

Healthy (State) Act¹

A bill to expand healthy food choices for state employees, on state property, and in state-supported institutions.

Be it enacted by the Senate and House of Representatives of the State of _____,

Section 1. Short Title:

This Act may be cited as the “Healthy (State) Act of 2011.”

Section 2. Findings

The [legislature] of the State of _____ finds as follows:

- (1) Approximately ___% of state residents are overweight or obese;²
- (2) Obesity costs \$__million each year in <your state> in health care cost,³ contributing to costly and debilitating diseases such as heart disease, stroke, and diabetes;
- (3) Obesity is a leading modifiable risk factor contributing to the growing number of children with type 2 diabetes;⁴ and one quarter of children ages 5 to 10 show early warning signs of heart disease, such as elevated blood cholesterol or high blood pressure;⁵
- (4) Approximately ___ state residents are employed by the state government and work on state property.⁶ Reducing the impact of diet-related diseases will support a more productive and valuable workforce that will pay dividends to the state economy and cultivate national competitiveness for state residents and employees.
- (5) State properties are visited by many state residents and visitors, and provide care for dependent adults and children; and
- (6) Positive changes in the nutritional quality of food sold or provided by the state or on government property will assist people to make healthier choices.

Section 3. Development of State Food Standards

¹ Add your state’s name to the title (for example, Healthy Oklahoma Act).

² To find obesity rates for your state, visit <http://www.cdc.gov/obesity/data/trends.html#State>

³ To find cost of obesity for your state, visit <http://www.cdc.gov/obesity/causes/economics.html>

⁴ Hannon et al. “Childhood Obesity and Type 2 Diabetes Mellitus.” *Pediatrics* 2005, vol. 116 (no. 2), pp. 473-480.

⁵ Freedman D, Dietz W, Srinivasan S, Berenson G. “The Relation of Overweight to Cardiovascular Risk Factors Among Children and Adolescents: The Bogalusa Heart Study.” *Pediatrics* 1999, vol. 103, pp. 1175-1182.

⁶ To find number of residents employed by your state, visit <http://www.census.gov/govs/apes/>

(a) Within 3 months following enactment of this Act, the Secretary of Health shall convene a Food Standards Task Force, to consist of a representative from each state agency that purchases, prepares, serves, or sells food, at least one dietitian or nutritionist, one pediatrician, one dentist, and such other persons as the Secretary may deem appropriate. The Food Standards Task Force shall develop State Food Standards together with the Secretary. No later than 12 months following enactment of this act, the Department of Health, based on the recommendations of the Taskforce, shall finalize the nutrition standards for foods served and sold by state agencies and institutions and on state property, report them to the state legislature, and disseminate them to the heads of all state agencies that purchase, prepare, or serve food and beverages.

(b) The State Food Standards developed pursuant to this section shall be consistent with or exceed the nutrition recommendations in the most recent edition of the federal Dietary Guidelines for Americans developed by the United States Department of Agriculture and the United States Department of Health and Human Services. They should support and encourage breastfeeding, ensuring that employees are provided with appropriate space and adequate time for breastfeeding or expressing milk for their infants. They also should include recommendations for the use of locally grown food products to the greatest extent possible.

(c) The State Food Standards shall be reviewed and updated by the Department of Health as necessary, but no less often than every five years to ensure that the standards remain current and science-based.

(d) In developing the State Food Standards, the Food Standards Task Force and Department of Health shall consider the following:

- (i) Recommendations for nutrition standards for foods, beverages, or meals made by authoritative scientific organizations;
- (ii) Both positive and negative contributions of nutrients, ingredients, and foods to the diets of adults and children (including calories or portion size, saturated fat, trans fat, sodium, added sugars, and the presence of fruits, vegetables, whole grains, and nutrients of concern in Americans' diets); and
- (iii) Adaptations of the standards for different venues, such as childcare, correctional facilities, government meetings, or other settings with unique populations or circumstances.

Section 4. Applicability of State Food Standards

(a) The State Food Standards developed pursuant to Section 3 shall be applied to all foods and beverages purchased, prepared, served, and sold by all state agencies and institutions and sold or served on state property, including but not limited to:

- (i) All [state name] government office buildings;
- (ii) Meetings and conferences hosted or funded by [state name] agencies;
- (iii) Road-side rest stops managed or owned by the state;
- (iv) State parks and recreation centers;
- (v) Child-care facilities managed or subsidized by the state or on state property;
- (vi) State-supported hospitals;

- (vii) Correctional facilities;
- (viii) State colleges and universities;
- (ix) Homeless shelters; and
- (x) Senior centers.

(b) All purchases made by any department or division or any officer or agency on behalf of the state shall be made in accordance with the Healthy Government Properties Act. All contracts made by state agencies with food-service, catering, or vending companies or other food providers will ensure the food supplied will be in accordance with the State Food Standards. All existing contracts that do not meet those standards must be either immediately revised or terminated, or if necessary, revised or terminated at the next renewal stage of the contract.

Section 5. Menu labeling for standard menu items sold on government property

(a) In the case of a food, beverage, or combination meal that is a standard menu item that is offered for sale on government property or by a state agency (regardless of the brand/restaurant name under which the food is sold), the restaurant or food service establishment that is not part of a chain with 20 or more outlets nationally (and thus already covered by federal law) shall:

- (i) In a nutrient content disclosure statement adjacent to the name of the standard menu item, so as to be clearly associated with the standard menu item, on the menu, menu board, drive-through menu board, or food display tag, listing the item for sale, list the number of calories contained in the standard menu item, as usually prepared and offered for sale;
- (ii) Provide a succinct statement concerning suggested daily caloric intake, posted prominently on the menu or menu board and designed to enable the public to understand, in the context of a total daily diet, the significance of the caloric information that is provided on the menu, that reads: "An Average Adult Should Consume No More than 2,000 Calories a Day.";
- (iii) Make available in writing at the point of ordering in the restaurant or similar retail establishment, disclosure of saturated fat, trans fat, sodium, and fiber, per menu item as it is usually offered for sale;
 - (a) The restaurant or food service establishment must include a prominent, clear, and conspicuous statement regarding the availability of such information on the menu or menu board;
- (iv) In the case of food sold at a salad bar, buffet line, cafeteria line, or similar self-service arrangement, and for self-service beverages or food that is on display and that is visible to customers, a restaurant or similar retail food establishment shall place adjacent to each food offered a sign that lists calories per displayed food item or per serving, as offered for sale.
- (v) For menu items that come in different flavors, varieties, or combinations, but that are listed as a single menu item, such as soft drinks, ice cream, pizza, doughnuts, or

children's combo meals, the median value for calories for all flavors, varieties, or combinations shall be listed on menus and menu boards if the calorie values for all flavors, varieties or combinations are within 20% of the median. If the calories or other nutrient values are not within 20% of the median, then the range for all the flavors, varieties, or combinations of that menu item shall be listed from the lowest to the highest value. If a menu item that comes in different varieties is on display with a name placard or similar signage, the calories per item as-offered-for-sale shall be listed on a placard along with the name. If a menu item is not on display, nutrition information for each individual flavor or variety or each individual menu item that can be chosen as part of a combination meal shall be provided by means of an in-store brochure, booklet, or other device that is readily available to customers at the point of ordering. Signage should alert customers to the availability of such information.