IN VENDING MACHINES ON
5 COUNTY PROPERTY MUST BE DISPLAYED IN WAYS THAT ARE EASILY VISIBLE AND
6 DISTINGUISHABLE FROM LESS-HEALTHY ITEMS.

7 (b) HEALTHY FOOD AND BEVERAGE OPTIONS SHALL COMPRISE AT LEAST HALF OF
8 EACH ROW OF DISPLAY SPACE IN VENDING MACHINES ON COUNTY PROPERTY SO
9 THAT HEALTHY OPTIONS ARE EASILY VISIBLE AT EVERY LEVEL.

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11 **SECTION 12.1805. FOOD AND BEVERAGE CONTRACTS.**

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

17 (A) IN THE ABSENCE OF ANY EXISTING BINDING CONTRACT OR AGREEMENT, ALL
18 PACKAGED FOOD AND BEVERAGES OFFERED FOR SALE IN VENDING MACHINES ON
19 COUNTY PROPERTY OR SERVED OR SOLD AS PART OF YOUTH-ORIENTED COUNTY
20 GOVERNMENT PROGRAMS, SHALL COMPLY WITH THIS SUBTITLE.

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

24

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

27 ~~(a) THE COUNTY COUNCIL REQUESTS THAT THE DEPARTMENT OF HEALTH REVIEW THE~~
28 ~~HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS AND SUBMIT A BI-~~
29 ~~ANNUAL REPORT (FROM THE DATE OF IMPLEMENTATION) TO THE COUNTY~~
30 ~~EXECUTIVE, THE COUNTY COUNCIL AND THE COUNTY BOARD OF HEALTH.~~

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(b) ~~THE BI ANNUAL REPORT MAY:~~

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

SECTION 12.1806. MONITORING AND RECOMMENDATIONS.

- (a) THE DEPARTMENT OF COUNTY ADMINISTRATION SHALL REVIEW THE HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS AND SUBMIT A BIENNIAL REPORT (FROM THE DATE OF IMPLEMENTATION) TO THE COUNTY EXECUTIVE, THE COUNTY COUNCIL AND THE COUNTY BOARD OF HEALTH.
- (b) THE BIENNIAL REPORT SHALL REVIEW THE HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS AND MAKE RECOMMENDATIONS ON THE BEST PRACTICE NUTRITION STANDARDS FOR PACKAGED FOOD AND BEVERAGES OFFERED FOR SALE IN VENDING MACHINES ON COUNTY PROPERTY OR SERVED OR SOLD AS PART OF YOUTH-ORIENTED COUNTY GOVERNMENT PROGRAMS AND MAY:
 - (1) DEVELOP A HEALTHY FOOD AND BEVERAGE GUIDE TO SUPPORT COMPLIANCE;
 - (2) MAINTAIN A LIST OF PRODUCTS THAT MEET THE HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS AS ESTABLISHED IN SECTION 12.1801; AND

1 (3) REPORT ON THE TOP SELLING PACKAGED FOOD AND BEVERAGES SOLD BY
2 QUARTER, AS WELL AS, TOTAL REVENUES PER MACHINE OVER TIME.

3
4 **SECTION 12.1807. ENFORCEMENT AND COMPLIANCE.**

5 (a) THIS SUBTITLE SHALL BE ENFORCED BY THE ~~OFFICE OF PURCHASING~~ DEPARTMENT
6 OF COUNTY ADMINISTRATION.

7
8 ~~(b) THE OFFICE OF PURCHASING SHALL CONDUCT TRAININGS DESIGNED SPECIFICALLY~~
9 ~~FOR STAFF INVOLVED IN THE PROCUREMENT AND/OR EVENT COORDINATION TASKS~~
10 ~~FOR THEIR RESPECTIVE DEPARTMENT, OFFICE, BUREAU OR DIVISION, ON HOW TO~~
11 ~~COMPLY WITH THE HOWARD COUNTY HEALTHY FOOD AND BEVERAGE~~
12 ~~STANDARDS.~~

13
14 ~~(c) EACH COUNTY DEPARTMENT HEAD, AS ESTABLISHED IN TITLE 6, SUBTITLE 2, OF~~
15 ~~THE HOWARD COUNTY CODE SHALL:~~

16 a. ~~ESTABLISH MONITORING PROCEDURES TO ENSURE THAT ALL PACKAGED~~
17 ~~AND FOOD CONCESSIONS ON DEPARTMENT PROPERTY OR AT DEPARTMENT-~~
18 ~~SPONSORED EVENTS MEET THE REQUIREMENTS OF THIS SUBTITLE; AND~~

19 b. ~~REPORT PROGRESS TO THE OFFICE OF PURCHASING OR DESIGNEE.~~

20
21 ~~(d) THE OFFICE OF PURCHASING SHALL UPDATE ITS PROCUREMENT PROCEDURES TO~~
22 ~~ENSURE ALL COUNTY SOLICITATIONS FOR FOOD AND BEVERAGE~~
23 ~~CONTRACTS/VENDORS COMPLY WITH THIS SUBTITLE, AND PROVIDE EACH~~
24 ~~DEPARTMENT, OFFICE, BUREAU AND DIVISION WITH THE UPDATED PROCEDURES.~~

25
26 ~~(e) (B) COMPLIANCE WILL BE MONITORED BY THE OFFICE OF PURCHASING~~
27 DEPARTMENT OF COUNTY ADMINISTRATION ~~THROUGH RANDOM AND COMPLAINT-~~
28 ~~BASED INSPECTIONS.~~

1 ~~(f)~~ (C) NON-COMPLIANCE WILL BE ADDRESSED THROUGH ON-GOING TRAINING AND
2 SUPPORT TO VENDORS; CONTINUED NON-COMPLIANCE MAY RESULT IN ~~REMOVAL OF~~
3 ~~FOOD OR BEVERAGE CONCESSIONS OR~~ TERMINATION OF THE CONTRACT.
4

5 **SECTION 12.1808. SEVERABILITY.**

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

8

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

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