

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:

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;
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”.

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 2 to Council Bill 17-2015

BY: Jennifer Terrasa

Legislative Day No: 8
Date: July 6, 2015

Amendment No. 2

1 *(This amendment would create a new definition for potable water).*
2
3
4

5 On page 3, immediately following line 7, insert the following

6 (6) “POTABLE WATER MEANS PLAIN, STILL, NON-CARBONATED, WATER THAT IS SUPPLIED
7 THROUGH EITHER PERMANENT OR TEMPORARY SOURCES, INCLUDING BUT NOT
8 LIMITED TO WATER COOLERS, HYDRATION STATIONS, PORTABLE WATER STATIONS,
9 WATER BUFFALOES, WATER CARRIERS, WATER JUGS OR WATER PITCHERS.”.

10 Renumber the remainder of the section.

11
12 On page 4, in line 7, strike “WATER” and substitute “POTABLE WATER”. On the same page
13 in line 8, strike “PACKAGED”.

14
15 On page 5, in line 18, strike “WATER” and substitute “POTABLE WATER”.

CB 17-2015

Soft drink legislation

no-reply@howardcountymd.gov

Sent: Friday, July 31, 2015 9:37 PM

To: Vlhinkel@verizon.net

FILE COPY

First Name: Valerie

Last Name: Hinkel

Email: Vlhinkel@verizon.net

Street Address: 5425 Jerseybelle Ct

City: Ellicott city

Subject: Soft drink legislation

Message: Why in the world would you think it is ok to decide what I eat or drink. Seriously. I am perfectly healthy at 5'7 at 125 lbs and I do not like diet drinks. In fact diet drinks make me sick to my stomach. You drink what you like , let me drink what I like. Who cares! You are ridiculous with your legislation. Get a grip and quit telling people how to live their lives and what they should eat or drink . Worry about yourselves . I don't understand what makes you think it is ok to tell people what to eat or drink if they are in a county building. Don't you think you are going a bit far . Honestly there are important things to legislate . Think about it dont you think it is strange that it seems to be important to you to legislate what goes in my mouth?? Good grief what have we come to.

Vaping

no-reply@howardcountymd.gov

Sent: Sunday, August 02, 2015 11:24 AM

To: Finn67@gmail.com

FILE COPY

First Name: Mark

Last Name: Donovan

Email: Finn67@gmail.com

Street Address: 6129 Syracuse Ct.

City: Clarksville

Subject: Vaping

Message: Thank you for passing the vaping legislation. E Cigarettes should be regulated the same as cigarettes!! I should not have to watch a movie in the AMC Columbia theater through people vaping (which has happened regularly) or breath in vape when in a waiting room, in a public building, or leaving a public building. please encourage County Exec Kittleman to sign the legislation! Mark

CB 28-2015

Mrs. Wise [mrswise@verizon.net]

Sent: Monday, August 03, 2015 1:36 PM

To: CouncilMail

FILE COPY

Please pass CB 28-2015 with NO EXCEPTIONS FOR BARS AND RESTAURANTS.

Thank you.



FW: Jon & Sonya Miller, Miller Construction

Sigaty, Mary Kay

Sent: Monday, August 03, 2015 8:30 AM

To: CouncilMail

An additional email of testimony.....MK

FILE COPY

Mary Kay Sigaty

Howard County Council

District 4

410-313-2001

From: lenakroll@verizon.net [lenakroll@verizon.net]

Sent: Sunday, August 02, 2015 6:27 PM

To: Sigaty, Mary Kay

Subject: Jon & Sonya Miller, Miller Construction

Dear Ms Sigaty,

My friends, Jon & Sonya Miller, own a contracting business out of their home on Shady Acres Lane, Laurel. Miller Construction is before the County Council due to operating a business on less than 5 acres of land. Jon & Sonya are reputable members of our small southern Howard County Community. I first met Sonya around 1999 when she periodically would donate construction plans to Emmanuel Preschool for the students to use, my son was a student there. Through the years they were involved in the beginning years at Gorman Crossing Elementary School and then to Hammond Middle school serving as volunteers, PTA members, and participants in class trips and activities.

My son, Kyle Kroll, belonged to Boy Scout Troop 602 based out of Laurel Maryland. Each year as the troop sold thousands of bags of mulch, Jon would donate a truck to be used for delivery. (one year they sold 6000 bags!) He donated the gas, the use of his truck and never asked once to be reimbursed. As a mason, Jon even met with a local Eagle Scout candidate to offer guidance on an Eagle Scout project at Howard County Conservancy.

I am an Operating Room nurse at Medstar Montgomery Medical Center. I am required to be at work during any weather conditions that exist. I live on a small side street in Scaggsville and it often is one of the last roads to be plowed during a snow storm. There have been many occasions that Jon has plowed Shady Acres Lane and then come plowed Susini Drive to allow me to get to the hospital. He's even offered to come get me at the hospital when my shift has ended so I can make it home in the bad weather.

My family is not the only family to benefit from the Miller's graciousness. Thank you for thoughtfully considering their request and know that they are truly respected in our community.

Sincerely,

Lenora L Kroll

FW: Miller support letter

Sigaty, Mary Kay

Sent: Monday, August 03, 2015 8:29 AM

To: CouncilMail

FILE COPY

Good morning,

Sharing this correspondence regarding CB 37-2015.

Thanks.....MK

Mary Kay Sigaty
Howard County Council
District 4
410-313-2001

From: Kim Kroll [kkroll@sare.org]
Sent: Sunday, August 02, 2015 8:29 PM
To: Sigaty, Mary Kay
Subject: Miller support letter

Dear Mrs. Sigaty,

My wife and I have been friends of Jon & Sonya Miller, who own a contracting business out of their home on Shady Acres Lane, Laurel. Miller Construction is before the County Council due to operating a business on less than 5 acres of land. Jon & Sonya are reputable members of our small southern Howard County Community.

When my son joined Boy Scout Troop 602 at Emmanuel Methodist Church I became one of the troop leaders and have been in that role for the past nine years. The troop sells bagged mulch every spring as a fund raiser. Before my son and I joined the delivery would take 2 days and was a huge physical strain on the boys and adult volunteers. I approached Jon Miller to see if he would be willing to provide his truck. Jon was more than happy to donate his truck and asked if we needed any other equipment. He donated the truck and gas and never asked to be reimbursed. Jon even met with an Eagle Scout candidate to offer guidance on his Eagle Scout project at Howard County Conservancy.

My wife is an Operating Room nurse at Medstar Montgomery Medical Center. She is required to be at work even during severe weather conditions. We live on Susini Drive which always seems to be one of the last roads plowed during snow storms. There have been many occasions when Jon has plowed his street and drove over to plow Susini Drive so that my wife could drive to work. He has even offered to let her borrow one of their 4 wheel drive vehicles for safety.

It is a tremendous benefit to have a local business within our neighborhood with readable accessible equipment. My family is not the only family to benefit from the Miller's generosity. Thank you for thoughtfully considering their request and know that they are truly respected in our community.

Sincerely

Kim S. Kroll

FW: Support home based contractors in Howard County

Sigaty, Mary Kay

Sent: Wednesday, August 05, 2015 3:47 PM

To: CouncilMail

FILE COPY

Colleagues,

I am sharing a letter in support of CB 37-2015.

Thanks.....MK

Mary Kay Sigaty
Howard County Council
District 4
410-313-2001

From: Souder, Melissa [MSouder@moffattnichol.com]
Sent: Wednesday, August 05, 2015 10:29 AM
To: Sigaty, Mary Kay
Subject: Support home based contractors in Howard County

To whom it may concern,

I am writing this email as a show of my support of Jon and Sonya Miller of Howard County having a home based contractors business.

Thank you, Melissa

Melissa Souder

Moffatt & Nichol

2700 Lighthouse Point East, Suite 501 | Baltimore, MD 21224 | P 410.563.7300 | F 410.563.4330



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Council nixes Kittleman veto of vending bill

By AMANDA YEAGER
ayeager@tribune.com

After nearly six months of back-and-forth, a bill creating a set of nutritional guidelines for the food and drinks sold in Howard County government vending machines was voted, for a final time, into law Friday.

The legislation, which requires 75 percent of the food and drink offerings in county vending machines to meet a set of caloric, fat and sugar guidelines, was first passed by the County Council in early July, and then vetoed a week later by County Executive Allan Kittleman.

The 4-1 decision Friday, which was an override of Kittleman's veto, traced party lines, with the council's lone Republican member, Greg Fox, casting the only dissenting vote.

The bill revives a debate over the limits of government regulation in Howard County, where former County Executive Ken Ulman stirred controversy by implementing a similar nutritional policy in 2012. Ulman's policy, which Kittleman repealed as his first act in office, angered concession stand owners, who said the county crossed a line by creating standards for the packaged food and bottled drinks it sold at special events, such as the Fourth of July celebration on the Columbia lakefront.

The new nutritional standards legislation, however, does not apply to special events and allows for 25 percent of vending machine offerings to be food and drink that do not meet healthy guidelines.

The debate is also the latest example of political tension between Kittleman, the first Republican county executive since 1998, and the Democrat-dominated council. In the eight months since Kittleman took office, he and Democratic council members have also butted heads on the budget and nominations to the county's board and commissions.

Friday, Kittleman shrugged off suggestions of political tension.

"When I vetoed the bill, I did it because I think it's the right thing to do. I didn't do it because it's a 'Republican' opinion," he said. "We can have differences of opinion — we just had one. That's OK."

Kittleman and Fox have taken an ideological stand against the nutritional standards bill, which they argue chips away at personal freedoms.

"I trust Howard County residents and employees to make their own decisions about what to eat," Kittleman said July 13, before vetoing the bill.

He also opposed codifying nutritional



STAFF PHOTO BY BRIAN KRISTA

Brian Holthaus, with the vending company Black Tie Services, refills drinks and snacks in a vending machine at the George Howard government headquarters in Ellicott City.

standards, which he argues change frequently, into law. "We shouldn't have to change the law every time we think there is something that will be better for our children," he said.

Council Democrats rebuffed Kittleman and Fox, saying the bill offers choice rather than restricting it. They said their focus was on making Howard a healthier place.

"This expands options," the bill's lead sponsor, Democratic Councilman Calvin Ball, said. "I think Howard County has long been a leader when it comes to healthier choices. I think the bill would move that forward."

"It's a good compromise, it's a good start; it's our responsibility," said Councilwoman Jen Terrasa, a Democrat who represents the southeast county.

Council Chair Mary Kay Sigaty noted that the bill offers the opportunity to revisit nutritional standards by requiring a report evaluating the guidelines to be submitted every two years.

Councilman Jon Weinstein, a Democrat from Ellicott City, looked at the bill through a business lens. "Howard County is a corporate entity and we need to take

responsibility for those things that are available to our employees and the public that we serve," he said.

The final bill was stripped of several big provisions. Pricing regulations — which would have required healthy options to be at least 25 cents cheaper than less healthy ones — and a mandate that the county offer free water at public events were removed along the way.

"It's not amended, it's gutted," Fox said of the legislation. He added that the bill, which council members said would improve snack options for the county's children, "really doesn't provide protections.

"For me," he said of the vote, "it's more about principle because it doesn't accomplish anything."

Nikki Highsmith Vernick, president and CEO of the Horizon Foundation, the public health nonprofit that advised Ball on the legislation, called it a "strong bill" that involved compromise. "We're happy the health of our community is expanded by the council's vote," she said.

About two dozen members of the grassroots advocacy group People Acting Together in Howard also turned out to

watch the vote.

"We are ecstatic," said Sandra Curran, a member of PATH's committee for children's health and wellness. "This is a victory for public health and specifically for families in Howard County."

A beverage industry representative, called the decision "disappointing" and "shortsighted."

"The council's override paves the way for these arbitrary and confusing nutritional recommendations to become part of the Howard County Code. That sets a bad precedent," said Ellen Valentino, a lobbyist for the Maryland-Delaware-D.C. Beverage Association.

The nutritional standards bill wasn't the only legislation with a focus on health to pass Friday. The council also unanimously approved a bill banning "vaping" — or the use of electronic cigarettes and vaporizers — in public places.

The ban, introduced by Weinstein, builds on the county's law against smoking in public places. Howard led the state by going completely smoke-free in 2006, and five years later passed another milestone by becoming the first county in Maryland to ban smoking in parks.

Council nixes Kittleman veto of vending bill

BY AMANDA YEAGER
ayeager@tribune.com

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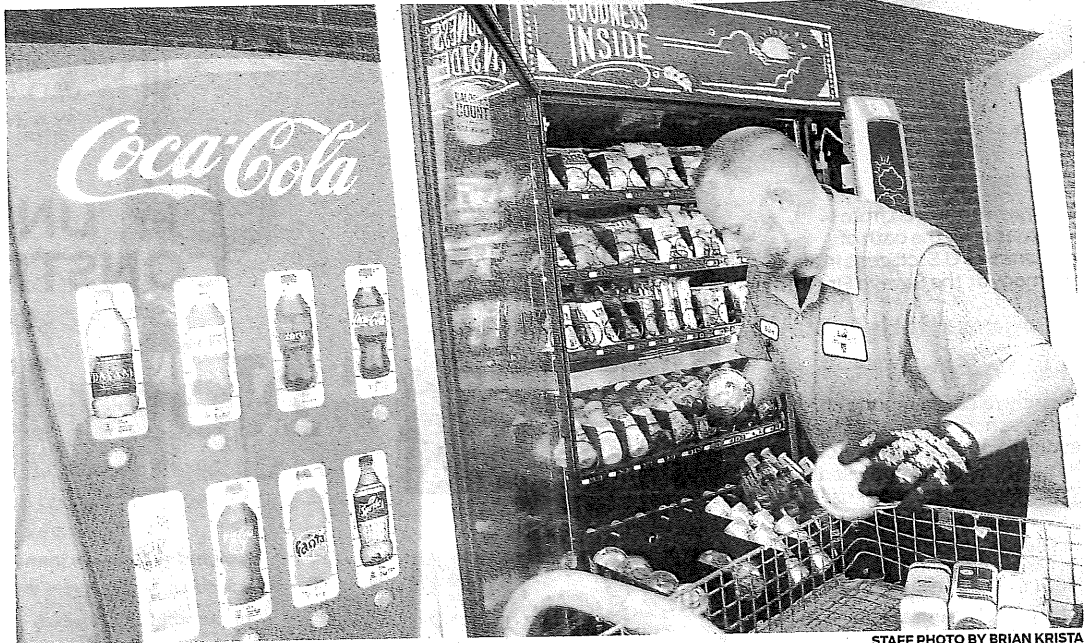
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Council Democrats rebuffed Kittleman and Fox, saying the bill offers choice rather than restricting it. They said their focus was on making Howard a healthier place.

"This expands options," the bill's lead sponsor, Democratic Councilman Calvin Ball, said. "I think Howard County has long been a leader when it comes to healthier choices. I think the bill would move that forward."

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KIM HAIRSTON/BALTIMORE SUN

Kendall Rivenbark, 23, of Hampstead takes advantage of a considerably less humid Friday to pick sunflowers from among 40,000 in the Maryland Agricultural Resource Council's field in Cockeysville. People are invited to pick their own sunflowers at \$1 per stem or \$10 per dozen, with the money benefiting the resource council.

8/1/15

Carrots, not cookies, in Howard buildings

Council overturns veto from Kittleman on healthy vending machine bill

BY AMANDA YEAGER
AND MEREDITH COHN
The Baltimore Sun

Healthy options are coming to Howard County, but some think the carrot is a stick.

Four of five Howard County Council members, all Democrats, voted Friday to overturn County Executive Allan Kittleman's veto of a bill that creates nutritional guidelines for the food and drinks sold in government vending machines.

Kittleman, the county's first Republican executive since 1998, framed the issue as

one of choice for workers and visitors to county buildings, even if that means they choose fluorescent orange doodles chased by a bubbly soda.

"I trust Howard County residents and employees to make their own decisions about what to eat," Kittleman said before vetoing the bill that passed in early July after six months of debate.



Kittleman

Greg Fox, a Republican, was the only council member to vote against overturning the veto.

In December, Kittleman also overturned a ban on the sale of sugary drinks and high-calorie snacks on county property and at events sponsored by the county.

But given the nation's weight problem and ensuing health issues — government data shows more than two-thirds of Ameri-

cans are overweight or obese — an See **VENDING MACHINES**, page 15

SUMMARY OF THE NEWS

MARYLAND

INDICTMENT: A contractor, Twyla Garrett of Fort Washington, and her company, Investment Management Enterprises, have been accused of charging the Mayor's Office of Information Technology \$180,000 for work that was not done. **NEWS PG 2**

NATION

PLEA PENDING: Dylann Roof wants to plead guilty to fatally shooting parishioners at a black church in Charleston, S.C., but his lawyer says he can't advise his client to do so until prosecutors say whether they'll seek the death penalty. **NEWS PG 12**

TODAY'S WEATHER

SUNNY AND HOT

90 HIGH | 65 LOW



Hot again Sunday **SPORTS PG 10**

inside

bridge sports 7 • lottery news 4 • movie directory news 13 • business news 10 • obituar
opinion news 17 • puzzles sports 7, 9 • horoscopes news 13 • tonight on tv sports 9 • cor

Howard Council overturns healthy vending machine veto

VENDING MACHINES, From page 1
increasing number of government officials across the country feel an obligation to offer healthier options on their property.

Cities and counties in 27 states, and some entire states such as California, have passed healthy vending machine laws, according to a study last year by the Center for Science in the Public Interest. The group said, however, that a study of hundreds of machines on government property across the country found the majority still offer largely "junk."

Margo G. Wootan, the center's director of nutrition policy, called healthy vending machines "one of the hottest national trends no one has heard of."

She said many governments — which pay the health insurance bills for employees as well as residents on public plans — are passing laws or making rules that don't garner much attention. Schools and hospitals, such as Johns Hopkins, are following suit. She said Howard County is getting attention because it was politically more dramatic.

"People talk about the nanny state gone amok, but they don't seem to mind when it's the food industry that is dictating food policy by offering only big portions and junky options in vending machines," Wootan said.

Coke and Pepsi, as well as other giant beverage- and snack-makers, long ago entered the market for healthier foods and drinks. The Beverage Marketing Corp. reported recently that soft drink sales continue to drop and water sales continue to rise, as do sales of bottled coffee and tea.

That doesn't mean the beverage industry is happy about such legislation. An industry representative called the Howard council's decision "disappointing" and "short-sighted."

"The council's override paves the way for these arbitrary and confusing nutritional recommendations to become part of the Howard County code," said Ellen Valentino, a lobbyist for the Maryland-Delaware-D.C. Beverage Association. "That sets a bad precedent."

The move presents an opportunity for companies such as William Carpenter, CEO of Annapolis-based Vend Natural, which owns more than 700 so-called healthy vending machines around the country. He is considering bidding on the Howard vending contract.

Carpenter said he's constantly looking for the right mix of snack and drinks. He said fresh-cut fruits and vegetables are good sellers, as are Kind Bars, a mix of dried fruits and nuts.

"It's a big change for traditional vendors to stock these kinds of snacks and beverages," he said. "But people like these choices."

And that's the point, said Councilman Calvin Ball, lead sponsor of the Howard bill.

"This expands options," said Ball, a Democrat. "I think Howard County has long been a leader when it comes to healthier choices. I think the bill would move that forward."

The county has become known for its public health activism, sometimes frustrating businesses and some residents.

On Friday, the council also unanimously approved a bill banning "vaping" — or the use of electronic cigarettes and vaporizers — in public places.

Howard led the state by going completely smoke-free in 2006, and five years later passed another milestone by becoming the first county in Maryland to ban smoking in parks.

While saying he liked Kittleman, whom he described as a moderate, Beilenson said he feared the new executive would attempt to dial back some of these initiatives rather than pursue new ones. "You can still bring in a Pepsi or Big Mac," he said. "It's simply a question of whether the county is going to sell these things. If you can encourage folks to eat more healthy, it's a worthwhile thing to do."

Kittleman shrugged off Friday's override of this veto.

"When I vetoed the bill, I did it because I think it's the right thing to do. I didn't do it because it's a 'Republican opinion,'" he said. "We can have differences of opinion — we just had one. That's OK."

Beilenson said the bill could have been even stronger. It was stripped of several of its initial provisions such as pricing regulations that would have required healthy options to be at least 25 cents cheaper than less healthy ones and a mandate that the county offer free water at public events.

The legislation only requires 75 percent of the food and drink offerings in county vending machines to meet a set of caloric, fat and sugar guidelines.

meredith.cohn@baltsun.com

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LEGAL NOTICES

NOTICE OF AUCTION OF VESSEL

FIRST NATIONAL BANK OF PENNSYLVANIA vs. M/V SPOILED ROTTEN, in rem Civil Action No. 1:15-cv-01389-CLR IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Pursuant to an Order entered in the above case on June 21, 2015, the United States Marshal for the District of Maryland hereby gives Notice that the M/V SPOILED ROTTEN (Official Number 654612), a 60' 1975 Chris Craft Roamer, and her engines, tackle, equipment, furniture and all other necessities thereunto appertaining and belonging, will be sold at public auction to the highest bidder, on Tuesday, August 4, 2015 at 2:00 p.m. at Harrison Yacht Sales, 106 Wells Cove Rd., Grasonville, MD 21638, where the vessel is located, upon the following terms:

(a) If the highest bid is \$1,000.00 or less, then the person whose bid is accepted shall immediately pay the U.S. Marshal the full purchase price. If the bid exceeds \$1,000.00 the bidder shall immediately pay a deposit of at least \$1,000.00 or 10% of the bid, whichever is greater, and the balance shall be paid within 3 days after the day on which the bid was accepted. If an objection to the sale is filed within that three-day period, the bidder is excused from paying the balance of the purchase price until three days after the sale is confirmed. Payments shall be made in cash, by certified check, or by cashier's check drawn on banks insured by the FDIC or the Federal Savings and Loan Insurance Corp. If the sale should not be confirmed, the U.S. Marshal shall return all monies to the highest bidder immediately after rejection of the bid by the Court. If the successful bidder does not pay the balance of the purchase price within the time allowed, the bidder shall be in default. In such a case, the judicial officer may accept the second highest bid or arrange a new sale. The defaulting bidder's deposit shall be forfeited and applied to any additional costs incurred by the Marshal because of the default, the balance being retained in the registry of the Court awaiting its Order as provided by Local Admiralty Rule (LAR) (e) (12)(c).

(b) If Plaintiff is the highest bidder, then Plaintiff's bid shall be deemed maintained as a fund by Plaintiff and subject to the credit of Plaintiff's claim against the vessel or the proceeds of its sale as stated in the Verified Complaint, and Plaintiff need not pay any amount to the U.S. Marshal, or its agent, except that amount which it has bid in excess of the amount prayed for in its Verified Complaint, subject to the further Court Order.

LEGAL Notice is hereby given for public Auction, Lien of the C Property Descr long to th Listed Below & dated: 1306 F Edgewood, MD number: 410-6 6, 2015 at 12p In Travers Hou 4164 Tonika Br & Personal ter sica Brown I & MISC Unit Queen Size N Spring Unit 4C Household Its will be listec and seen by competitive I StorageTreas www.storag at August 6, Purchases M cash only and Referenced f Complete th tra Space St and Bid and Purchase up bidder take personal Pro

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DEATH / LODGE NOTICES

SEILAND, Marjorie L.

On Tuesday, July 28, 2015 Marjorie L. (nee Richardson) Seiland of Timonium. Beloved wife of the late Carl J. Seiland; devoted mother of Kathleen R. Larmore and her husband Robert; grandmother of Ryan Leonard and Nicole Leonard; great grandmother of Bryce Mikles.

A Memorial Service will be held at the family owned Peaceful Alternatives Funeral and Cremation Center, 2403 E. Monday

TORR, Evelyn M.

On July 30, 2015 Evelyn M. Torr, 88 (nee Mullineaux); Loving wife of Robert L. Torr; devoted mother of Randolph L. Torr, Barbara C. Torr, R. Gregory Torr and his wife Cynthia, Michael Bradley Torr and his wife Peggy and the late David Joseph Torr; dear sister of the late Preston and Richard Mullineaux; cherished grandmother of 6 and 2 great grandchildren.

The family will receive friends at the Lemmon Funeral

FW: I support CB17

Sigaty, Mary Kay

Sent: Thursday, July 30, 2015 3:07 PM
To: Feldmark, Jessica; Sayers, Margery; councilrecords
Importance: High

FILE COPY

From: Lawrence Appel <lappel@jhmi.edu>
Date: Thursday, July 30, 2015 at 1:46 PM
To: Jon Weinstein <jweinstein@howardcountymd.gov>, Calvin Ball <cball@howardcountymd.gov>, Jen Terrasa <jterrasa@howardcountymd.gov>, Mary Kay Sigaty <mksigaty@howardcountymd.gov>
Subject: I support CB17

As a researcher at Hopkins, as Chair of the Lifestyle Council of the American Heart Association, a citizen of Howard County for 20+ years, and a board member of the Horizon Foundation, I strongly urge you to vote in favor of CB 17. This bill is based on science, research evidence, and best practices from around the country.

As I stated during my testimony to the Howard County Council in June, we know that education alone will not help people change behavior, and that in order to do so, we must also change the environment. In this case, small changes to the food environment can lead to big changes in people's decision-making.

Lawrence J. Appel, MD, MPH
C. David Molina, M.D., M.P.H, Professor of Medicine
Professor of Medicine, Epidemiology and
International Health (Human Nutrition)
Director, Welch Center for Prevention, Epidemiology,
Clinical Research
Johns Hopkins Medical Institutions
410-955-4156 (Office)
lappel@jhmi.edu
Welch Center: <http://www.jhsph.edu/welchcenter>
SOM Profile: <http://www.hopkinsmedicine.org/gim/faculty/appel.html>
BSPH Profile: <http://www.jhsph.edu/faculty/directory/profile/1280/Appel/Lawrence>

FILE COPY

FW: Council Bill 17-2015

Sigaty, Mary Kay

Sent: Thursday, July 30, 2015 3:07 PM

To: Feldmark, Jessica; Sayers, Margery; councilrecords

FILE COPY

From: Jan Horan <JHORAN9052@COMCAST.NET>**Date:** Thursday, July 30, 2015 at 2:51 PM**To:** "jweinstein@howardcountymd.gov", "glsmith@howardcountymd.gov", "cball@howardcountymd.gov", "kp ruim@howardcountymd.gov", "jterrasa@howardcountymd.gov", "mksigaty@howardcountymd.gov", "mclay@howardcountymd.gov", "gfox@howardcountymd.gov", "kknight@howardcountymd.gov"**Subject:** Council Bill 17-2015

Elected council members I ask that you uphold County Executive Allan Kittleman's veto of Council Bill 17-2015, a bill that would set nutritional standards for any food or beverage sold on county property. I would like to remind you of several points:

- It is not the role of government to set nutritional standards for me or my family.
- Nutritional standards constantly change and by codifying what this elected body now considers appropriate nutritional standards will change
- Some people with certain medical issues cannot tolerate artificial sweeteners
- Vending machines should offer choices that include both foods and beverages with sugar and with artificial sweeteners. Remember, this is still the United States of America and citizens should be able to make choices that best suit their dietary needs.
- The legislation is specific to what is termed county owned property. I would like to also remind you that what you term as county owned property was and is paid for and maintained with my tax dollar for county government use. County tax payers should have the freedom of choice when visiting or participating in meetings, programs, special or recreational events on property owned and paid for by the citizens of

FILE COPY

Howard County.

- County government's role should be to promote nutritional programs in our schools starting in kindergarten through high school and to require that all students who are physically able to participate in school physical education programs.
- The Horizon Foundation polled 602 voters in Howard County for opinions on this legislation. When reading the *Sun Paper* article, it gave percentages like 75% and 69% in favor of this bill. Sounds like big numbers of voters in favor of the bill but in actuality there are 208,891 registered voters in Howard County according to my call to the Board of Elections today, July 30, 2015. In fact, Horizon's poll reflects 0.0028818 registered voters polled, hardly a mandate regardless of the percentages reported by Horizon or the *Sun Paper*.

I respectfully request that you uphold County Executive Kittleman's veto of this bill. County Executive Kittleman was elected to represent all Howard County citizens not just the 602 voters polled by the Horizon Foundation.

Jan Horan
10631 Breezewood Drive
Woodstock, MD 21163

FW: Support of Council Bill 17-2015

Sigaty, Mary Kay

Sent: Thursday, July 30, 2015 12:20 PM

To: CouncilMail

FILE COPY

Colleagues,

I just received this email and am passing it on.....MK

--

Mary Kay Sigaty
Howard County Council Member
District 4
3430 Court House Drive
Ellicott City, MD 21043
410-313-2001

From: Henry Posko <hposko@humanim.com>
Date: Thursday, July 30, 2015 at 12:14 PM
To: Mary Kay Sigaty <mksigaty@howardcountymd.gov>
Subject: Support of Council Bill 17-2015

Dear Councilwoman Sigaty,

Thank you for your support of Council Bill 17-2015, an important step in making Howard County a healthier place to live, work, and play. As a member of the Board of Trustees of the Horizon Foundation, I applaud your working crafting a reasonable, evidence-based measure that promotes health and balances the wide-ranging community input you have received.

I am writing today, however, as President and CEO of Humanim. With nearly 500 employees — most of whom are located in Howard County — Humanim is committed to providing a positive, healthy workplace for its staff. We have long been committed to workplace wellness. However, order to keep healthcare costs from continuing to rise we've investigated ways that we could both support employee wellness and mitigate cost increases.

After reviewing our claims information for prescription medicine, we noticed that seven of the 10 most expensive prescription drug costs we faced were for medications to manage diabetes. Knowing the direct link between excessive sugar consumption and diabetes, we took steps to enhance our employee wellness program to focus on improving nutrition.

Among the steps we took include education to our employees about how to find “hidden” sugar in the food and drinks they purchase and consume and how to make healthier choices when at the grocery store or preparing meals at homes.

But we know that education alone wasn't enough, so we took active steps to improve the nutrition of food and drink sold on our property by reducing sugary drinks in our vending machines.

While we are currently evaluating data from the last year to measure our progress towards improving health, we know that anecdotally employees are responding positively to our wellness program and the changes we've implemented.

As employers, we are responsible for providing an environment where our employees can thrive. By taking reasonable steps like providing educational opportunities and improving the food environment, we are helping our employees be healthier and more productive.

Again, I would like to thank you for working to support the health of county employees and residents, and I hope that you will again show this support on Friday when faced with the opportunity to again vote for CB17.

Sincerely,

Henry Posko
President and CEO
Humanim

Humanim, Inc. is a not-for-profit, 501(c)(3), organization.

Confidentiality Statement:

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. Please notify the sender immediately if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

CB17-2015 Drafting Flaws

joelhurewitz@juno.com

Sent: Thursday, July 30, 2015 10:15 AM

To: CouncilMail

FILE COPY

Dear Howard County Councilmembers:

I have written a series of blog posts addressing issues regarding CB17-2015.
<https://hococommonsense.wordpress.com/category/cb17-2015/> I believe that drafting flaws and grammatical mistakes will cause the bill to have several loopholes and unintended consequences. These issues have generally not be addressed by others and were not included in Executive Kittleman's veto message.

Thank you for your attention to these matters as you consider the veto.

Joel Hurewitz

HoCo Common Sense

The Plain Truth for Howard County and Columbia,
Maryland

CB17-2015

Sales From Vending Machines Have Little Impact on Individuals or Howard County in General

JULY 26, 2015JULY 28, 2015 ~ HOCO COMMON SENSE ~ LEAVE A COMMENT

Based on an analysis of data provided by Howard County ([HoCo Vending Machine Locations and Income \(https://hococommonsense.files.wordpress.com/2015/07/hoco-vending-machine-locations-and-income.pdf\)](https://hococommonsense.files.wordpress.com/2015/07/hoco-vending-machine-locations-and-income.pdf)), it appears that purchases from vending machines have little impact upon many individuals or the population of Howard County as a whole. The gross sales of \$147,181 is just too small to have an impact upon the health of Howard County.

| | Total | | | Machines | Gross Sales | Gross/Machine | Gross/250 Days | Gross/365 Days | Gross/Mach/365 Day | Gross/Week | Gross % |
|---|-----------|-----------|----------|-----------|---------------------|-------------------|-----------------|-----------------|--------------------|-------------------|-----------------|
| | Cold Bev | Snack | Hot Bev | | | | | | | | |
| Recreation and Parks HQ | 3 | 1 | | 4 | \$7,101.95 | \$1,775.49 | \$28.41 | \$19.46 | \$4.86 | \$136.53 | 4.325% |
| Roger Carter Recreation Center | 1 | 1 | | 2 | \$1,798.25 | \$899.13 | \$7.19 | \$4.83 | \$2.46 | \$34.52 | 1.222% |
| Gary Arthur Community Center | 2 | 1 | | 3 | \$10,815.75 | \$3,605.25 | \$43.26 | \$19.63 | \$9.88 | \$208.33 | 7.349% |
| North Laurel Community Center | 2 | 1 | | 3 | \$17,870.70 | \$5,956.90 | \$71.48 | \$43.96 | \$16.32 | \$343.67 | 12.142% |
| Cedar Lane Park (West for Machines Data) | 2 | | | 2 | \$3,736.50 | \$1,868.25 | \$14.95 | \$10.24 | \$5.12 | \$71.66 | 2.553% |
| Cedar Lane Park East | 2 | | | 2 | No data | | | | | | |
| Centennial Park - Main/West | 3 | | | 3 | \$1,347.00 | \$449.00 | \$5.39 | \$3.69 | \$1.23 | \$25.90 | 0.915% |
| Rockburn Branch Park | 1 | | | 1 | \$400.50 | \$400.50 | \$1.60 | \$1.10 | \$1.10 | \$7.70 | 0.272% |
| Robinson Nature Center | 1 | 1 | | 2 | \$322.45 | \$161.23 | \$1.29 | \$0.88 | \$0.44 | \$6.20 | 0.219% |
| Schooley Mill Park | 2 | | | 2 | \$1,068.00 | \$534.00 | \$4.25 | \$2.91 | \$1.46 | \$20.44 | 0.722% |
| Centennial Park - Maintenance Shop | 1 | | | 1 | No data | | | | | | |
| Western Regional Park | 2 | | | 2 | No data | | | | | | |
| Total Parks and Recreation | 22 | 5 | | 27 | \$44,456.10 | \$1,646.52 | \$177.82 | \$121.80 | \$4.51 | \$854.93 | 30.205% |
| Circuit Court | 1 | 1 | 1 | 3 | \$5,095.75 | \$1,698.58 | \$20.98 | \$13.96 | \$4.65 | \$98.00 | 3.462% |
| B11 Call Center | 1 | 1 | | 2 | \$4,214.25 | \$2,107.13 | \$16.86 | \$11.55 | \$5.77 | \$81.04 | 2.853% |
| Southern Police District | 1 | 1 | | 2 | \$1,318.00 | \$659.00 | \$5.27 | \$3.61 | \$1.81 | \$25.35 | 0.895% |
| Northern Police District | 2 | 1 | | 3 | \$4,756.50 | \$1,585.50 | \$19.03 | \$13.03 | \$4.34 | \$91.47 | 3.232% |
| Total Police | 4 | 3 | | 7 | \$6,074.50 | \$2,042.79 | \$24.30 | \$16.64 | \$5.38 | \$116.82 | 4.13% |
| Public Safety Training Center | 3 | 2 | 1 | 6 | \$7,225.65 | \$1,204.28 | \$28.90 | \$19.80 | \$9.90 | \$139.95 | 4.809% |
| Howard County Dept of Corrections | 7 | 5 | | 12 | \$44,681.95 | \$3,723.50 | \$178.73 | \$122.42 | \$10.20 | \$859.27 | 30.358% |
| Howard Building | 1 | 1 | | 2 | \$7,884.75 | \$3,942.38 | \$31.54 | \$21.60 | \$10.80 | \$151.65 | 5.357% |
| Gateway Building | 4 | 2 | 1 | 7 | \$15,974.07 | \$2,282.01 | \$69.90 | \$43.76 | \$6.25 | \$307.19 | 10.653% |
| Little Patuxent Water Treatment Plant | 2 | 1 | | 3 | \$2,303.58 | \$767.86 | \$9.21 | \$6.31 | \$2.10 | \$44.30 | 1.565% |
| Bureau of Utilities | 1 | 1 | | 2 | \$1,533.11 | \$766.61 | \$6.13 | \$4.20 | \$2.10 | \$29.48 | 1.042% |
| Bureau of Facilities - Dock | 1 | 1 | | 2 | \$2,305.00 | \$1,152.50 | \$9.22 | \$6.32 | \$3.16 | \$44.33 | 1.566% |
| Howard County Health Department | 1 | 1 | | 2 | \$5,492.18 | \$2,746.14 | \$21.73 | \$14.88 | \$7.44 | \$104.47 | 3.691% |
| Howard County Dept Social Service Gateway | 3 | 4 | | 7 | No data | | | | | | |
| Total | 50 | 27 | 3 | 80 | \$147,181.09 | \$1,839.76 | \$588.72 | \$403.24 | \$5.04 | \$2,830.41 | 100.000% |

<https://hococommonsense.files.wordpress.com/2015/07/hoco-vending-machine-analysis.jpg>

The data provided by Howard County is somewhat incomplete and ambiguous. Some listed locations are not listed in the sales data. Some buildings have different names on the two lists. Some buildings such as the District Court and the Ascend Building are surprisingly missing. Whether the vending machines at the Robinson Nature Center were in place a full year is not known, or whether it really has sales of only one or two items a day.

While some buildings such as the Police Department are open every day, others are open only on weekdays, and others are open on weekends. Thus, the 365 and 250 day columns are approximate guesses for daily sales.

With most items costing about a dollar, it seems that roughly 147,000 were sold. The data shows that some machines only have a sale a few times an hour on average or some just once or twice a day. The Department of Corrections is the most busy and has the most sales. It accounts for nearly one-third of the gross revenue for the County.

Some opponents of CB17-2015 argued that the Bill would adversely affect the small businesses vendors of the machines. Based upon the available data, providing vending services to Howard County seems to be a losing business anyway. After paying a 35% commission to the County, 50% or more for the food, and 6% sales tax, there is only 9% left to pay for labor, vehicles, fuel, insurance, overhead, and the cost of the machines themselves. Approximately \$13,000 is not very much for these expenses. If anyone has better data, I'd like to consider it here.

Will CB17-2015 Ban Certain Types of Vending Machines?

JULY 23, 2015JULY 28, 2015 ~ HOCO COMMON SENSE ~ LEAVE A COMMENT

There is a lot of misinformation about CB17-2015. The opponents claim that it bans nonhealthy food options in vending machines. Executive Kittleman claims that it infringes employee free choice. As seen in previous blogs, CB17-2015 actually does not say what it's proponents intended. Non public, employee-only vending machines are not subject to the Bill. The Bill purports to require only healthy packaged foods for youth programs; but the flawed language of the Bill actually excludes nuts, seeds, fruits and vegetables from the list of healthy options.

Lost in all the discussion is not that it bans certain products from vending machine, but that the bill might implicitly ban certain **types** of vending machines.

The applicable provision of CB17-2015 states:

- 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.**

(<https://hococommonsense.files.wordpress.com/2015/07/cb17-2015-vending-machine-placement.jpg>)

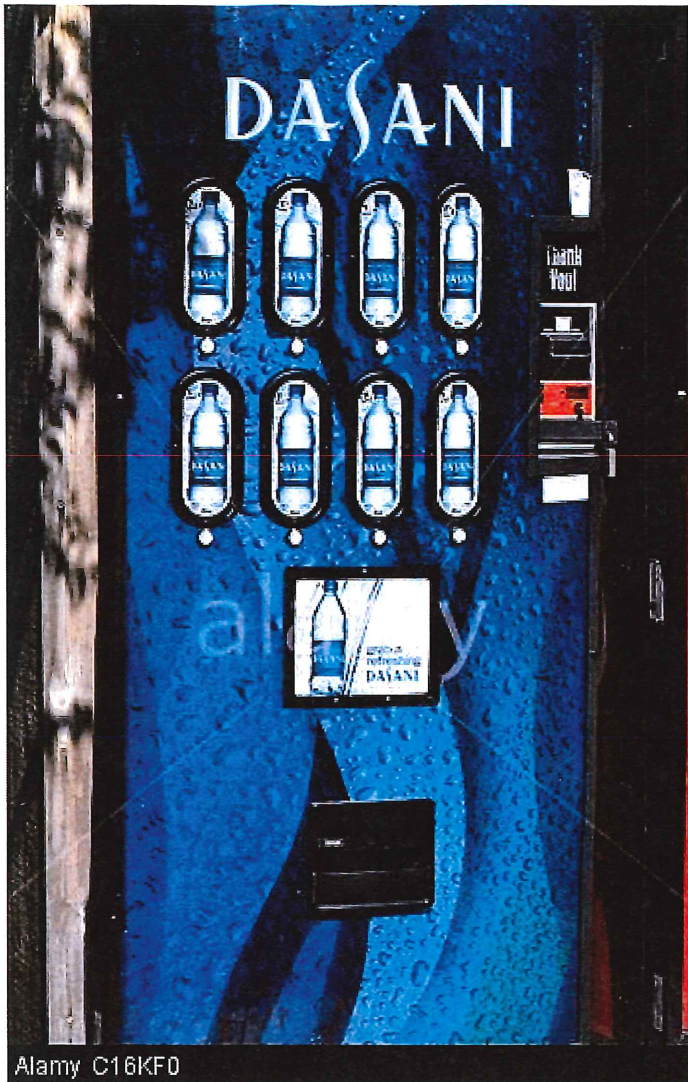
This section implies that all vending machines look like this with all the actual items for purchase are on display.



But what about a vending machine with just buttons? While healthy items can be shown on each row of buttons on this type of machine



and on this type of machine, this is not always so easy to do.

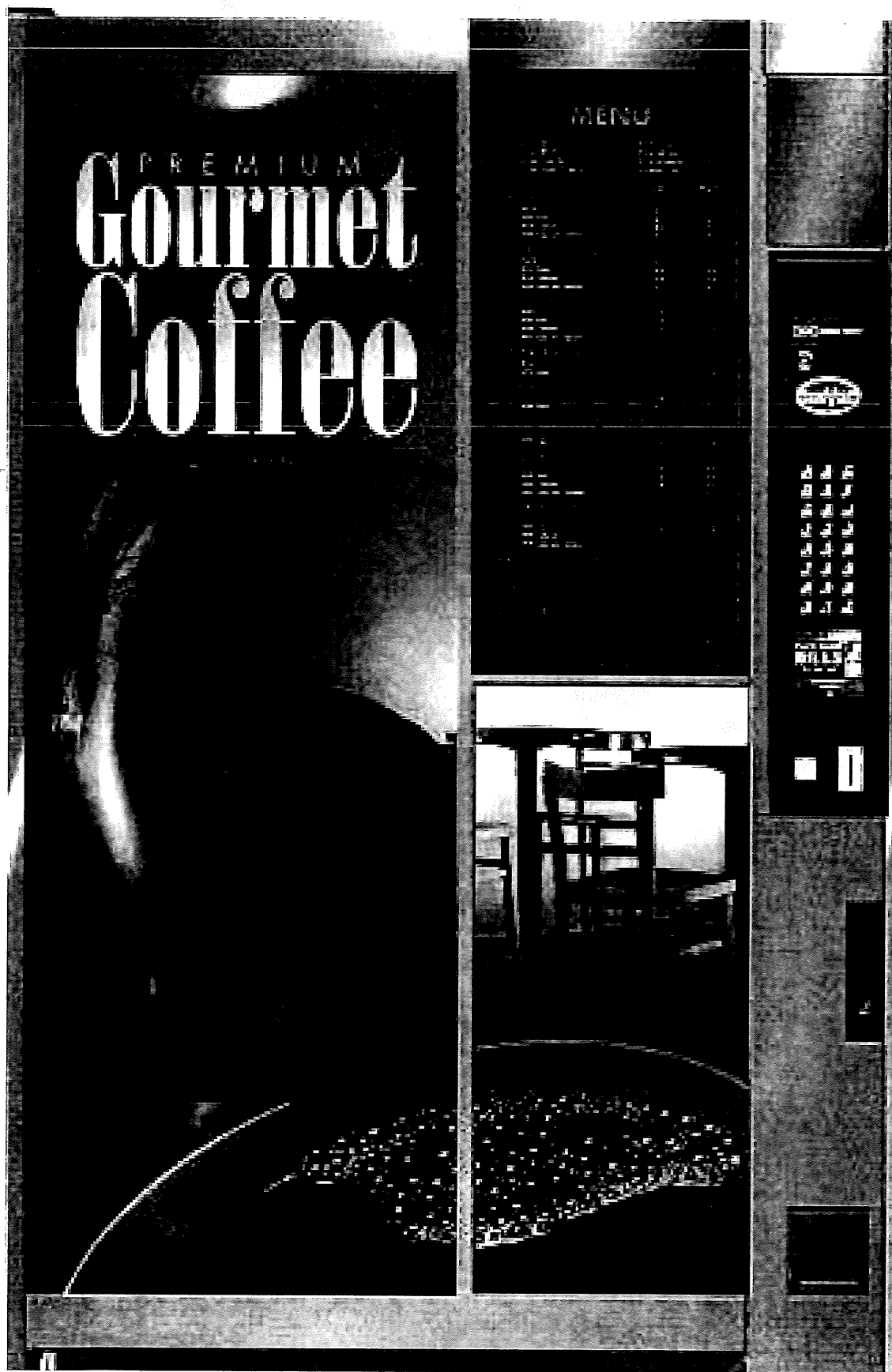


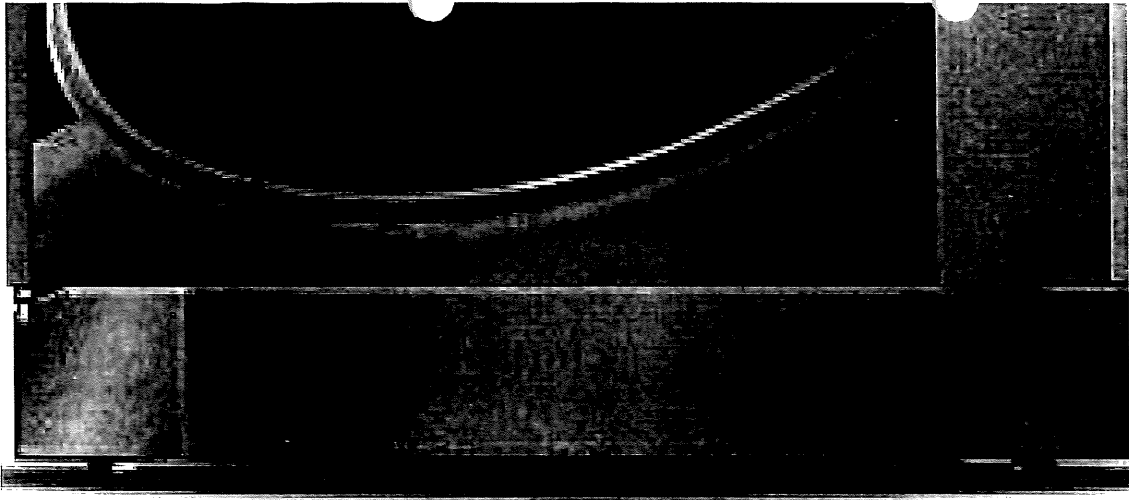
For vending machines that rotate, when is the item considered “on display”? If only half of each row are healthy, there will be times when the nonhealthy options are displayed depending upon the rotation of the items.





How are healthy items to be listed on each line of a menu on a hot beverage machine, such as this one from the current Howard County vendor?





<https://hococommonsense.files.wordpress.com/2015/07/hoco-black-tie-hot-vending-machine.jpg>

And how do these types of vending machines comply with the requirement that each row is one-half healthy options when there is only a vertical column of buttons?





So while Councilman Ball says "[If you want a Coke, you can have a Coke. If you want water, you can have water](http://www.baltimoresun.com/news/maryland/howard/ellicott-city/ph-ho-cf-ball-column-0723-20150722-story.html) (<http://www.baltimoresun.com/news/maryland/howard/ellicott-city/ph-ho-cf-ball-column-0723-20150722-story.html>)," how are Coke machines with only vertical buttons going to meet the requirements of the horizontal display rules?





Banning certain types of vending machines seems to be one of the many unintended consequences of the poorly drafted CB17-2015.

The Healthy Food Options are Nutty (Nuts, Milk, Fruits and Vegetables are Excluded)

JULY 21, 2015JULY 27, 2015 ~ HOCO COMMON SENSE ~ LEAVE A COMMENT

Careless drafting by the Howard County Council has caused the list of healthy food options in CB17-2015 to be quite nutty and in fact generally nutless. At best the language is ambiguous; at worst it excludes the very food items which the proponents of the bill sought to include as healthy options. When the Council passed Amendment 1 to the original Amendment 1 which Councilman Ball stated was intended to restore "100% nuts or seeds" to the list of healthy food options, they actually did the exact opposite.

This blog took several days to write and consider and then rewrite. One needs to read these provisions with an open mind. The brain tends to fill in the missing language to fulfill the intent of the bill. However, the actual language of the provisions do not match the intent. Having watched the Council debate, spoken with Councilman Ball's assistant and read the *Baltimore Sun* editorial, (<http://www.baltimoresun.com/news/opinion/editorial/bs-ed-howard-20150715-story.html>) there is a belief that the language actually permitted nuts and seeds. Yet, this is not really what the provision states.

To understand the issue, one needs to carefully read the applicable provision:

- 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

(<https://hococommonsense.files.wordpress.com/2015/07/hoco-healthy-food-standards.jpg>)

As can be seen, (d)(3) says that a healthy food option is one which contains less than thirty-five percent of calories from fat, unless the food contains 100% nuts or seeds. All foods below the thirty-five percent standard are alright, but not 100% nuts or seeds. There is the assumption that nuts or seeds are permitted even though they exceed the thirty-five percent standard. Grammatically, this is not so. While Councilman Ball intended to add nuts and seeds to the list of healthy options, the exception really says that products with 100% nuts or seeds are not healthy options whether or not they meet the thirty-five percent standard.

The same can be said for the exception in d(5). Nowhere does it say that milk, fruits and vegetables are healthy options. It actually carves milk products, fruits or vegetables out of list of healthy options –period.

Consider for a moment a provision which says that “the Council shall meet on no more than 20 days on the 1st and 4th Monday, except if the building is closed for a holiday or snow.” The exception says that there is no meeting on holidays or snow days–period. Also consider the common rule for the Council and boards in Howard County that “a person shall speak for no more than 3 minutes, except if they are a representing a group.” This language by itself says if you are representing a group a person cannot speak at all. Of course this is not really the rule because the provisions have the additional language “in which case the person may speak for no more than five minutes.” For another analogy, consider a requirement that says that “the building shall be open from 9 am to 5 pm each day, except for Sunday.” This means that Sundays are not included in the days that the building is open; the building is closed.

The healthy food option exceptions are missing the additional language that nuts and seeds are considered healthy options with language such as “which may have up to fifty percent calories from fat.” When the USDA drafted the Smart Snack in Schools standards, they used a different structure for the exceptions by clearly explaining the exemption in a separate subsection and not in one clause: “Nuts and Seeds and Nut/Seed Butters are exempt from the total fat and saturated standards, but subject to the trans fat, sugar, calorie and sodium standards.” §210/11 (f)(2)(ii). The bill’s shorthand attempts to make the exemptions in subsection (d), do not legally identify the intended healthy food options.

Moreover, interestingly the 100% nut or seed provision paradoxically allows for items with 90% or 95% or 99% nuts or seeds to be considered a healthy option. An item with 100% nuts or seeds excludes not only items like trail mix from the healthy list, which the Council discussed, but also excludes any nut or seed product with added preservatives, sodium or spices because then the product with any additional ingredients would not be 100% nuts or seeds. Thus, rather than encouraging healthy nut or seed items, the 100% provision actually encourages less healthy products.

Clearly, the language in the bill does not reflect the intended result. Perhaps it would be best to allow the veto to stand and start over with a bill which adopts by reference other more well-drafted food codes such as the “Smart Snacks in Schools” standards. This would also address Executive Kittleman’s objection to codifying food standards into the Howard County Code by referencing the rules adopted by the USDA.

When a Vending Machine is Not a “Vending Machine”

JULY 16, 2015JULY 27, 2015 ~ HOCO COMMON SENSE ~ 1 COMMENT

In vetoing CB17-2015, County Executive Kittleman stated that “the actual impact of this legislation will be minimal” and that it only “provides lip service to the issue of improving health outcomes.” Due to poor drafting and flaws it appears that Kittleman did not realize just how true these conclusions were; the many loopholes in the bill could cause it to have little actual effect on either the employees, the public or the youth of Howard County.

Councilman Ball's original bill had numerous flaws. It had a \$0.25 pricing differential for "healthy" beverages which could have had the practical effect of actually encouraging smart shoppers to choose the unhealthy supersized version. The rules for all packaged goods would seem to have applied to the commissary at the jail requiring healthy snacks and candy. How many prisoners would have selected puffed rice and seeds over chips and candy? The packaged food rules could have been interpreted to apply to the chips and snacks sold at the Subway restaurant at the County owned Long Reach Village Center. Ball's Amendment 1 corrected many of these flaws, but many loopholes remain.

One flaw is at the beginning: the definition of a "food or beverage vending machine." A "food or beverage vending machine" is defined in Section 12.1800 to be "a self-service machine offered for public use which, upon insertion of a coin, paper currency, token, card, or key. . . ." First, all the consternation notwithstanding, the bill's application to employees could be minimal. The machine must be "offered for public use." A machine in an employee only area is not available for public use. For instance, machines in the secure employee areas at the police department or at the public works shop are not "offered for public use."

Second, the definition requires "insertion" for payment (or optional manual operation). When people use a credit card to purchase gas, the credit card is often inserted and removed quickly. However, when using a credit card at most grocery or department stores, the card is swiped and not really inserted. So a vending machine with an insert and remove quickly mechanism would fall under the definition, while a swipe type payment would arguably not apply. Regardless if it is interpreted that "swiping" amounts to "insertion" of a credit card, machines which only accept payment by tapping a credit card like the Metro SmartTrip Card which is used at some gas stations or McDonald's would not be subject to the definition.

Lastly, machines which only accept payment by smartphone would not apply either. So savvy vending machine vendors can actually attract millennials and other young people with their smartphones to their unhealthy vending machine which was the opposite intent of the bill.

Discussion of more flaws and loopholes in "vending machines" to come.

HOCO COMMON SENSE

BLOG AT WORDPRESS.COM. THE PENSCRATCH THEME.

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Build a website with WordPress.com

CB-17

no-reply@howardcountymd.gov

Sent: Tuesday, July 28, 2015 4:02 PM**To:** sebronh@aol.com**FILE COPY**

First Name: Dr. Clarence S.
Last Name: Hall
Email: sebronh@aol.com
Street Address: 5438 Marsh Hawk Way
City: Columbia
Subject: CB-17

Message: This is to encourage all Howard County Council members to override the County Executive's veto of CB-17. This is one common sense approach to addressing the high rate of obesity among Howard County's children. The bill does not prevent anyone from purchasing whatever they want from the vending machines. It gives a choice to those who would prefer to purchase more nutritious foods.

LIE COB

FILE COPY

CB17

Bruce Savadkin [bsavadkin@gmail.com]

Sent: Sunday, July 26, 2015 11:35 AM

To: CouncilMail

I'm writing to urge you to override County Executive Kittleman's veto of CB17. I strongly believe that healthier choices should remain in our county's vending machines.

Thank you for considering this,

Bruce Savadkin
6437 Spicewind Ct.
Columbia, MD 21045

Thank You and Stay Strong for CB 17

moodys@comcast.net

Sent: Wednesday, July 22, 2015 4:39 PM

To: CouncilMail

FILE COPY

Dear County Council Members,

I'm a 37-year resident of Columbia, a member of St. John United Church, and a PATH leader. I was at the meeting on July 6, when four of you courageously stood together to pass CB 17 "Better Food and Beverage Options." I'd like to thank the Council for that vote. I called earlier and your staffer suggested I also email you to offer my thanks and to encourage you to stand up for health again and override the County Executive's veto of the bill. If you do, you will be signaling to the residents of Howard County that their good health backed by science, is more important than false rhetoric and an unwillingness to compromise as demonstrated by the County Executive. Frankly, I'm disappointed by Mr. Kittleman's response to a very reasonable bill that is very different from the executive order he chose to rescind on his first day in office. You already have shown your own willingness to work with him in the legislation you crafted. Now, you can override the veto with the confidence that most residents of the county and your constituents are behind you.

Thank you again,

Guy Moody
9506 Red Apple Lane
Columbia, MD 21046

LIFE COB

DO NOT override Executive Kittleman's veto of CB 17

Coble Family [hkcharlie2000@msn.com]

Sent: Thursday, July 16, 2015 9:56 AM

To: CouncilMail

FILE COPY

I completely support Executive Kittleman's veto of CB 17, so please do not override his veto.

I find CB 17 insulting to adults as if we cannot decide on our own what we should eat and or have enough knowledge to guide our children to a healthy diet.

Also, who decides what is healthy? I happen to believe that diet sodas due to their artificial sweeteners are unhealthy yet CB 17 considers these a healthy choice. Doesn't the Howard County Government have enough to do without coming up with controversial lists or guidelines of healthy vs. unhealthy food? And then to have to review said list on a regular basis?

Why not just let the market place influence vendor's stocking decisions? If the people of Howard County want healthier options in their vending machines then they should only buy the healthy options and boycott the rest. The vendors would get the message.

Deborah Coble
13740 Oster Farm Rd.
West Friendship, MD 21794

1900
MIL COBY

Kittleman vetoes vending machine guidelines bill

Council override would set limits on calories, fat, sugar

By AMANDA YEAGER
ayeager@tribune.com

Saying he trusts “residents and employees to make their own decisions about what to eat,” Howard County Executive Allan Kittleman vetoed a controversial measure July 13 that would have set nutritional guidelines for vending machine items sold in county government buildings.

Kittleman said the bill, passed last week by the County Council, would have a negative impact on small business and was an “ineffective and unnecessary intrusion on personal responsibility and freedom.”

The measure — passed by a 4-1 vote that would override Kittleman’s veto if it stands — would require food and drink offerings in county vending machines to meet a set of caloric, fat and sugar guidelines.

Championed by the Horizon Founda-

‘Arbitrarily banning or limiting access to some foods ... will have little, if any, effect in encouraging the needed lifestyle changes to achieve meaningful and measurable improvement.’

Allan Kittleman, Howard County executive

tion, a Howard County-based public health nonprofit, the bill sought to revive some of the standards set in a 2012 executive order from then-County Executive Ken Ulman, a Democrat.

Last summer Ulman’s order — which came to be known as the “sugary drinks ban” — met with opposition from vendors who said the rules hurt business. Kittleman, a Republican, repealed the order as his first act in office after being elected in November.

The new measure, sponsored by Councilman Calvin Ball, a Democrat from Columbia, differed from Ulman’s order in that some county-sponsored events such as Wine in the Woods and the Fourth of

July celebration at Lake Kittamaquidi were exempted. The council bill also excluded concessions stands and dropped a requirement that the county offer free water at events.

Nevertheless, Kittleman called the legislation “a poorly crafted bill clearly submitted in response to my repeal of the sugary drinks ban.”

He said nutritional standards shouldn’t be incorporated in county code because they “evolve over time.”

“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,”

Kittleman said.

The executive said he is in the early stages of creating an education and outreach plan to combat obesity in the county.

Nikki Highsmith Vernick, president and CEO of the Horizon Foundation, said she was disappointed in Kittleman’s veto, noting the council bill was supported by organizations including People Acting Together in Howard and the African American Community Roundtable.

“The county executive today unilaterally rejected our own community’s requests,” Highsmith Vernick said. “Education alone is not going to stem the tide of obesity in the county.”

Ball defended the measure, saying, “I think we listened to all of the suggestions and concerns, including the business community’s, and came up with a standard that expands healthy options.”

He plans to ask the council to override the veto at a voting session July 31.

To override, four of the five council members must once again vote in favor of the bill. Greg Fox, a Republican from Fulton, was the lone vote in opposition.

POLITICAL NOTEBOOK

Planning Board meetings suspended – and then are not



Amanda Yeager

AYEAGER
@TRIBUNE.COM

A day that began with indications that the Howard County Planning Board’s future meetings would be suspended for an unspecified period of time ended with an assurance it wouldn’t happen.

The Planning Board meeting July 9 lasted about 20 minutes and went off without a hitch, with members voting to approve an addition for Ellicott City’s Our Lady of Perpetual Help Catholic Church.

Afterward, they agreed upon some meeting dates.

The simple act of calendar-setting was significant because Planning Board members had been notified that morning that their subsequent meetings would be put on hold. An email sent to the board from the board’s recording secretary, Laura Boone, offered no further explanation.

County officials downplayed the mes-

sage.

That afternoon, Deidre McCabe, the county’s director of communications, said the Planning Board was not being suspended.

“There’s no bans on meetings,” she said. The Planning Board “will hold meetings as need be for any pressing matters,” she added.

McCabe said officials hoped the board would postpone non-urgent issues to give the new planning and zoning director, Valdis Lazdins, who took over from former director Marsha McLaughlin on July 1, some “breathing space” to get up to speed on local zoning matters.

Lazdins also needs time to assemble a staff, McCabe said. The planning and zoning department has been without a deputy director since former deputy director Kimberly Amprey Flowers was let go at the beginning of Kittleman’s tenure.

“The thought was, ‘Let’s not overtax him at this stage with meetings,’” McCabe said.

McCabe said the directive was not related to the County Council’s recent

decision to table an up-or-down vote on the appointment of Kittleman Planning Board nominee Susan Garber. If confirmed, Garber would replace board chairman Josh Tzucker, whose term expired at the end of May.

After last week’s meeting, Lazdins said the Planning Board would continue with scheduled projects. He added that he was working with staff to become familiar with complex cases, such as an upcoming debate on whether a Royal Farms gas station should be allowed direct access from Snowden River Parkway.

“Right now, I’m just getting up to speed,” Lazdins said.

The Planning Board is one of Howard County’s most influential citizen-led bodies. Members weigh in on development plans and zoning amendments, and projects are required to pass through the board.

A complete suspension of the Planning Board’s meetings might not be legal; Howard County’s charter requires the board to hold monthly meetings, and allow the board’s chair to call special meetings at any time.


Housing agreement

Representatives from Howard Hughes and the Columbia Downtown Housing Corporation told Howard County Council members July 13 that they are moving closer to an agreement on a plan to include affordable housing in downtown Columbia’s development.

“The parties have been working very actively toward trying to find a solution,” Downtown Housing Corporation President Paul Casey said.

Casey said his group and Howard Hughes, Columbia’s master developer, have reached agreements on some issues, such as scattering lower-income units throughout downtown, a process for developing tax credit projects and a decision that the Columbia Flier building, if developed, will be a mixed-income project, rather than contain 100 percent affordable units, as originally proposed.

The groups agreed to meet with the County Council at a legislative session on Sept. 8, after members return from their August recess.

| | | |
|---|--|--|
| <p>Department of</p>  <p>County Administration</p> | <p>HOWARD COUNTY Policy and Procedure</p> <p>Title: Vendor Machine Policy</p> | <p>Number: 100.13</p> <p>Prepared By: Office of the CAO</p> <p>Initial Release Date: 8/18/2010</p> |
|---|--|--|

Policy

In the interests of the health of Howard County employees and residents who visit County facilities, the following policy for vending machines in Howard County will be adopted to provide healthy options for beverages and snacks.

I. SCOPE AND RESPONSIBILITY:

This policy covers all machines designed to dispense food and/or beverages located within all County owned, leased, and/or operated space or facilities.

The Purchasing Administrator, or designee, shall have primary responsibility for the management and administration of the vending machines that are to be located within any Howard County owned, leased, or operated space or facility.

The Health Department shall make itself available for consulting with County Departments and the Purchasing Administrator, or designee, regarding established nutrition standards and selections as well as assisting with the implementation of this policy.

The Wellness Works Program shall have the primary responsibility for educating employees and visitors to the County facilities and for promoting healthy options in vending machines located on County property to employees and visitors to County facilities.

The individual point of contact for each vending machine, as defined in section II.B.1, shall be responsible for dissemination of promotional materials near the vending machines and for notifying Purchasing if there are any issues with vendor compliance.

for CB17 - 2015
legislative file:
documents
discussed at
legislative
work session

II. POLICY:

A. Nutrition Standards for Vending Machine Beverages and Snacks

- a. Beverages: 25% of beverages offered in a vending machine shall be from the following categories:
 - i. Water;
 - ii. Unsweetened coffee or tea;
 - iii. Nonfat or 1% milk (including soy or cow's milk, and chocolate or other flavored milk);
 - iv. 100% fruit/vegetable juice;
 - v. Fruit-based drinks containing 100% fruit juice and no added caloric sweeteners; and
 - vi. If the above options are not feasible, non-caloric beverages (including diet sodas and teas) may be substituted.
- b. Snacks/food: 25% of the snacks/foods offered in a vending machine shall meet all of the following criteria:
 - i. Not more than 35% percent of calories shall be from fat with the exception of products composed entirely or primarily of nuts and seeds;
 - ii. Not more than 10% of calories shall be from saturated fat;
 - iii. Shall not contain trans fats that are added during processing (hydrogenated oils and partially hydrogenated oils);
 - iv. Shall not contain more than 360 milligrams of sodium per serving; and
 - v. Shall not contain more than 250 calories in the package.
- c. Consultation: The Health Department and the Wellness Works Program will be available to consult with vending machine vendors on item placement in machines, healthy item identification strategies, and consumer outreach and education.
- d. Amendment of Nutrition Standards: This policy may be amended from time to time when new reference material becomes available that may have a direct impact on additional healthy options that are available within vending machines.

B. Compliance

- a. Each department with a vending machine on premises shall designate an individual who will be responsible for monitoring stock in the machine and communicating concerns to the vendor and, if necessary, to Purchasing.
 - i. This individual shall be responsible for notifying the vendor if the machine is not being restocked in a timely fashion.
 1. In the event that the vendor still fails to meet expectations, Purchasing should be notified.
 - ii. This individual shall be responsible for notifying Purchasing if the vendor fails to stock machines with a sufficient quantity of items meeting the nutritional criteria listed above.
 1. In the event of noncompliance, Purchasing will contact the vendor to request that they stock the requested items by a specified date.
 2. If noncompliance continues, Purchasing is then authorized to find an alternative vendor who will comply with the County Vending Policy.

C. Placement of Vending Machines

No independently-owned vending machines shall be allowed on County property without the prior written approval of the Purchasing Administrator or designee. Snack vending machines shall be permitted to operate on County property for the sale of food items to County employees and members of the public who use the facilities subject to the provision of this policy.

The Purchasing Administrator, or designee, shall have the authority to place vending machines in strategic locations throughout the County where traffic patterns or other circumstances warrant their placement.

- a. Prior to the installation, the location of a new or replacement vending machine shall be reviewed and approved by the Purchasing Administrator or designee.
- b. No vending machine shall in any way obstruct or otherwise interfere with emergency exits or access areas unless adequate space has been approved and/or provided as determined by the Howard County Fire Department, Bureau of Life Safety.

- c. All vending machines must be securely fastened to a wall, floor, or other structure or otherwise secured in such a way as to prevent it from being rocked, bounced or tipped.
- d. Failure to comply with or violation of any provisions of this policy shall result in the immediate removal or disablement of the vending machine.

D. Facility Requirements

a. Plumbing:

- i. For machines that require an external water source, connections must be made from a potable water supply. In the event this is not possible, the vending machine owner will be responsible for the establishment of an alternative source.
- ii. Plumbing installation, when required, shall include valves and prevention devices that comply with State and local building code requirements. Fixtures and other installations are required to be placed in a neat and professional manner acceptable to the County.

b. Electrical:

- i. All vending machines requiring electrical power must meet the current standards set forth in the State electrical codes.
- ii. Vending machines must be properly wired and grounded to prevent electrical shock and must comply with applicable federal, state, and local codes and standards. The vending machine owner shall be responsible for all costs that are associated with the installation of any vending machine where upgrades and/or improvements are required to be made to the facility prior to placement.
- iii. All new vending contracts will have the requirement that vending machines shall be ENERGY STAR qualified (new or rebuilt) and include a low power mode option for times of inactivity or have an energy reduction sensor, such as a vending miser, installed to reduce energy usage.

c. General Facility Requirements:

- i. All maintenance and repair costs shall be the responsibility of the vending machine owner, unless otherwise agreed upon in a written contract with the County prior to installation or placement.


- ii. No modifications to a building, structure, electrical systems, plumbing, or any other part of the physical plant of any County building may be performed without the prior written approval from the Bureau Chief of Facilities obtained through the County Purchasing Administrator or designee. In cases where a property is leased by the County, the County Property Agent assigned to the property will work with the property owner to acquire the necessary approvals in writing prior to the authorization of any modifications to a leased facility. For all authorized modifications either in a County owned facility or a leased facility, the costs of any and all modifications will be at the expense of the vending machine owner, unless otherwise agreed upon in writing by the County.

E. Food and Beverage Operations

- a. All vending machines must meet the standards of the National Automatic Merchandising Association and be listed in their latest "Listing of Letters of Compliance" and/or meet the standards of the National Sanitation Foundation and be on their "Approved List", or the equivalent thereof.
- b. Prior to installation Life Safety must approve any microwave oven used in conjunction with a vending operation for safety.
- c. All food and beverage products must be delivered, placed in machines in their original wrappers or in a sanitized bulk dispenser that fits on the machine as a unit, and meet the nutritional standards outlined in Section II.A, *Nutrition Standards for Vending Machine Beverages and Snacks*.
- d. The areas surrounding all vending machines are to be kept clean and proper waste and/or recycling receptacles shall be provided in the immediate area of the machines.
- e. All food vending machines must comply with all State and County health and safety codes and vendors must keep current licenses for all machines on file. Vending machines not complying with the above criteria or with State law shall be removed from service within five (5) business days from the date of written notification issued by the Purchasing Administrator.

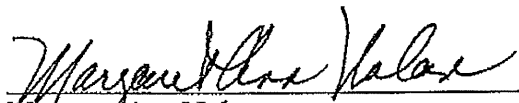
III. COSTS ASSOCIATED WITH THE PROGRAM

Each department or division shall be responsible for County costs associated with the placement of vending machines within their approved work environments. These costs normally include utility costs for operating the machines and any additional costs incurred to ensure compliance with this approved policy.


Lonnie R. Robbins
Chief Administrative Officer

CERTIFICATION

"This Policy and Procedure is not subject to the provisions of the Howard County Administrative Procedures Act".


Margaret Ann Nolan
County Solicitor


Date

(2) During the center's hours of operation, in any outdoor area of the center which is approved for child care use.

B. In a small center located in a private residence, smoking is prohibited during the center's hours of operation in any indoor or outdoor area approved for child care use.

.06 Alcohol and Drugs.

An operator may not allow the consumption of alcoholic beverages or use of illegal or nonprescribed controlled dangerous substances:

- A. On the center premises during the center's hours of operation; or
- B. By an employee or a volunteer during an off-site program activity.

COMAR 13A.16.12 Nutrition

.01 Food Service.

A. Food and beverages which are furnished by an operator for meals or snacks, or both, shall comply with the guidelines of the Child and Adult Care Food Program of the U.S. Department of Agriculture, as indicated on a chart supplied by the office.

B. Hours of Operation. If a center operates:

- (1) 4 or more consecutive hours a day, the operator shall furnish either:
 - (a) All meals and snacks; or
 - (b) Snacks; or
- (2) Less than 4 consecutive hours a day, the operator shall either:
 - (a) Furnish food and beverages for meals or snacks, or both; or
 - (b) Make arrangements with the parent of a child to provide food and beverages for meals or snacks, or

both.

C. The operator shall furnish and serve milk with all meals.

D. Except during approved hours of overnight care, an operator shall serve meals and snacks at intervals of not more than 3 hours according to the following schedule:

| If a child is at a center for: | The child shall receive at least: |
|--------------------------------|---|
| Less than 4 consecutive hours | 1 snack |
| 4 to 7 consecutive hours | 1 meal and 1 snack |
| 7 to 11 consecutive hours | 1 meal and 2 snacks or 2 meals and 1 snack |
| 11 to 14 consecutive hours | 2 meals and 2 snacks or 3 meals and 1 snack |

E. If an operator chooses not to provide meals, the operator shall make arrangements with the parent of each child to provide food for meals.

F. An operator shall keep a supply of nutritious food on hand in order to provide food to a child whose parent has not supplied food or beverages for meals or snacks.

G. Menus. An operator shall:

- (1) Post in a conspicuous place a weekly planned menu of foods and beverages furnished by the center for meals and snacks; and
- (2) Keep a dated record of food actually served in the center, and to each child on a modified diet, on file for at least 4 weeks, correcting the planned menu if necessary.

.02 Modified Diet.

If an operator agrees to accept a child who requires a modified diet for:

A. Medical reasons, the operator shall obtain from the child's parent a written prescription for the diet signed and dated by the child's licensed health practitioner within the previous 6 months; or

B. Cultural or religious reasons, the operator shall obtain written, dated instructions for the diet signed by the child's parent.

.03 Food Sources.

A. An operator shall furnish food at the center only if it is wholesome and free from spoilage, filth, or other contamination and obtained from sources that comply with all laws relating to food, food processing, food handling, and food labeling.

B. If an operator contracts to have food furnished from an outside source, such as a catering service, the operator shall ensure that the food:

- (1) Has been prepared and processed in a licensed food service facility or in a licensed food processing plant;
- or

(2) Consists of a snack or party food which is not potentially hazardous and does not present a significant risk of transmitting food-borne disease.

C. An operator may not provide to the children home-canned goods or any other hermetically sealed food prepared in a place other than a licensed food processing establishment.

D. An operator:

- (1) Shall provide only fluid milk and fluid milk products that are:
 - (a) Pasteurized Grade A;
 - (b) Except as provided by §D(3) of this regulation, served from the original container; and
 - (c) Not more than 4 days older than the expiration date marked on the original container;
- (2) Except as provided at Regulation .06D of this chapter, may use dry milk, dry milk products, or reconstituted dry milk only for cooking purposes; and
- (3) For meals and snacks, may serve milk family-style from a pitcher or similar container into which the milk has been poured from the original container.

.04 Food Storage and Preparation.

A. An operator shall:

- (1) Protect all food from contamination while it is being stored, transported, or displayed; and
- (2) Prepare and serve food, including infant formula, in a safe, sanitary, and healthful manner.

B. There shall be sufficient storage areas for all food brought from home and all food held in reserve for service by the operator.

C. Food shall be stored:

- (1) In an area that is dry, cool, well-ventilated, well-lighted, and equipped with easily cleanable shelving; and
- (2) At least 6 inches off the floor to facilitate cleaning.

D. In a small center, food may be stored:

- (1) Separately from family food; or
- (2) With family food if the operator chooses to have the entire family food storage area inspected.

E. If food is transferred for storage from its original container, the operator shall provide a secondary storage container that is:

- (1) Easily cleanable;
- (2) Nontoxic;
- (3) Nonabsorbent;
- (4) Tightly closed; and
- (5) Clearly labeled as to its contents.

F. The operator:

- (1) May not store food below overhead waste lines;
- (2) Shall maintain cooked, potentially hazardous hot food at or above a temperature of 140° F;
- (3) Shall refrigerate potentially hazardous food at or below a temperature of 40° F;
- (4) Shall keep frozen food at or below 0° F; and
- (5) Shall restrict the movement of pets and other animals so that food and food contact surfaces are not contaminated.

G. Single service items such as paper and plastic cups, containers, lids, plates, knives, forks, spoons, and placemats shall be:

- (1) Used only once; and
- (2) Stored, handled, and dispensed to protect them from contamination.

H. During an activity in which the children prepare food, the activity shall be planned and carried out in a manner consistent with the safety and health practices required in this subtitle.

I. The operator shall discard:

- (1) All spoiled fruits, vegetables, or other food;
- (2) Refrozen food;
- (3) Potentially hazardous frozen food that has been thawed and not immediately cooked and served;
- (4) Swelled, rusty, or leaky canned foods;
- (5) Foods exposed to fire, smoke, or water damage;
- (6) After a child finishes eating, any remaining food that has come into contact with:
 - (a) The child's mouth; or
 - (b) An eating utensil that has been used by the child; and
- (7) After being left out for consumption by children during a meal or snack, any milk remaining in an opened original container, a pitcher or similar container, or a drinking vessel.

J. The operator shall send home or discard at the end of each day all opened containers of food brought from home for a child.

.05 Food Preparation Area and Equipment.

A. Appliances and equipment in the food preparation area shall be:

- (1) Cleaned and sanitized;
 - (2) In good repair;
 - (3) Capable of normal operation; and
 - (4) Not conducive to the harboring of insects and rodents.
- B. Food contact surfaces shall be nontoxic, smooth, in good repair, and free of breaks, open seams, cracks, pits, and similar imperfections.
- C. Refrigeration shall be:
- (1) Of sufficient capacity to store all food and beverages that require refrigeration;
 - (2) Operated at or below 40° F; and
 - (3) Equipped with an indicating thermometer graduated at 2° F intervals.
- D. All frozen food units shall be operated at 0° F or less, and shall be provided with an indicating thermometer.
- E. Centers operating more than 4 consecutive hours shall provide refrigeration.
- F. Except in a small center or when only snacks are provided by the operator, a separate handwashing sink which is equipped with soap and paper towels shall be provided in or adjacent to each food preparation area. Food preparation and utensil washing sinks may not be used for handwashing.
- G. A cooking exhaust hood shall be provided when routine cleaning does not eliminate condensation or greasy film.
- H. Utensils and equipment used for the preparation and service of food and beverages shall be cleaned, sanitized, air dried, and stored in a manner approved by the office.

.06 Infant Feeding.

- A. The operator shall ensure that the written feeding schedule for an infant or toddler, as required by COMAR 13A.16.03.02D(1), is:
- (1) Followed; and
 - (2) Updated as necessary or at least every 3 months while the child is in care.
- B. Infant Self-Feeding.
- (1) An infant shall be held for each bottle feeding except when the infant or toddler is developmentally able and insistent upon self-feeding.
 - (2) When an infant or toddler holds the bottle, the infant or toddler may do so only:
 - (a) When seated; and
 - (b) If the bottle is made of unbreakable material.
- C. Except as specified by §D of this regulation, an operator may serve an infant or toddler only developmentally appropriate:
- (1) Commercially prebottled formula;
 - (2) Breast milk, formula, juice, or water which has been prebottled for the child and provided by the child's parent;
 - (3) Commercially processed baby food that is opened and used the same day;
 - (4) Commercial infant formula, in concentrate, powder, or ready-to-feed form, if the:
 - (a) Child's parent has provided prior written authorization for the use of the formula; and
 - (b) Formula is prepared directly from a factory-sealed container and in accordance with the manufacturer's instructions; and
 - (5) Other foods supplied by the operator or the parent that are consumed the same day.
- D. Only whole, pasteurized milk will be served to an infant or toddler who is not receiving formula or breast milk, except that skim milk, reconstituted nonfat dry milk, or 1—2 percent milk may be served upon the written prior approval of the child's parent and health care provider.
- E. An operator shall ensure that:
- (1) All infant foods and bottles are labeled with the infant's name, dated, and refrigerated at 40° F or below if potentially hazardous;
 - (2) All nipples on bottles are protected;
 - (3) Breast milk or formula which has been bottled for the child is:
 - (a) Placed immediately in a refrigerator when brought to the center;
 - (b) Warmed to the desired temperature immediately before feeding; and
 - (c) Served to the child at a temperature that is safe and conducive to the child's comfortable feeding;
 - (4) Foods that present a high risk of choking for infants and toddlers are not served to them; and
 - (5) Reusable bottles and nipples are:
 - (a) Reused only after they have been washed, rinsed, and sanitized; or
 - (b) If supplied by the child's parent, rinsed after use and returned daily to the parent.

COMAR 13A.16.13 Centers for Children with Acute Illness

.01 Location of Center.

Howard Co. head vetoes nutritional standard bid

Kittleman says bill setting rules for vending machines is intrusive, unnecessary

By AMANDA YEAGER
Baltimore Sun Media Group

Saying he trusts “residents and employees to make their own decisions about what to eat,” Howard County Executive Allan Kittleman vetoed a controversial measure Monday that would have set nutritional guidelines for items sold from vending machines in county buildings.

Kittleman, a Republican, called the bill passed last week by the Democrat-controlled County Council, an “ineffective and unnecessary intrusion on personal responsibility and freedom” and said it would hurt small business.

The measure — passed by a 4-1 vote that would override Kittleman’s veto — would require food and drink offerings in county vending machines to meet calorie, fat and sugar limits.

Championed by the Horizon Foundation, a Howard County-based public health nonprofit, it sought to revive some of the standards set in a 2012 executive order from then-County Executive Ken Ulman, a Democrat.

Ulman’s order — which came to be known as the “sugary drinks ban” — met with opposition last summer from vendors who said the rules hurt their business. Kittleman repealed the order as his first act in office after being elected in November.

The new measure, sponsored by Councilman Calvin Ball, a Columbia Democrat, differed from Ulman’s in that it exempted some county-sponsored events, such as Wine in the Woods and the Fourth of July celebration on Lake Kittamaquundi.

The council bill also excluded concession stands and dropped a requirement that the county offer free water at events.

Kittleman called the legislation “a poorly crafted bill clearly submitted in response to my repeal of the sugary drinks ban.”

He said nutritional standards shouldn’t be incorporated in county code because they “evolve over time.”

“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,” Kittleman said.

The executive said he is in the early stages of creating an education and outreach plan to combat obesity in the county. Details were not immediately available.

Nildi Highsmith Vermick, president and CEO of the Horizon Foundation, said she was disappointed in Kittleman’s veto. She noted the council bill was supported by organizations including People Acting Together in Howard and the African American Community Roundtable.

“The council spent months trying to draft a very reasonable compromise bill,” she said. “The county executive today unilaterally rejected our own community’s requests.”

“Education alone is not going to stem the tide of obesity in the country,” she said. Ball defended the measure.

“I think we listened to all of the suggestions and concerns, including the business community’s, and came up with a standard that expands healthy options,” he said.

He said he will ask the council to override Kittleman’s veto at a session July 31.

To override, four of the five council members must vote again in favor of the bill. In its passage last week, council member Greg Fox, a Republican from Fulton, was the lone vote in opposition.
ayeager@baltsun.com



AMY DAVIS/BALTIMORE SUN

Now hear this: It’s warm

Lydia Fiore, 5, left, plays “telephone” with her sister Ella, 7, while Ella’s twin, Ava, swims underneath them as they cool off Monday at the pool at the Greater Annapolis Family Center Y. More warm and humid weather is forecast for the metropolitan area the next several days, broken up by occasional thunderstorms.

Pluto is larger than scientists thought, New Horizons finds

Data from spacecraft also suggest dwarf planet may be icier than expected

By SCOTT DANCE
The Baltimore Sun

As NASA’s New Horizons spacecraft readies for its close encounter with Pluto today, scientists said observations show the dwarf planet is slightly larger — and possibly icier — than they thought.

Pluto’s radius is roughly 1,185 kilometers, give or take 10 kilometers, according to measurements from the mission, Alan Stern, the principal investigator, said at a news conference Monday. That’s 10 to 25 kilometers larger than previously estimated.

Because scientists already had a reliable measurement of Pluto’s mass, that also means the dwarf planet is slightly less dense than previously thought, suggesting its ratio of ice to rock is higher than expected.

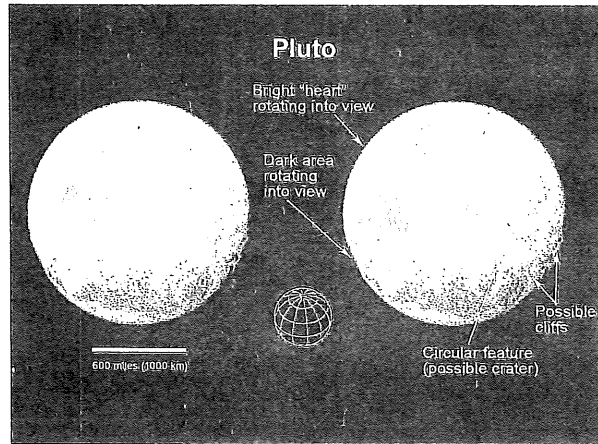
New Horizons also detected nitrogen escaping from Pluto’s atmosphere millions of miles from the dwarf planet, far earlier than mission scientists at the Johns Hopkins Applied Physics Laboratory in Laurel expected to encounter it, but they still don’t know why.

The findings were some of the first of what could be many surprises over the coming days as New Horizons nears the climax of a 3 billion-mile, 9½-year journey to the edge of the solar system. New Horizons will pass within 7,800 miles of Pluto’s surface just before 8 a.m. today, though scientists at mission control in Laurel won’t learn whether the flyby succeeded until more than 12 hours later.

Excitement at the Hopkins lab is building as that moment nears.

“Pluto is sort of a capstone of our solar system exploration and sort of opening up this new realm,” said John Grunsfeld, associate administrator of NASA’s science mission directorate. “Pluto is a member of our solar system and the last unexplored territory. We’ll open up new ground.”

There have been many estimates of Pluto’s size over the years, with scientists



JOHNS HOPKINS APPLIED PHYSICS LABORATORY/SOUTHWEST RESEARCH INSTITUTE

“Pluto is sort of a capstone of our solar system exploration and sort of opening up this new realm. Pluto is a member of our solar system and the last unexplored territory. We’ll open up new ground.”

John Grunsfeld, NASA

recently converging on a radius of between 1,160 and 1,175 kilometers. NASA fact sheets list it at 1,195 kilometers, but scientists nonetheless said New Horizons’ measurements were a surprise.

The suggestion that Pluto is less dense than previously thought could have implications for scientists’ understanding of how it and its large moon Charon formed and began to orbit each other, Stern said.

The finding also suggests that Pluto’s troposphere, the lowest layer in its thin atmosphere, is shallower than was predicted, Stern said. Scientists believe gas from Pluto’s atmosphere is streaming into space, but they did not expect to detect it until a day or two away from today’s encounter. Instead, they detected it five days out.

Scientists are gearing up to receive much more information in the coming days, though it will take more than a year to download all of the data to be collected during the flyby. The spacecraft was just over 600,000 miles from Pluto as of late Monday morning.

“Fasten your seat belts,” Stern said. “New Horizons has arrived at the Pluto system.”
sdance@baltsun.com
twitter.com/ssdance

Howard's granola bar grinch

JULY 15, 2015, 12:52 PM

The choice by any elected leader to veto legislation approved by a legislative super-majority sufficient to override that veto is a truly rare action generally reserved for core beliefs — values so fundamental and important that compromise is not possible. Here is where I make my stand, a governor, county executive or mayor is essentially saying by signing off on such a last-ditch barricade, even if the result may be certain defeat.

Tax increases might rise to that standard of noble causes. Capital punishment. The right to decent health care or safe streets. All provide that sort of public policy heft. One choice that wouldn't seem to hit that high a mark would be the decision about whether enough trail mix and diet sodas are being stocked in vending machines located on government property. Yet here we are.

This week, Howard County Executive Allan Kittleman vetoed legislation that would favor Nature Valley granola bars and low-calorie beverages and sports drinks over bags of Doritos and high-sugar-content sodas when it comes to stocking vending machines in county facilities. The legislation doesn't even eliminate the worst junk food entirely, as it defines healthier vending machines rather broadly. (A bag of peanuts makes the cut despite its fat content, as would baked chips, pretzels and cookies in sufficiently modest portions.) And it bans unhealthy choices entirely only in vending machines where kids might make a purchase, like recreation centers or libraries.

The measure allows county residents and employees alike to dine on as much junk food as they can tolerate (or perhaps "survive" is the better word). There's no pat-down at the entrance, no candy bar shaming, no mandatory calorie counting. There are no restrictions on sales at public events (unlike a previous version of the rules), no mandate that water be made available at outdoor festivals like Columbia's Wine in the Woods, as some had originally sought. It's just about vending machines and it's just about making sure healthier choices are well-represented and highly visible in the snack food inventory.

Yet in this, Mr. Kittleman finds only despair. He calls the limits "arbitrary," "ineffective" and an "unnecessary intrusion on personal responsibility and freedom." He thinks it's all a political response to his rejection of his predecessor's far more ambitious sugary drinks ban, an executive action Ken Ulman championed but Mr. Kittleman repealed the moment he took office. And he said he favors education to encourage healthy choices, not regulation.

Hello? We're talking about vending machines on county property. As the gangsters said in "Miller's Crossing," what's the rumpus? Howard County Public Schools already have similar restrictions on vending machine junk food. So do a growing number of employers like the Johns Hopkins Health System and cities like New York, Boston and Philadelphia. For this, Mr. Kittleman wants to fall on his sword? To stand up for sour-cream-and-chives potato chips and a Dad's Root Beer for his 2,500 or so county employees? Really?

Mr. Kittleman, a Republican, was elected last fall because he seemed to be pragmatic leader willing to work with Democrats. While in the General Assembly, he voted for same-sex marriage and repealing the death penalty. Yet he's playing the role of Horatius at the Bridge in the fight against obesity, an epidemic that afflicts more than one-third of Americans? We found it bizarre that he thought overturning Mr. Ulman's sugary drink regulations so important that it was his first order of business in office, but is he so blinded on this issue that he's unable to see a compromise when it smacks him upside the head on a 4-1 vote?

On July 31, the Howard County Council will most likely override the veto and impose these modest restrictions — as they should. Education alone can't reverse the growing threat of obesity, diabetes, heart disease and other related health problems. Like the successful but ongoing fight against smoking, it requires a broad, incremental approach. Ensuring county employees and visitors to county facilities have healthy food choices available to them is not a hardship, it's a small but crucial step in the direction of improved public health and one that Mr. Kittleman should have endorsed instead of fruitlessly vetoing.

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Nominations battle reveals county tension

Council members table Kittleman's appointments of Garber, Betancourt

BY AMANDA YEAGER
ayeager@tribune.com

The Howard County Council voted to approve dozens of appointments and some high-profile bills Monday night, in its last legislative session before the council's summer recess.

But perhaps even more significant were the votes they didn't take.

In an apparent rebuke to County Executive Allan Kittleman, a majority of the council voted to delay making decisions on two nominations, one of which has generated controversy over the past month.

Council members tabled the appointments of Susan Garber, a community activist who had been nominated for the Planning Board; and Ivan Betancourt, a volunteer firefighter who was nominated for the Human Rights Commission.

Once tabled, approval for an appointment can be delayed indefinitely.

The nomination process has become the focal point for political tensions between Kittleman, a Republican, and the Democrat-dominated council.

Late last week, the county executive

made an unusual public appeal to supporters on his campaign website, kittleman.com, when he launched a petition calling on the council to take an up or down vote on Garber's appointment, rather than tabling it.

"Susan will be a terrific addition to the planning board," the petition, posted to the site on Friday, says. "She is as well qualified - or more qualified - than other Planning Board appointees. She has the support of many in the community."

Meanwhile, the council's Democrats have been trying to expand the checklist of information the county executive provides when presenting his nominations.

Last month, council members - though Republican Councilman Greg Fox said he was not consulted - sent a letter to the administration requesting that Kittleman provide a list of qualifications for each person he nominates for a board or commission. They also asked for Kittleman to specify whether his appointee would replace a current or former board member, and to give a rationale for why that person was being replaced.

"Our boards and commission members put a lot of time into serving the community," Councilwoman Jen Terrasa, a Democrat, said Monday night. "It's part of our duty to find out what's going on with those. I'm not comfortable just replacing them" without more informa-

It seems that the council is starting to use Washington-style politics here in Howard County'

Allan Kittleman
Howard County Executive

tion.

"I would say it's a good thing to be transparent and open," Councilman Calvin Ball, also a Democrat, said. "If the administration feels the appointees they're nominating would be better, can't we just have that conversation?"

Kittleman has pointed out that no other Howard County executive has been asked to justify his or her appointments as thoroughly.

"It seems that the council is starting to use Washington-style politics here in Howard County," he said Monday, before the vote.

Fox also accused his Democratic colleagues of playing politics.

"The biggest questions are, are people qualified for the role?" he said. "Whether they want to stay or not, this is the prerogative of the county executive... who they're replacing is irrelevant."

Garber, the president of the Savage

Community Association and a citizen activist who has spoken up on multiple land-use and zoning matters, was nominated for the Planning Board in April. If confirmed, she would replace current member Josh Tzucker, whose term expired at the end of May.

Her appointment has generated controversy in the community based on some of the positions she's taken on development, such as opposing efficiency apartments for the homeless on Guilford Road - she says she would rather see housing for the homeless spread throughout the community - and for a letter she wrote last summer, in which she accused the local teachers union of being "greedy" and "manipulative" during the contract negotiation process.

Betancourt's nomination has not received the same level of attention, but Ball said Monday he had heard the volunteer firefighter would be replacing current Human Rights Commission Chairwoman Genevieve Walker-Lightfoot.

The Human Rights Commission was the subject of tense battles between the council and Kittleman's administration earlier this year, after commission members pushed back against a recommendation from the county executive's transition team to look at shifting most of their adjudicatory role to an independent hearing examiner.

Nutritional standards approved

Councilman's bill focuses on eliminating junk food in 'youth-oriented' areas

BY AMANDA YEAGER
ayeager@tribune.com

The council also voted Monday to approve a bill proposed by Councilman Calvin Ball that would create a set of nutritional standards for vending machines on county property.

The bill revises some of the health guidelines created by former County Executive Ken Ulman's 2012 executive order, which caused a stir last summer among vendors who chafed at government restrictions on the food and drinks they could serve at county-sponsored events. Kittleman repealed the order as his first act in office.

Ball's bill offers more exemptions and focuses on eliminating junk food in "youth-oriented" areas. The final bill passed Monday night, by a 4-1 vote - Fox opposed the legislation - was stripped of some of its more controversial requirements, such as regulations on concessions stands and a requirement to provide water free of charge at all county events.

That wasn't enough for a soft drink industry representative, who said the bill would actually "limit healthy choices" by making it harder to sell some comparatively lower calorie options, such as Vitamin water and Honest Tea, in the county's vending machines.

"The council has now made themselves the arbiter of picking and choosing what they feel is a healthy beverage and what is not," she said.

Fox concurred. "There continues to be significant problems with this bill and I think a lot of them will be more apparent

over the coming days," he said.

Public health advocates and several community groups celebrated the legislation's passage.

"Howard County Government has long been a leader in promoting public health, and this legislation continues in that proud tradition," Nicolette Highsmith Vernick, the president and CEO of public health nonprofit Horizon Foundation, which worked with Ball on the legislation, said in a statement. "Residents, visitors and employees will now have a full range of healthy food and drink choices available on Howard County Government property, and that is a win for us all."

Also Monday night, the council decided to table a ban on vaping indoors proposed by Councilman Jon Weinstein. Weinstein, a Democrat, said he wanted more time to work out definitions in the bill in collaboration with Fox.



FILE PHOTO

Councilman Calvin Ball was lauded for his nutrition bill by Horizon Foundation's CEO.

Habicht, Kelli

From: Feldmark, Jessica
Sent: Monday, July 06, 2015 3:41 PM
To: Sayers, Margery; Habicht, Kelli
Subject: CB17-2015
Attachments: Response to Ellen Valentino's Comments on CB 17-2015; Support for CB 17-2015; Comments on CB 17 Amendments; Support for CB 17-2015; I Support CB 17-2015 -- Let's make healthy food and drinks widely available

A few more on CB17...

Jessica Feldmark
Administrator
Howard County Council
410-313-3111
jfeldmark@howardcountymd.gov

Habicht, Kelli

From: Glenn Schneider <GSchneider@thehorizonfoundation.org>
Sent: Monday, July 06, 2015 3:34 PM
To: CouncilMail
Subject: Response to Ellen Valentino's Comments on CB 17-2015
Attachments: MYTH-FACT CB 17-2015_FINAL.pdf

Dear Madam Chair and Members of the Council,

Councilman Ball asked the Horizon Foundation to comment on the email below from Ms. Valentino who represents the American Beverage Association.

Our comments are attached. Please do not hesitate to call or email me if you have any questions or need any further information leading up to tonight's vote.

Thanks,

Glenn

Glenn E. Schneider
Chief Program Officer

The Horizon Foundation
10480 Little Patuxent Parkway
Suite 900
Columbia, MD 21044
phone: 443-766-1217
cell: 443-812-6955
fax: 410-715-2973
gschneider@thehorizonfoundation.org
www.thehorizonfoundation.org



Begin forwarded message:

From: Ellen Valentino <evalentino@ellenvalentino.com>
Date: July 6, 2015 at 9:53:26 AM EDT
To: <Councilmail@howardcountymd.gov>
Cc: <mclay@howardcountymd.gov>, 'Leonardo McClarty' <lmccclarty@howardchamber.com>
Subject: Comments on CB 17 Amendments

Dear Chairwoman Sigaty,

We just received the proposed amendments to CB 17 and feel as though there are very significant issues that have not been addressed and need further review.

1. The healthy food and beverage standards coupled with the requirement that 75% of the offerings meet this standard, and adding in the restrictive language on diet offerings, will have the consequence of eliminating product offerings many of which are healthy popular alternatives like teas and other low-cal options. **Examples of healthy options that do not meet these standards are many of the Vitamin Water offerings, Gatorade, Gold Peak Iced Tea, most Honest Tea Products, and many others.**
(These standards are more restrictive than the CDC guidelines that were mentioned in the workgroup.)
2. The packaged food and beverage placement requirements again coupled with the restrictive food and beverage standard will cause great difficulty for county vendors to literally comply, stock, maintain, and turn a profit from vending sales.
3. **The practicality is as follows: A beverage vending machine with "10" offerings of which "2" can be outside the scope of the standard; coupled with the restriction that only 1/3 can be diet offerings; coupled with the marketing requirement that 1/2 of each row meet the healthy standard – does not work and will render vending machine sales for the vendor and county, stranded assets – as well as leaving county employees and visitors frustrated with the lack of popular healthy choice options and sold out flashing buttons.**
4. There will be a negative financial impact to the County since the County receives commissions from vending machine sales.

Other issues:

1. You should know that the definition of packaging will cause significant issues teams, groups, vendors, and consumers. This creates a whole new set of consequences not previously discussed.
2. The issue of providing free water is difficult. There are health standards and real security issues.

The better direction:

1. Evaluation first. The Council needs a better understanding of the impact of the legislation. How many vending locations are impacted? Where? What Properties? What products are being sold now? What food and beverages meet this list? What does not? Can vendors comply? How much revenue does the County derive? How much will be lost to sales? And most importantly will this have an impact on individual lifestyles or just restrict choices from county employees, and visitors?
2. The industry is committed to working to provide The Calories Count™ Beverage Vending Program which will offer consumers clear calorie information, encourage lower-calorie beverage choices and remind them that calories count in all the choices they make. On the front of vending machines, they'll see Calories Count™ signs that include one of the following messages: "Check Then Choose" or "Try A Low-Calorie Beverage." The selection buttons will also include calorie labels that show calorie counts per beverage container.
3. We can meet at your convenience, respond in a workgroup to any of the issues raised above or to specific questions you, the sponsor, or others may have.

Thank you.

Cc: Howard County Council Members

Responses to American Beverage Association's Comments on Councilman Ball's Amendment (CB 17-2015)

MYTH: The packaged food and beverage placement requirements coupled with the restrictive food and beverage standard will cause great difficulty for county vendors to comply, stock, maintain, and turn a profit from a vending sale.

FACT: The standards and % requirements for healthier items proposed in Councilman Ball's amendment are national standards that are currently in place across the country. The food and beverage industry has responded to the changing market and provides many snacks and drinks that meet even the "strongest" of standards. Here's just one list of sourced snack foods that meet similar standards as the ones proposed in Councilman Ball's amendment. <http://www.johnstalkerinstitute.org/alist/alist.pdf>

MYTH: [These standards] will cause great difficulty for county vendors to turn a profit from vending sales.

FACT: Numerous studies, previously sent to Councilmembers, detail how vending machine revenues have either grown or stayed the same after similar policy changes across the country. As profiled in recent news articles, new companies are forming to meet community demand for healthier vending (e.g., VendNatural, Healthier4UVending, Fresh Healthy Vending, etc.).

MYTH: These [beverage] standards are more restrictive than the CDC guidelines that were mentioned in the workgroup.

FACT: The Centers for Disease Control and Prevention suggest that high-performing government agencies should consider a standard where, "At least 75% of beverage choices (other than 100% juice and unsweetened milk) must contain ≤ 40 calories/serving." This is exactly what Councilman Ball proposes in his amendment.

MYTH: The definition of packaging will cause significant issues for teams, groups, vendors, and consumers. This creates a whole new set of consequences not previously discussed.

FACT: The definition of "packaged" found in Councilman Ball's amendment comes from federal code. This bill does not apply to teams, groups, or consumers. It only applies to what is sold or offered by the county government on public property.

MYTH: The issue of providing free water is difficult. There are health standards and real security issues.

FACT: Providing clean, safe, accessible drinking water is not difficult to provide. Dr. Rossman indicated that there are no health or security issues at play during the work session. Furthermore, this provision applies to County Government directly and not vendors.

Responses to American Beverage Association Comments

Page 2

MYTH: Instituting “The Calories Count™ Beverage Vending Program” which offers consumers clear calorie information is a big industry concession.

FACT: The Affordable Care Act, Public Law 111-148, Section 4205 requires that owners of 20 or more vending machines must make calorie information for each item sold visible to consumers prior to purchase, either by making nutrition information on individual packages visible or by posting calorie information in close proximity to the food. Compliance is required by December 1, 2016.

Habicht, Kelli

From: Ellen Valentino <evalentino@ellenvaleentino.com>
Sent: Monday, July 06, 2015 9:53 AM
To: CouncilMail
Cc: Clay, Mary; 'Leonardo McClarty'
Subject: Comments on CB 17 Amendments

Importance: High

Dear Chairwoman Sigaty,

We just received the proposed amendments to CB 17 and feel as though there are very significant issues that have not been addressed and need further review.

1. The healthy food and beverage standards coupled with the requirement that 75% of the offerings meet this standard, and adding in the restrictive language on diet offerings, will have the consequence of eliminating product offerings many of which are healthy popular alternatives like teas and other low-cal options. **Examples of healthy options that do not meet these standards are many of the Vitamin Water offerings, Gatorade, Gold Peak Iced Tea, most Honest Tea Products, and many others.**
(These standards are more restrictive than the CDC guidelines that were mentioned in the workgroup.)
2. The packaged food and beverage placement requirements again coupled with the restrictive food and beverage standard will cause great difficulty for county vendors to literally comply, stock, maintain, and turn a profit from vending sales.
3. **The practicality is as follows: A beverage vending machine with "10" offerings of which "2" can be outside the scope of the standard; coupled with the restriction that only 1/3 can be diet offerings; coupled with the marketing requirement that ½ of each row meet the healthy standard – does not work and will render vending machine sales for the vendor and county, stranded assets – as well as leaving county employees and visitors frustrated with the lack of popular healthy choice options and sold out flashing buttons.**
4. There will be a negative financial impact to the County since the County receives commissions from vending machine sales.

Other issues:

1. You should know that the definition of packaging will cause significant issues teams, groups, vendors, and consumers. This creates a whole new set of consequences not previously discussed.
2. The issue of providing free water is difficult. There are health standards and real security issues.

The better direction:

1. Evaluation first. The Council needs a better understanding of the impact of the legislation. How many vending locations are impacted? Where? What Properties? What products are being sold now? What food and beverages meet this list? What does not? Can vendors comply? How much revenue does the County derive? How much will be lost to sales? And most importantly will this have an impact on individual lifestyles or just restrict choices from county employees, and visitors?

2. The industry is committed to working to provide The Calories Count™ Beverage Vending Program which will offer consumers clear calorie information, encourage lower-calorie beverage choices and remind them that calories count in all the choices they make. On the front of vending machines, they'll see Calories Count™ signs that include one of the following messages: "Check Then Choose" or "Try A Low-Calorie Beverage." The selection buttons will also include calorie labels that show calorie counts per beverage container.
3. We can meet at your convenience, respond in a workgroup to any of the issues raised above or to specific questions you, the sponsor, or others may have.

Thank you.

Cc: Howard County Council Members

Habicht, Kelli

From: Robin Foster <rfoster@healthday.com>
Sent: Wednesday, July 01, 2015 4:24 PM
To: CouncilMail
Subject: I Support CB 17-2015 -- Let's make healthy food and drinks widely available

Dear Howard County Council Members:

CB 17-2015 seems like a reasonable approach to increase the availability of healthy food and drink on county property.

Over the past two years, the Howard County Public School System upgraded its wellness policy to be one of the best in the nation. Many county organizations including the Howard County General Hospital made healthier drinks more available and affordable to their employees and visitors. County child care centers made healthy drinks the standard. And county families and individuals switched to better, healthier, beverages.

Let's keep moving forward!! The health of our families and our children depend on it.

Please let me know if you agree and thanks for all you do to keep our families safe and healthy.

Robin Foster
4038 High Point Road
Ellicott City, MD 21042
410-750-3578

Habicht, Kelli

From: Maureen Harris <executivedirector@uucolumbia.net>
Sent: Monday, July 06, 2015 2:20 PM
To: CouncilMail
Subject: Support for CB 17-2015
Attachments: Support for CB 17-2015.pdf

Attached please find a letter in support of CB 17-2015.

Thank you,
Maureen Harris

Maureen Harris
Executive Director
Unitarian Universalist Congregation of Columbia
executivedirector@uucolumbia.net
410-381-0097



The Rev. Paige Getty, Senior Minister
The Rev. Kären Rasmussen, Assistant Minister
Maureen Harris, Executive Director
Carla Miller, Director of Religious Education
Tom Benjamin, Minister of Music

7246 Cradlerock Way
Columbia, Maryland 21045
(410) 381-0097
Fax (410) 381-6537
www.uucolumbia.net

July 6, 2015

Dear Howard County Council Members,

On behalf of the Unitarian Universalist Congregation of Columbia, I urge you to support CB 17-2015.

Throughout history, Unitarian Universalists (UUs) have advocated tirelessly for social justice and human rights. Anti-slavery, women's suffrage, civil rights, anti-war, peace, economic justice, health, and environmental justice movements have all seen UUs at the forefront. This tradition of advocating for social justice continues in our 450-member congregation today.

The legislation before you is simple but important. It increases access to healthy food and drinks on public property, making them more available, accessible, and affordable. County employees, visitors to county property, and children who participate in county programs will now be able to choose healthy options – options that they do not currently have. And those who select healthier drinks will get a discount, making the healthier choice more affordable.

Given that chronic diseases like diabetes, heart disease, cancer, stroke, and obesity are all caused in part by poor nutrition, ensuring a better food and drink environment on public property is an important initial change in our community.

Unitarian Universalists value good health and good policy. This bill will promote good health in a measured and reasonable way. That's why our congregation supports this bill and urges a favorable vote.

Sincerely,

A handwritten signature in black ink that reads "Maureen Harris". The signature is written in a cursive, flowing style.

Maureen Harris
Executive Director

Habicht, Kelli

From: Gerard Bowen <Gerard.Bowen@sjerc.org>
Sent: Thursday, July 02, 2015 4:39 PM
To: CouncilMail
Subject: Support for CB 17-2015
Attachments: Letter to Howard County Council Members.docx

Please do *not* let this bill die, care for our children's present well-being and their future health is a moral obligation.
Thank you.



ST. JOHN THE EVANGELIST CATHOLIC CHURCH
10431 TWIN RIVERS ROAD
COLUMBIA, MARYLAND 21044

June 26, 2015

Dear Madame Chair and Council Members,

St. John the Evangelist Roman Catholic Church is an active, committed parish made up of over 3,400 families. Our church believes that we must support, consider and act on local and global issues of social justice.

St. John's supports CB17-2015 because the bill would help to share the benefit of healthy snacks and drinks for all community members on county property. On behalf of St. John Catholic Parish, I urge you to support CB17-2015, Healthy Food and Beverage Options.

Sugar sweetened beverages and snacks are advertised and promoted, and they are often less expensive. This is the case currently on Howard County Property. If someone on the property wants a snack, healthy options are generally limited and more expensive than the less healthy options.

By adopting the bill on the other hand, the county would be working toward social justice by helping to ensure that healthy snacks and drinks are available to all on Howard County property. By ensuring that healthy options cost less, Howard County would help them to be more accessible to all, even those who may be economically disadvantaged. CB17-2015 accomplishes this through requiring that items meeting nutrition standards cost \$0.25 less than less healthy options.

Finally, the bill promotes social justice in that it ensures that life-sustaining water is available, free of charge, during county events and programs.

The Howard County Council should work toward social justice, and can do so by ensuring that a sufficient variety of healthy food and drink options are available, accessible, and affordable for residents when they are on county property.

Thank you for your consideration regarding this issue.

Fr. Gerry Owen

Rev. Gerard J. Bowen
Pastor

CB17-2015

Feldmark, Jessica

Sent: Monday, July 06, 2015 3:40 PM

To: Sayers, Margery; Habicht, Kelli

Attachments: Response to Ellen Valentino's... (210 KB) ; Support for CB 17-2015 (43 KB) ; Comments on CB 17 Amendments (15 KB) ; Support for CB 17-2015 (247 KB) ; I Support CB 17-2015 -- Let's... (8 KB)

A few more on CB17...

Jessica Feldmark

Administrator

Howard County Council

410-313-3111

jfeldmark@howardcountymd.gov

Response to Ellen Valentino's Comments on CB 17-2015

Glenn Schneider [GSchneider@thehorizonfoundation.org]

Sent: Monday, July 06, 2015 3:34 PM
To: CouncilMail
Attachments: MYTH-FACT CB 17-2015_FINAL.pdf (193 KB)

Dear Madam Chair and Members of the Council,

Councilman Ball asked the Horizon Foundation to comment on the email below from Ms. Valentino who represents the American Beverage Association.

Our comments are attached. Please do not hesitate to call or email me if you have any questions or need any further information leading up to tonight's vote.

Thanks,

Glenn

Glenn E. Schneider
Chief Program Officer

The Horizon Foundation
10480 Little Patuxent Parkway
Suite 900
Columbia, MD 21044
phone: 443-766-1217
cell: 443-812-6955
fax: 410-715-2973
gschneider@thehorizonfoundation.org
www.thehorizonfoundation.org



Begin forwarded message:

From: Ellen Valentino <evalentino@ellenvalentino.com>
Date: July 6, 2015 at 9:53:26 AM EDT
To: <Councilmail@howardcountymd.gov>
Cc: <mclay@howardcountymd.gov>, 'Leonardo McClarty' <lmccarty@howardchamber.com>
Subject: Comments on CB 17 Amendments

Dear Chairwoman Sigaty,

We just received the proposed amendments to CB 17 and feel as though there are very significant issues that have not been addressed and need further review.

1. The healthy food and beverage standards coupled with the requirement that 75% of the offerings meet this standard, and adding in the restrictive language on diet offerings, will have the consequence of eliminating product offerings many of which are healthy popular

alternatives like teas and other low-cal options. **Examples of healthy options that do not meet these standards are many of the Vitamin Water offerings, Gatorade, Gold Peak Iced Tea, most Honest Tea Products, and many others.**

(These standards are more restrictive than the CDC guidelines that were mentioned in the workgroup.)

2. The packaged food and beverage placement requirements again coupled with the restrictive food and beverage standard will cause great difficulty for county vendors to literally comply, stock, maintain, and turn a profit from vending sales.
3. **The practicality is as follows: A beverage vending machine with "10" offerings of which "2" can be outside the scope of the standard; coupled with the restriction that only 1/3 can be diet offerings; coupled with the marketing requirement that 1/2 of each row meet the healthy standard – does not work and will render vending machine sales for the vendor and county, stranded assets – as well as leaving county employees and visitors frustrated with the lack of popular healthy choice options and sold out flashing buttons.**
4. There will be a negative financial impact to the County since the County receives commissions from vending machine sales.

Other issues:

1. You should know that the definition of packaging will cause significant issues teams, groups, vendors, and consumers. This creates a whole new set of consequences not previously discussed.
2. The issue of providing free water is difficult. There are health standards and real security issues.

The better direction:

1. Evaluation first. The Council needs a better understanding of the impact of the legislation. How many vending locations are impacted? Where? What Properties? What products are being sold now? What food and beverages meet this list? What does not? Can vendors comply? How much revenue does the County derive? How much will be lost to sales? And most importantly will this have an impact on individual lifestyles or just restrict choices from county employees, and visitors?
2. The industry is committed to working to provide The Calories Count™ Beverage Vending Program which will offer consumers clear calorie information, encourage lower-calorie beverage choices and remind them that calories count in all the choices they make. On the front of vending machines, they'll see Calories Count™ signs that include one of the following messages: "Check Then Choose" or "Try A Low-Calorie Beverage." The selection buttons will also include calorie labels that show calorie counts per beverage container.
3. We can meet at your convenience, respond in a workgroup to any of the issues raised above or to specific questions you, the sponsor, or others may have.

Thank you.

Cc: Howard County Council Members

Responses to American Beverage Association's Comments on Councilman Ball's Amendment (CB 17-2015)

MYTH: The packaged food and beverage placement requirements coupled with the restrictive food and beverage standard will cause great difficulty for county vendors to comply, stock, maintain, and turn a profit from a vending sale.

FACT: The standards and % requirements for healthier items proposed in Councilman Ball's amendment are national standards that are currently in place across the country. The food and beverage industry has responded to the changing market and provides many snacks and drinks that meet even the "strongest" of standards. Here's just one list of sourced snack foods that meet similar standards as the ones proposed in Councilman Ball's amendment. <http://www.johnstalkerinstitute.org/alist/alist.pdf>

MYTH: [These standards] will cause great difficulty for county vendors to turn a profit from vending sales.

FACT: Numerous studies, previously sent to Councilmembers, detail how vending machine revenues have either grown or stayed the same after similar policy changes across the country. As profiled in recent news articles, new companies are forming to meet community demand for healthier vending (e.g., VendNatural, Healthier4UVending, Fresh Healthy Vending, etc.).

MYTH: These [beverage] standards are more restrictive than the CDC guidelines that were mentioned in the workgroup.

FACT: The Centers for Disease Control and Prevention suggest that high-performing government agencies should consider a standard where, "At least 75% of beverage choices (other than 100% juice and unsweetened milk) must contain ≤ 40 calories/serving." This is exactly what Councilman Ball proposes in his amendment.

MYTH: The definition of packaging will cause significant issues for teams, groups, vendors, and consumers. This creates a whole new set of consequences not previously discussed.

FACT: The definition of "packaged" found in Councilman Ball's amendment comes from federal code. This bill does not apply to teams, groups, or consumers. It only applies to what is sold or offered by the county government on public property.

MYTH: The issue of providing free water is difficult. There are health standards and real security issues.

FACT: Providing clean, safe, accessible drinking water is not difficult to provide. Dr. Rossman indicated that there are no health or security issues at play during the work session. Furthermore, this provision applies to County Government directly and not vendors.

Responses to American Beverage Association Comments

Page 2

MYTH: Instituting “The Calories Count™ Beverage Vending Program” which offers consumers clear calorie information is a big industry concession.

FACT: The Affordable Care Act, Public Law 111-148, Section 4205 requires that owners of 20 or more vending machines must make calorie information for each item sold visible to consumers prior to purchase, either by making nutrition information on individual packages visible or by posting calorie information in close proximity to the food. Compliance is required by December 1, 2016.

Support for CB 17-2015

Maureen Harris [executivedirector@uucolumbia.net]

Sent: Monday, July 06, 2015 2:20 PM

To: CouncilMail

Attachments: Support for CB 17-2015.pdf (34 KB)

Attached please find a letter in support of CB 17-2015.

Thank you,
Maureen Harris

Maureen Harris
Executive Director
Unitarian Universalist Congregation of Columbia
executivedirector@uucolumbia.net
410-381-0097



The Rev. Paige Getty, Senior Minister
The Rev. Kären Rasmussen, Assistant Minister
Maureen Harris, Executive Director
Carla Miller, Director of Religious Education
Tom Benjamin, Minister of Music

7246 Cradlerock Way
Columbia, Maryland 21045
(410) 381-0097
Fax (410) 381-6537
www.uucolumbia.net

July 6, 2015

Dear Howard County Council Members,

On behalf of the Unitarian Universalist Congregation of Columbia, I urge you to support CB 17-2015.

Throughout history, Unitarian Universalists (UUs) have advocated tirelessly for social justice and human rights. Anti-slavery, women's suffrage, civil rights, anti-war, peace, economic justice, health, and environmental justice movements have all seen UUs at the forefront. This tradition of advocating for social justice continues in our 450-member congregation today.

The legislation before you is simple but important. It increases access to healthy food and drinks on public property, making them more available, accessible, and affordable. County employees, visitors to county property, and children who participate in county programs will now be able to choose healthy options – options that they do not currently have. And those who select healthier drinks will get a discount, making the healthier choice more affordable.

Given that chronic diseases like diabetes, heart disease, cancer, stroke, and obesity are all caused in part by poor nutrition, ensuring a better food and drink environment on public property is an important initial change in our community.

Unitarian Universalists value good health and good policy. This bill will promote good health in a measured and reasonable way. That's why our congregation supports this bill and urges a favorable vote.

Sincerely,

A handwritten signature in cursive script that reads "Maureen Harris".

Maureen Harris
Executive Director

Support for CB 17-2015

Gerard Bowen [Gerard.Bowen@sjerc.org]

Sent: Thursday, July 02, 2015 4:38 PM

To: CouncilMail

Attachments: Letter to Howard County C~1.docx (238 KB)

Please do *not* let this bill die, care for our children's present well-being and their future health is a moral obligation. Thank you.



ST. JOHN THE EVANGELIST CATHOLIC CHURCH
10431 TWIN RIVERS ROAD
COLUMBIA, MARYLAND 21044

June 26, 2015

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The Howard County Council should work toward social justice, and can do so by ensuring that a sufficient variety of healthy food and drink options are available, accessible, and affordable for residents when they are on county property.

Thank you for your consideration regarding this issue.

Sr. Cheryl Daven

Rev. Gerard J. Bowen
Pastor

I Support CB 17-2015 -- Let's make healthy food and drinks widely available

Robin Foster [rfoster@healthday.com]

Sent: Wednesday, July 01, 2015 4:24 PM

To: CouncilMail

Dear Howard County Council Members:

CB 17-2015 seems like a reasonable approach to increase the availability of healthy food and drink on county property.

Over the past two years, the Howard County Public School System upgraded its wellness policy to be one of the best in the nation. Many county organizations including the Howard County General Hospital made healthier drinks more available and affordable to their employees and visitors. County child care centers made healthy drinks the standard. And county families and individuals switched to better, healthier, beverages.

Let's keep moving forward!! The health of our families and our children depend on it.

Please let me know if you agree and thanks for all you do to keep our families safe and healthy.

Robin Foster
4038 High Point Road
Ellicott City, MD 21042
410-750-3578

Comments on CB 17 Amendments

Ellen Valentino [evalentino@ellenvalentino.com]

Sent: Monday, July 06, 2015 9:53 AM
To: CouncilMail
Cc: Clay, Mary; Leonardo McClarty [lmcclarty@howardchamber.com]
Importance: High

Dear Chairwoman Sigaty,

We just received the proposed amendments to CB 17 and feel as though there are very significant issues that have not been addressed and need further review.

1. The healthy food and beverage standards coupled with the requirement that 75% of the offerings meet this standard, and adding in the restrictive language on diet offerings, will have the consequence of eliminating product offerings many of which are healthy popular alternatives like teas and other low-cal options. **Examples of healthy options that do not meet these standards are many of the Vitamin Water offerings, Gatorade, Gold Peak Iced Tea, most Honest Tea Products, and many others.** (These standards are more restrictive than the CDC guidelines that were mentioned in the workgroup.)
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3. **The practicality is as follows: A beverage vending machine with "10" offerings of which "2" can be outside the scope of the standard; coupled with the restriction that only 1/3 can be diet offerings; coupled with the marketing requirement that ½ of each row meet the healthy standard – does not work and will render vending machine sales for the vendor and county, stranded assets – as well as leaving county employees and visitors frustrated with the lack of popular healthy choice options and sold out flashing buttons.**
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Other issues:

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3. We can meet at your convenience, respond in a workgroup to any of the issues raised above or to specific questions you, the sponsor, or others may have.

Thank you.

Cc: Howard County Council Members

Sayers, Margery

From: Feldmark, Jessica
Sent: Wednesday, June 24, 2015 12:59 PM
To: Sayers, Margery; Habicht, Kelli
Subject: CB17-2015
Attachments: 6-22-2015SJBCEBeverage&FoodPolicy support letter.doc; Howard County should be healthiest county in Maryland -- Pass CB 17-2015; CB-17 Evidence Base for Vending Machine Price and Product Placement Strategies

More for testimony to file and post...

Thanks,
Jess

Jessica Feldmark
Administrator
Howard County Council
410-313-3111
jfeldmark@howardcountymd.gov

Sayers, Margery

From: leon laporte <leonlaporte@verizon.net>
Sent: Monday, June 22, 2015 2:46 PM
To: CouncilMail
Subject: Howard County should be healthiest county in Maryland -- Pass CB 17-2015

Dear Howard County Council Members:

I support CB 17-2015. Anyone who works for or visits Howard County government would finally be able to get something healthy out of the vending machines and could pick up something healthy at a county meeting. That rarely happens today.

Howard County has been a leader on many public health issues. It's time to make some progress in reducing diabetes, high blood pressure, and obesity.

Passing CB 17-2015 is good policy and good politics. It will make it easier for people to choose healthy items when they want while simultaneously preserving their freedom to choose among less healthy items. It will also protect children's health which is important to me.

Please vote for CB 17-2015 and keep me in the loop on how you intend to vote.

Thanks,

leon laporte
8628 vast rose drive
columbia, MD 21045
4103123610



6-22-2015

Dear Council Members,

As a faith-based organization that employs staff, has volunteers, serves the church community, and hosts community events, we have been committed over the years to promote health and wellness by providing health and movement opportunities. Over the last several years St John Baptist Church has been working hard to take the necessary steps to becoming a healthier congregation. This has been done by initially focusing our efforts on health and exercise practices. We have:

- Provided health and wellness seminars throughout the year.
 1. Blood pressure checks
 2. Semi-annual health fairs
- Created opportunities for movement for church members and staff, such as walking/running clubs, recreational exercise classes, and weekly boot camp exercise groups.

We also focused on improving our hospitality food handling practices. We promoted these practices for hospitality and fellowship events at our church. We therefore, required:

- Hospitality participants to wear gloves when serving food.
- Sanitizer for congregation before serving food.
- Clean and safe areas for food displaying.

This year the staff and I have been discussing how we can be a role model for our members and those in the community by promoting and consuming healthy foods and beverages and promoting health and wellness. We decided that it was necessary to move from simply adopting practices and programs to adopting a church-wide healthy food and beverage policy and continue to execute physical activity strategies and begin to more strategically implement healthy eating and drinking strategies to achieve that end. Recently, in an effort to demonstrate our commitment and leadership in this area, we adopted a Healthy Food and Healthy Beverage Policy for our church. This applies to all church sponsored and/or coordinated gatherings, meetings and events, both in the community and at church. Food and beverage offerings must be in accordance with the church's healthy food and beverage guidelines (which are under development).

Therefore, an example of what is being considered in the guidelines are as follows. **Re healthy beverages**, St John will:

- **Provide access to free, safe drinking water**
Require that there is access to free, safe drinking water wherever beverages are offered and/or sold. At meetings, for example, it will be recommended that fresh water be offered. At large events, if safe tap water is not available, then large jugs of water will be utilized.



- **Comply with Beverage Guidelines**

All beverages served (e.g., at meetings) and sold at SJBC, will strive to increase the availability of healthy beverage options by promoting to provide the following:

- a. Water with no added sweeteners;
- b. Fruit or vegetable-based juice drinks with no added sweeteners.
- c. Coffee and tea with no added sweeteners;
- d. Diet beverages

Re the **healthy food offerings**, SJBC will:

- Increase the range and availability of healthy food and beverage options on our premises and at events, including meetings and community events. Food selection should emphasize fruit, vegetables, whole grains, and nonfat or low fat dairy products.
- Encourage cooking with healthier ingredients and promote healthy eating through the following ideas: church bulletin and website, healthy potlucks, and church recipe books.
- Encourage food composed of healthy items at all ministry sponsored events and meetings.
- Significantly limit high calorie/low nutrient density foods such as donuts, pastries, cookies, candy, chips, and fried foods, etc. at any ministry events, activities or celebrations.
- Educate Hospitality Ministry participants to provide healthy food and beverage options at SJBC and events.

I trust that this update of our journey to become better stewards of our bodies and physical facility will help in your deliberations to say yes to health by voting for Council Bill 17.

Thank you for your consideration.

Sincerely,

Rev. Robert Turner
Sr. Pastor

Sayers, Margery

From: Glenn Schneider <GSchneider@thehorizonfoundation.org>
Sent: Monday, June 22, 2015 1:34 PM
To: CouncilMail
Subject: CB-17 Evidence Base for Vending Machine Price and Product Placement Strategies
Attachments: IOM Priority for Nutrition Guidelines.pdf; Second-Year Results of an Obesity Prevention Program at The Dow Chemical Company_Goetzel 2010.pdf; The Association Between Worksite Physical Environment and Employee Nutrition, and Physical Activity Behavior_Alameida 2014.pdf; Impact of Individual and Worksite Environmental_Davy 2014.pdf; Food sold in school vending machines is associated with overall student dietary intake_Rovner 2011.pdf; Creating Healthy Food and Eating Environments_Story 2008.pdf; A pricing strategy to promote low-fat snack choices_French 1997.pdf; Pricing and Promotion Effects on Low-Fat Vending Snack Purchases_French 2001.pdf; Pricing and Availability Intervention in Vending Machines at Four Bus Garages_French 2010.pdf; Working With Community Partners to Implement and Evaluate the Chicago_Mason 2014.pdf; Managing Sales of Beverages in Schools to Preserve Profits_Brown 2009.pdf; Public Policy Versus Individual Rights in Childhood Obesity_Phillips 2011.pdf; Lessons Learned From a Healthful Vending_Lessard 2014.pdf; Competitive Food Initiatives in Schools and Overweight in Children_Fox 2010.pdf; Does food marketing need to make us fat_Chandon 2012.pdf; Does providing nutrition information at vending machines_Dingman 2015.pdf; Preferring the One in the Middle_Rodway 2012.pdf; A 2-Phase Labeling and Choice Architecture Intervention_Thorndike 2012.pdf; Does in-store marketing work_Chandon 2009.pdf

Dear Madam Chair and Members of the Council,

As a followup to the hearing and in anticipation of your worksession and potential vote, here is some more information about the importance and efficacy of pricing and placement strategies in vending healthier food and drink. This is only a small selection of the studies available. I can send more if you'd like.

One of the goals of this legislation is to incentivize healthier food and drink choices for county employees. The studies show that stocking vending machines with healthier items, placing the healthier items at eye-level, and giving consumers price discounts for healthier food and drinks (i.e., drinks in the case of CB 17-2015) can work to increase purchases of healthier items, maintain/increase overall vending machine revenue, and improve the health of the workforce.

Please let me know if you have any questions. I have attached the actual studies for your review.

Thanks,

Glenn
Glenn E. Schneider
Chief Program Officer

The Horizon Foundation
10480 Little Patuxent Parkway