

Introduced by Senator Mitchell

January 23, 2014

An act to amend Section 11005.4 of the Government Code, relating to state agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 912, as amended, Mitchell. State property: vending machines.

Existing law regulates various aspects of the provision of food and beverages in vending machines, including requiring 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.

This bill would delete the repeal date, thereby extending the operation of those provisions indefinitely. *This bill also would make related technical changes.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

- 1 SECTION 1. Section 11005.4 of the Government Code is
- 2 amended to read:
- 3 11005.4. (a) For purposes of this section, the following terms
- 4 have the following meanings:
- 5 (1) "Accepted nutritional guidelines" as used in this section
- 6 means the following:

- 1 (A) Beverages that are the following or meet the following
2 standards:
- 3 (i) Water.
- 4 (ii) Milk, including, but not limited to, soy milk, rice milk, and
5 other similar dairy or nondairy milk.
- 6 (iii) Electrolyte replacement beverages that do not contain more
7 than 42 grams of added sweetener per 20-ounce serving.
- 8 (iv) One hundred percent fruit juice.
- 9 (v) Fruit-based drinks that are composed of no less than 50
10 percent fruit juice and that have no added sweeteners.
- 11 (B) Food that meets the following standards:
- 12 (i) Not more than 35 percent of its total calories are from fat.
13 This clause does not apply to nuts, seeds, or whole grain products.
- 14 (ii) Not more than 10 percent of its total calories are from
15 saturated fats.
- 16 (iii) Not more than 35 percent of its total weight is from sugar.
17 This clause does not apply to fruits and vegetables.
- 18 (2) “Added sweetener” means any additive that enhances the
19 sweetness of a beverage, including, but not limited to, added sugar,
20 but does not include the natural sugar or sugars that are contained
21 within the fruit juice that is a component of the beverage.
- 22 (3) “State property” as used in this section means all real
23 property, or part thereof, used for state purposes and either owned,
24 leased, rented, or otherwise controlled by, and occupied by, any
25 state agency.
- 26 (4) “Vending machine” means any mechanical device the
27 operation of which depends upon the insertion of a coin or other
28 thing representative of value and that dispenses or vends a food
29 product or beverage, but does not include any mechanical device
30 that is unable to dispense any food or beverage meeting accepted
31 nutritional guidelines without physical alteration or any mechanical
32 device that solely dispenses or vends hot beverages or ice cream.
- 33 (b) A vendor that operates or maintains a vending machine on
34 state property shall do all of the following:
- 35 (1) Offer at least 35 percent of the food in a vending machine
36 that meets accepted nutritional guidelines.
- 37 (2) Offer at least one-third of the beverages in a vending
38 machine that meets accepted nutritional guidelines. A separate
39 one-third of the beverages offered in the vending machine shall
40 either meet accepted nutritional guidelines or be flavored milk,

1 beverages containing less than 20 calories per 12 ounce serving,
2 or beverages that are composed of at least 50 percent fruit juice
3 that may contain noncaloric sweetener. The remaining one-third
4 of the beverages offered in the vending machine may be any
5 beverage allowed by law.

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

11 ~~(d)~~

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