

Senate Bill No. 441

CHAPTER 597

An act to add and repeal Section 11005.4 of the Government Code, relating to state property.

[Approved by Governor September 30, 2008. Filed with
Secretary of State September 30, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 441, Torlakson. State property: vending machines.

Existing law regulates various aspects of the provision of food and beverages in vending machines, including access to carbonated beverages at schools, the giving of priority to blind persons with respect to the operation of vending facilities on state property, the sanitation of vending machines and requiring public health permits, and the placement of vending machines in safety roadside rests on the state highway system.

This bill would require a vendor that operates or maintains a vending machine on designated state property, until a specified date, to offer food and beverages in the vending machine that meet accepted nutritional guidelines, as defined, in accordance with certain percentages.

The people of the State of California do enact as follows:

SECTION 1. Section 11005.4 is added to the Government Code, to read: 11005.4. (a) For purposes of this section, the following terms have the following meanings:

(1) "Accepted nutritional guidelines" as used in this section means the following:

(A) Beverages that are the following or meet the following standards:

(i) Water.

(ii) Milk, including, but not limited to, soy milk, rice milk, and other similar dairy or nondairy milk.

(iii) Electrolyte replacement beverages that do not contain more than 42 grams of added sweetener per 20-ounce serving.

(iv) One hundred percent fruit juice.

(v) Fruit-based drinks that are composed of no less than 50 percent fruit juice and that have no added sweeteners.

(B) Food that meets the following standards:

(i) Not more than 35 percent of its total calories are from fat. This clause does not apply to nuts, seeds, or whole grain products.

(ii) Not more than 10 percent of its total calories are from saturated fats.

(iii) Not more than 35 percent of its total weight is from sugar. This clause does not apply to fruits and vegetables.

(2) “Added sweetener” means any additive that enhances the sweetness of a beverage, including, but not limited to, added sugar, but does not include the natural sugar or sugars that are contained within the fruit juice that is a component of the beverage.

(3) “State property” as used in this section means all real property, or part thereof, used for state purposes and either owned, leased, rented, or otherwise controlled by, and occupied by, any state agency.

(4) “Vending machine” means any mechanical device the operation of which depends upon the insertion of a coin or other thing representative of value and that dispenses or vends a food product or beverage, but does not include any mechanical device that is unable to dispense any food or beverage meeting accepted nutritional guidelines without physical alteration or any mechanical device that solely dispenses or vends hot beverages or ice cream.

(b) A vendor that operates or maintains a vending machine on state property shall do all of the following:

(1) Offer at least 35 percent of the food in a vending machine that meets accepted nutritional guidelines.

(2) Offer at least one-third of the beverages in a vending machine that meets accepted nutritional guidelines. A separate one-third of the beverages offered in the vending machine shall either meet accepted nutritional guidelines or be flavored milk, beverages containing less than 20 calories per 12 ounce serving, or beverages that are composed of at least 50 percent fruit juice that may contain noncaloric sweetener. The remaining one-third of the beverages offered in the vending machine may be any beverage allowed by law.

(c) A vendor may meet the requirements in subdivision (b) by offering 25 percent of the food in a vending machine that meets accepted nutritional guidelines by January 1, 2009, and by offering the total 35 percent of the food required to meet accepted nutritional guidelines by January 1, 2011.

(d) If a vendor operates or maintains two or more vending machines that are located next to each other, the provisions of subdivisions (b) and (c) may be met by calculating the percentage of the total food and beverages offered in all of the adjacent machines.

(e) This section shall remain in effect only until four years after the last date that a vendor may meet the requirements of paragraph (1) of subdivision (b), as specified in subdivision (c), and as of that date is repealed, unless a later enacted statute, that is enacted before that date, deletes or extends that date.