

..Introduced 5/4/15
 Public Hearing 5/18/15
 Council Action 7/6/15 *Tabled 6/1/15*
 Executive Action 7/13/15
 Effective Date 9/30/15

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 May 4, 2015. Ordered posted and hearing scheduled.

By order Jessica Feldmark
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 May 18, 2015.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Tabled June 1, 2015

This Bill was read the third time on July 6, 2015 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of July, 2015 at 4 a.m./p.m.

VERIFIED

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved by the County Executive July 13, 2015

Alan H. Kittleman
Alan 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.

18

(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.
10
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.

10
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.*

11

12

13

Amendment 1 to Council Bill 17-2015

BY: Calvin Ball

Legislative Day No: 8
Date: July 6, 2015

Amendment No. 1

(This amendment would do the following:

1. Delete the definition of "Food or beverage concession" and "Youth Oriented Government Facility";
2. Create a definition for "Packaged";
3. Alter the definition of "Healthy food or beverage" and "Youth-Oriented County Government Program";
4. Change the requirements for Food and Beverages on County Property;
5. Change the requirements in the Howard County Healthy Food and Beverage Standards;
6. Alter the Exemptions section;
7. Delete the Pricing provision;
8. Alter the Placement section;
9. Change the Contracts section;
10. Change the Monitoring and Recommendations section; and
11. Change the Enforcement and Compliance section).

On the title page, in the fifth line of the title, after "placement", strike ", pricing, advertising, and marketing" and in the sixth line of the title, strike "Office of Purchasing" and substitute "Department of the County Administration".

On page 1, in line 24, after "Report", insert "to the County Administration" and strike "states" and substitute "stated".

On page 2, in line 16 strike "SECTION" and substitute "SUBTITLE". On the same page, in line 23, after "System", strike the remainder of the sentence through line 24.

On page 3, strike lines 1 – 17, in their entirety and substitute the following:

~~ADOPTED~~ 7/6/15
~~FAILED~~
~~SIGNATURE~~ James Edmark

10/10/2011
10/10/2011
10/10/2011

1 (4) HEALTHY FOOD OR BEVERAGE OPTION MEANS ANY PACKAGED FOOD OR BEVERAGE
2 THAT MEETS THE HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS
3 AS ESTABLISHED IN SECTION 12.1801 OF THIS SUBTITLE.

4 (5) PACKAGED MEANS BOTTLED, CANNED, CARTONED, SECURELY BAGGED, OR
5 SECURELY WRAPPED, WHETHER PACKAGED IN A FOOD ESTABLISHMENT OR A FOOD
6 PROCESSING PLANT. "PACKAGED" DOES NOT INCLUDE A WRAPPER, CARRY-OUT BOX,
7 OR OTHER NONDURABLE CONTAINER USED TO CONTAINERIZE FOOD WITH THE
8 PURPOSE OF FACILITATING FOOD PROTECTION DURING SERVICE AND RECEIPT OF THE
9 FOOD BY THE CONSUMER.

10 (6) YOUTH-ORIENTED COUNTY GOVERNMENT PROGRAM MEANS ANY COUNTY-
11 SPONSORED PROGRAM DESIGNED FOR YOUTH PARTICIPATION WITHOUT PARENTAL
12 SUPERVISION, INCLUDING BEFORE AND AFTER SCHOOL PROGRAMS, RECREATION
13 PROGRAMS, AND DAY CAMPS."

14
15 On page 3, beginning in line 19, strike the remainder of the page; and continue striking
16 through line 11 on page 5, and substitute the following:

17 **"SECTION 12.1801. HOWARD COUNTY HEALTHY FOOD AND BEVERAGE STANDARDS.**

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

20 (1) MILK, INCLUDING NON-FAT, OR LOW-FAT MILK, SOY MILK, RICE MILK OR OTHER
21 SIMILAR DAIRY OR NONDAIRY MILK WITH NO MORE THAN 130 CALORIES PER 8
22 OUNCES PACKAGED IN CONTAINERS NO LARGER THAN 12 OUNCES;

23 (2) PACKAGES OF 8 OUNCES OR LESS OF 100% FRUIT OR VEGETABLE JUICE OR FRUIT
24 JUICE COMBINED WITH WATER, WITH NO ADDED CALORIC SWEETENERS, AND NO
25 MORE THAN 140 MG OF SODIUM PER PACKAGE.

26
27 (b) WATER WITH NO ADDED CALORIC OR NON-CALORIC SWEETENERS MUST BE SOLD AS PART OF
28 THE TOTAL BEVERAGE OFFERINGS IN ANY BEVERAGE VENDING MACHINE ON COUNTY
29 PROPERTY.

1
2 (c) DIET DRINKS WITH NON-CALORIC SWEETENERS SHALL CONSTITUTE NO MORE THAN ONE-
3 THIRD OF THE TOTAL BEVERAGE OFFERINGS IN A VENDING MACHINE ON COUNTY
4 PROPERTY.

5
6 (d) HEALTHY FOOD OPTIONS SHALL MEET THE FOLLOWING STANDARDS:

- 7 (1) CONTAIN NO TRANS-FAT (0.5 G OR LESS PER SERVING);
8 (2) CONTAIN NO MORE THAN TWO-HUNDRED CALORIES PER PACKAGE;
9 (3) CONTAIN LESS THAN THIRTY-FIVE PERCENT OF CALORIES FROM FAT, EXCEPT FOR
10 FOOD CONTAINING ONE-HUNDRED PERCENT NUTS OR SEEDS;
11 (4) CONTAIN LESS THAN TEN PERCENT OF CALORIES FROM SATURATED FAT;
12 (5) CONTAIN NO MORE THAN THIRTY-FIVE PERCENT OF CALORIES FROM TOTAL
13 SUGARS, EXCEPT FOR LOW FAT (1% OR 2%) OR NONFAT DAIRY OR NONDAIRY MILK
14 PRODUCTS, AND FRUITS OR VEGETABLES; AND
15 (6) CONTAIN NO MORE THAN TWO-HUNDRED MG OF SODIUM PER PACKAGE.

16
17 **SECTION 12.1802. FOOD AND BEVERAGES ON COUNTY PROPERTY**

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

21
22 (b) ON ALL COUNTY PROPERTY, AT LEAST SEVENTY-FIVE PERCENT OF THE
23 PACKAGED FOOD AND BEVERAGE OPTIONS OFFERED IN VENDING MACHINES SHALL
24 BE HEALTHY FOOD OR BEVERAGE OPTIONS.”.

25
26 On page 5, in line 14, strike “FOLLOWING ARE EXEMPT FROM THE”. And in the same line,
27 after “SUBTITLE” insert “DO NOT APPLY TO THE FOLLOWING”.

1 On page 5, in line 17, strike “EXCEPT THAT THE COUNTY SHALL ENSURE THAT PLAIN
2 DRINKING WATER IS AVAILABLE TO PATRONS FOR FREE UPON REQUEST AT THESE
3 EVENTS”. And on the same page, in line 21, strike “OR IN YOUTH-ORIENTED
4 COUNTY FACILITIES”.

5
6 On page 6, strike lines 1 through 13, and substitute the following:

7 **“SECTION 12.1804. PACKAGED FOOD AND BEVERAGE PLACEMENT.**

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

11
12 (b) HEALTHY FOOD AND BEVERAGE OPTIONS SHALL COMPRISE AT LEAST HALF OF EACH ROW
13 OF DISPLAY SPACE IN VENDING MACHINES ON COUNTY PROPERTY SO THAT HEALTHY
14 OPTIONS ARE EASILY VISIBLE AT EVERY LEVEL.”.

15
16 On page 6, strike lines 16 through 20, and substitute:

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 On the same page, in line 22, strike “BUSINESS” and substitute “ENTITY”.

22
23 On page 6, beginning in line 26, strike the remainder of the page; and continue striking
24 through line 17 on page 7, and substitute the following:

25
26 **“SECTION 12.1806. MONITORING AND RECOMMENDATIONS.**

27 (a) THE DEPARTMENT OF COUNTY ADMINISTRATION SHALL REVIEW THE HOWARD COUNTY
28 HEALTHY FOOD AND BEVERAGE STANDARDS AND SUBMIT A BIENNIAL REPORT (FROM THE

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

3
4 (b) THE BIENNIAL REPORT SHALL REVIEW THE HOWARD COUNTY HEALTHY FOOD AND
5 BEVERAGE STANDARDS AND MAKE RECOMMENDATIONS ON THE BEST PRACTICE NUTRITION
6 STANDARDS FOR PACKAGED FOOD AND BEVERAGES OFFERED FOR SALE IN VENDING
7 MACHINES ON COUNTY PROPERTY OR SERVED OR SOLD AS PART OF YOUTH-ORIENTED
8 COUNTY GOVERNMENT PROGRAMS AND MAY:

9 (1) DEVELOP A HEALTHY FOOD AND BEVERAGE GUIDE TO SUPPORT COMPLIANCE;

10 (2) MAINTAIN A LIST OF PRODUCTS THAT MEET THE HOWARD COUNTY HEALTHY FOOD
11 AND BEVERAGE STANDARDS AS ESTABLISHED IN SECTION 12.1801; AND

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

14
15 On page 7, in line 19, immediately following “ENFORCEMENT” insert “AND
16 COMPLIANCE”. On the same page in line 20, strike “OFFICE OF PURCHASING” and
17 substitute “DEPARTMENT OF COUNTY ADMINISTRATION”.

18
19 On page 7, beginning in line 22, strike the remainder of the page; and continue striking
20 through line 9 on page 8.

21
22 On page 8, in line 11, strike “OFFICE OF PURCHASING” and substitute “DEPARTMENT OF
23 COUNTY ADMINISTRATION”. On the same page, in line 12, strike “RANDOM AND”.

24 Also on the same page, in lines 15 and 16, strike “REMOVAL OF FOOD OR
25 BEVERAGE CONCESSIONS OR”. Renumber the section accordingly.

Amendment 1 to Amendment 1 to Council Bill No. 17 - 2015

BY: Calvin Ball

Legislative Day No. 8

Date: July 6, 2015

Amendment No. 1

(This amendment corrects a drafting error and reinstates the exception for nuts and seeds to the less than 35 percent fat requirement for healthy foods)

1 On page 3, in line 9, immediately following "FAT", insert "EXCEPT FOR FOOD
2 CONTAINING ONE-HUNDRED PERCENT NUTS OR SEEDS".

3

4

5

~~ADOPTED~~ 7/6/15
~~FAILED~~
~~SIGNATURE~~ Jessica Aldred

SECRET
CONFIDENTIAL
RESTRICTED

1
2 (c) DIET DRINKS WITH NON-CALORIC SWEETENERS SHALL CONSTITUTE NO MORE THAN ONE-
3 THIRD OF THE TOTAL BEVERAGE OFFERINGS IN A VENDING MACHINE ON COUNTY
4 PROPERTY.

5
6 (d) HEALTHY FOOD OPTIONS SHALL MEET THE FOLLOWING STANDARDS:

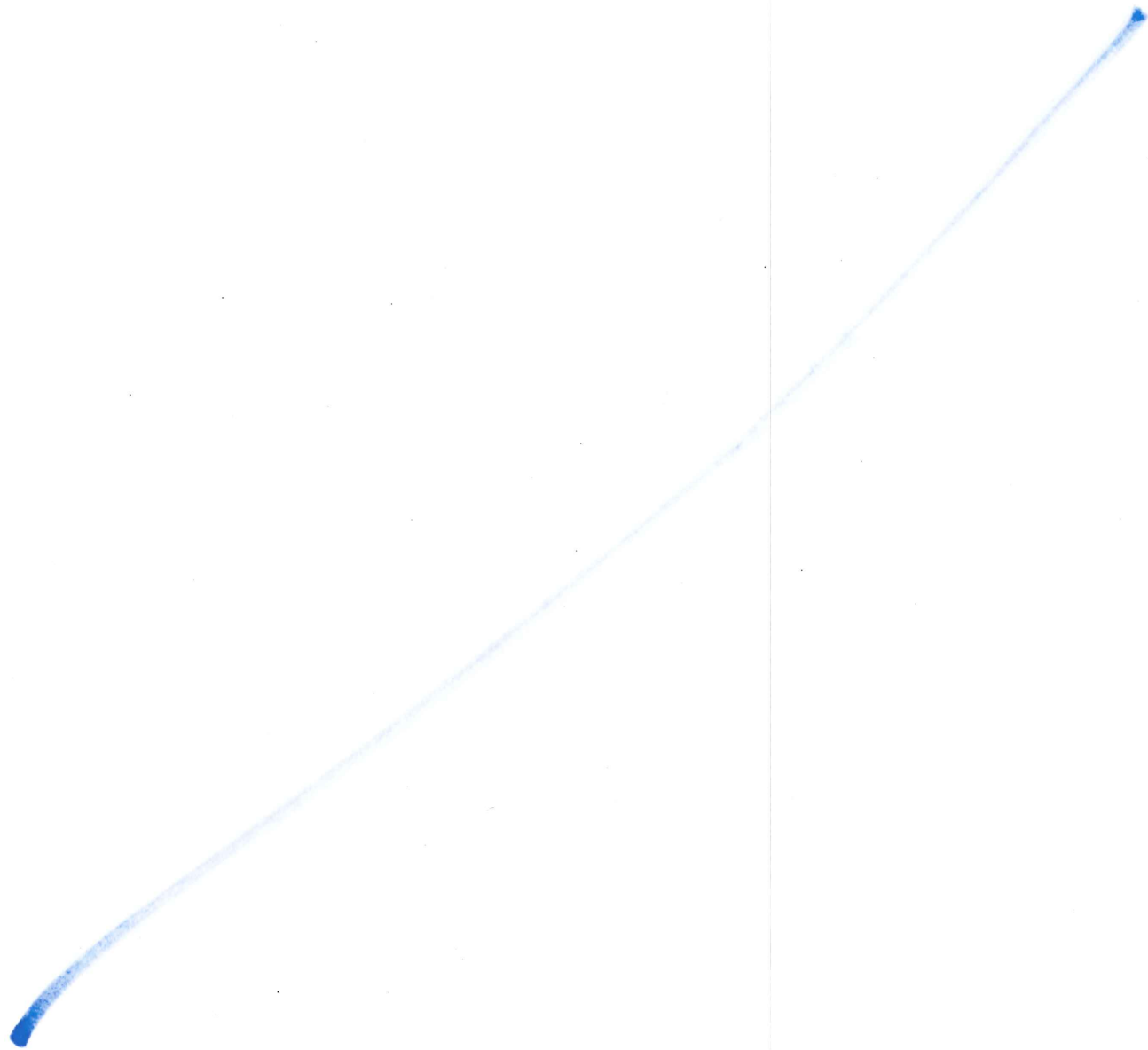
- 7 (1) CONTAIN NO TRANS-FAT (0.5 G OR LESS PER SERVING);
8 (2) CONTAIN NO MORE THAN TWO-HUNDRED CALORIES PER PACKAGE;
9 (3) CONTAIN LESS THAN THIRTY-FIVE PERCENT OF CALORIES FROM FAT;
10 (4) CONTAIN LESS THAN TEN PERCENT OF CALORIES FROM SATURATED FAT;
11 (5) CONTAIN NO MORE THAN THIRTY-FIVE PERCENT OF CALORIES FROM TOTAL
12 SUGARS, EXCEPT FOR LOW FAT (1% OR 2%) OR NONFAT DAIRY OR NONDAIRY MILK
13 PRODUCTS, AND FRUITS OR VEGETABLES; AND
14 (6) CONTAIN NO MORE THAN TWO-HUNDRED MG OF SODIUM PER PACKAGE.

15
16 **SECTION 12.1802. FOOD AND BEVERAGES ON COUNTY PROPERTY**

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

20
21 (b) ON ALL COUNTY PROPERTY, AT LEAST SEVENTY-FIVE PERCENT OF THE
22 PACKAGED FOOD AND BEVERAGE OPTIONS OFFERED IN VENDING MACHINES SHALL
23 BE HEALTHY FOOD OR BEVERAGE OPTIONS.”.

24
25 On page 5, in line 14, strike “FOLLOWING ARE EXEMPT FROM THE”. And in the same line,
26 after “SUBTITLE” insert “DO NOT APPLY TO THE FOLLOWING”.



..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.

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

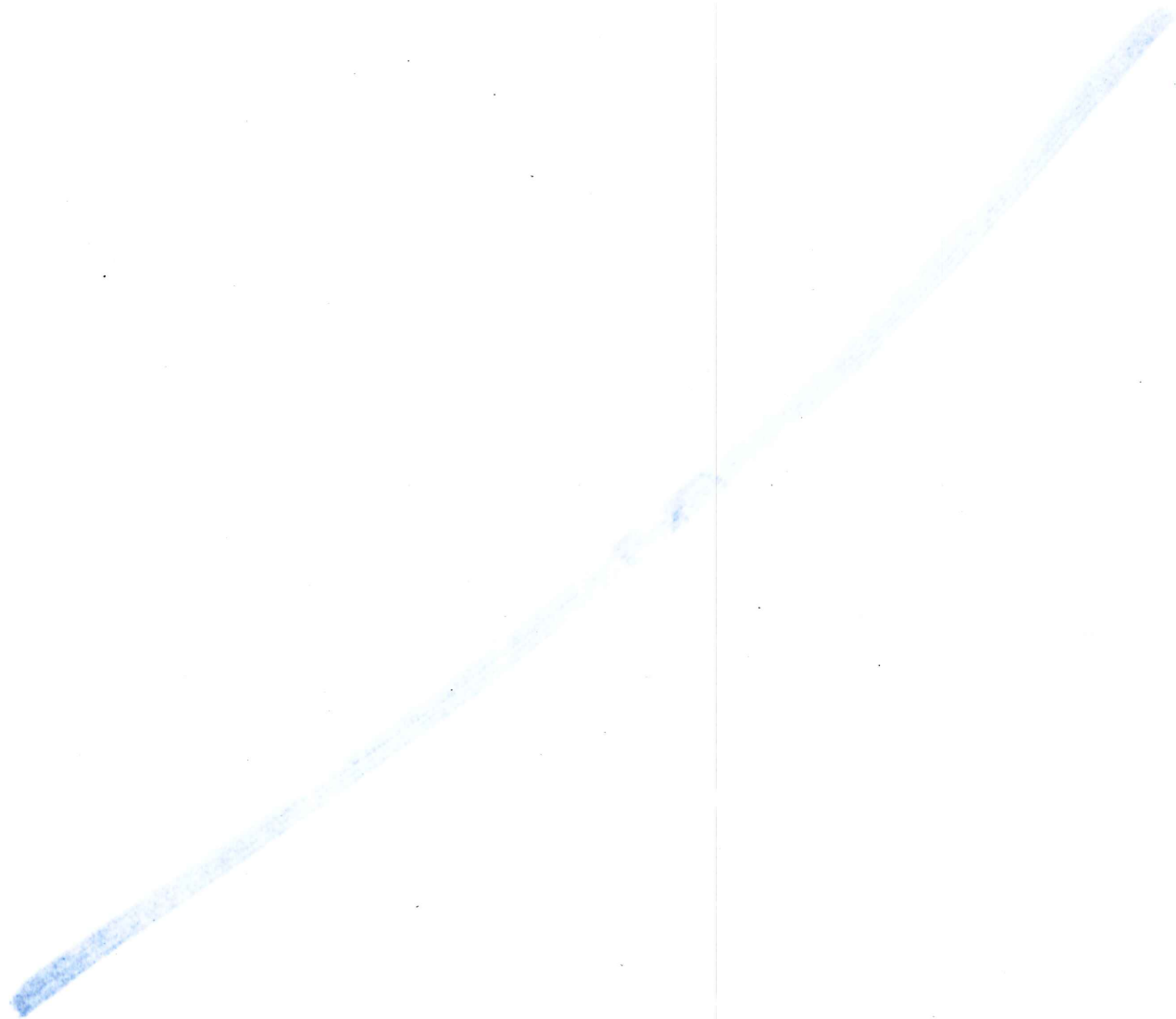
Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2015 at ___ a.m./p.m.

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**

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

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

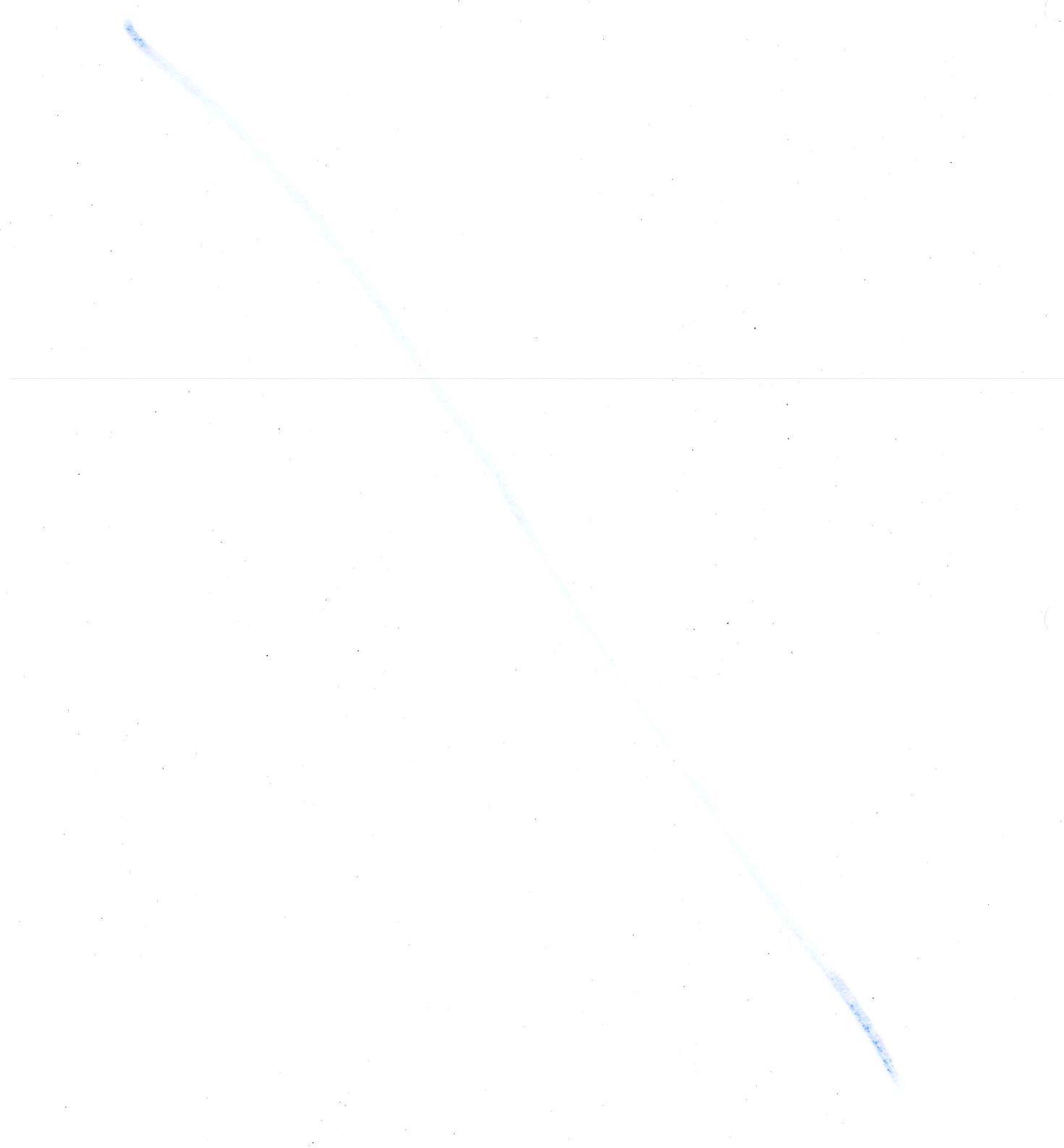
1 (d) PACKAGED FOODS THAT MEET THE STANDARDS CONTAIN:

- 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 4TH 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.*





HOWARD COUNTY OFFICE OF COUNTY EXECUTIVE

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2013

Allan H. Kittleman
Howard County Executive
akittleman@howardcountymd.gov

www.howardcountymd.gov
FAX 410-313-3051
TDD 410-313-2323

July 13, 2015

Mary Kay Sigaty, Council Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, Maryland 21043

Dear Council Chair Sigaty:

Today, by the authority granted by Section 209 of the County Charter, I have vetoed Council Bill 17-2015. I believe this bill is an unnecessary intrusion on personal responsibility and freedom. I trust Howard County residents, as well as county employees, to make their own decisions regarding what they eat and drink. Standards outlining nutritional preferences do not belong in the Howard County Code, as standards evolve over time. With these reasons in mind, I believe it is in the best interest of county residents and employees to veto this bill.

Research Findings. Experts from prestigious organizations, including the National Institutes of Health, consistently recommend comprehensive lifestyle changes to improve health outcomes. Research has shown that voluntary programs stressing healthy behaviors "driven by individual employees rather than by mandates or incentives" have proven effective¹. Arbitrarily banning or limiting access to some foods at limited locations will have little, if any, effect in encouraging the needed lifestyle changes to achieve meaningful and measurable improvement. Tackling obesity and related health issues through education and outreach is more likely to produce results. That is why I am coordinating an effort to bring community partners together to prepare a comprehensive plan on how we can encourage healthier lifestyles in Howard County.

Evolving Nutritional Standards. I cannot support an approach that adds language to the Howard County Code regarding nutritional recommendations, because they frequently change. As research and science improves, standards for healthy foods and beverages evolve. We have seen many modifications regarding what is best nutritionally – non-fat versus low fat, saturated versus non-saturated, sugar versus high fructose corn syrup, diet soft drinks versus non-sweetened beverages, calorie counting versus portion control, food pyramid overhauls – the list goes on. We should not pass legislation every time the health and nutrition industry modifies its recommendations.

¹ *Act Healthy: promoting health behaviors and self-efficacy in the workplace.* Health Educ. Res. (2015) <http://www.ncbi.nlm.nih.gov/pubmed/26141203>

Existing Guidelines in Place. The county's youth programs already follow strict licensing regulations and COMAR guidelines regarding which foods and beverages can be provided, making this bill unnecessary and redundant in this respect. The guidelines already in place govern the nutritional standards for healthy foods and beverages in the state and county. Passing legislation to mandate guidelines is counter-productive and will make it more difficult to adjust guidelines as needed.

Impact on Small Business. Finally, I agree with the Howard County Chamber of Commerce and others in the business community that CB 17 is harmful to small businesses. The overly restrictive guidelines for packaged food and beverage placement will make it extremely difficult for county vendors to comply. The restrictions also prohibit vendors from stocking many healthy options that consumers want, such as Vitamin Water, Gold Peak Iced Tea and many Honest Tea products – another of the unintended consequences of this bill. I believe the selection of products to be placed in vending machines is best left to market forces, not government intrusion.

In summary, I believe CB 17 does not represent good governance. The actual impact of this legislation will be minimal, but this precedent will create an obligation in the future for the government to continue legislating nutrition, as standards and tastes change. Giving the County Executive or the County Council the authority to micro-manage our nutritional standards goes far beyond the proper role of government. This is especially true where, as we have seen, there are real and substantial grounds for disagreements and ambiguities. More to the point, this legislation provides only lip service to the issue of improving health outcomes and misses the mark significantly on what we, as a community, can do to reduce obesity and affect real change in Howard County. I have taken this action based on what I believe to be in the best interest of the public and what the residents of Howard County have elected me to do.

I invite the County Council to work with my administration on the development of an educational outreach program to address the obesity issue and improve health outcomes for Howard County residents.

Sincerely,



Allan H. Kittleman
County Executive

cc: Howard County Council
Gary W. Kuc, County Solicitor
Jessica Feldmark, Council Administrator

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on July 31, 2015.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2015.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2015.

Jessica Feldmark, Administrator to the County Council