

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 521

By: Loveless

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5  
6 AS INTRODUCED

7 An Act relating to food establishments; creating the  
8 Access to Healthy Choices in Oklahoma Act; providing  
9 short title; defining terms; providing minimum  
10 nutrition and procurement standards; requiring  
11 certain rules; requiring certain nutritional  
12 labeling; authorizing position to provide certain  
13 information and training; requiring certain report;  
14 requiring rules for enforcement of the Access to  
15 Healthy Choices in Oklahoma Act by certain date;  
16 authorizing modifications to certain contracts;  
17 providing requirements for future bids and contracts;  
18 designating the State Department of Health with  
19 certain final authority; clarifying authority of  
20 local governing bodies; providing for severability;  
21 providing for codification; and providing an  
22 effective date.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 1-1119.1A of Title 63, unless  
there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Access to  
Healthy Choices in Oklahoma Act".

B. As used in this act:

1           1. "Nutrition and procurement standards" means the food and  
2 nutrition guidelines established by the U.S. General Services  
3 Administration (GSA) and the U.S. Department of Health and Human  
4 Services (HHS);

5           2. "Department" means the State Department of Health;

6           3. "Retail food establishment" means an establishment that  
7 sells food products directly to consumers as its primary function;

8           4. "Specific dietary needs" means a nutritional requirement for  
9 individuals that are medically certified as having a special medical  
10 or dietary need that is supported by a written statement and signed  
11 by the medical authority; and

12           5. "State agency" means any board, commission, department,  
13 authority, bureau, office or other entity created with authority to  
14 make rules or formulate orders as defined in the Administrative  
15 Procedures Act.

16           SECTION 2.           NEW LAW           A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1-1119.1B of Title 63, unless  
18 there is created a duplication in numbering, reads as follows:

19           A. All food and beverages purchased by, or sold, served or  
20 otherwise provided by state agencies, through vending machines  
21 located on property owned or leased by the state, shall meet minimum  
22 nutrition and procurement standards as set forth below.

23           B. Within one year of the effective date of the Access to  
24 Healthy Choices in Oklahoma Act, the State Board of Health shall

1 promulgate rules establishing evidence-based nutrition and food  
2 procurement standards that are consistent with the General Services  
3 Administration document "Health and Sustainability Guidelines for  
4 Federal Concessions and Vending Operations," to be implemented by  
5 state agencies within one year of the date that the rules are  
6 adopted.

7 1. The standards shall consider both positive and negative  
8 contributions of nutrients, ingredients, and foods to diets,  
9 including calories, portion size, saturated fat, trans fat, sodium,  
10 sugar, and the presence of fruits, vegetables, whole grains, and  
11 nutrients of concern in Americans' diets;

12 2. The standards shall apply 24-hours a day;

13 3. Exemptions may be allowed for circumstances where the  
14 individuals consuming the food or beverage have specific dietary  
15 needs;

16 4. From time-to-time but at least once every five (5) years,  
17 the Department shall review, and if necessary, revise and update the  
18 nutrition and procurement standards to reflect advancements in  
19 nutrition science, dietary data, new product availability, and/or  
20 updates to the Federal Dietary Guidelines for Americans; and

21 5. The nutrition and procurement standards shall be implemented  
22 in accordance with all applicable federal, state, and local laws.

23 C. All vending machines and retail food establishments located  
24 on property owned or leased by the State shall display nutritional

1 labeling that, at a minimum, complies with the standards for  
2 nutritional labeling set forth in 21 CFR Sections 101 and 109, as  
3 may be amended.

4 SECTION 3. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1-1119.1C of Title 63, unless  
6 there is created a duplication in numbering, reads as follows:

7 A. To assist and oversee the implementation of the nutrition  
8 and procurement standards required by the Access to Healthy Choices  
9 in Oklahoma Act, the State Department of Health shall designate an  
10 appropriate position within the Department to disseminate  
11 information and train state agency staff and vendors on the  
12 standards to support compliance. The designated position shall  
13 monitor compliance and report to the Commissioner at least once  
14 every year on the status of implementation. The report shall  
15 include:

- 16 1. An assessment of state agency compliance with the standards;
- 17 2. Successes, challenges, and barriers experienced in  
18 implementation; and
- 19 3. Recommendations for improvement of the standards and  
20 compliance.

21 B. Within one year of the effective date of this act, the State  
22 Board of Health shall promulgate rules establishing how it will  
23 monitor and enforce the requirements of this act.

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1 C. Existing contracts, agreements or other arrangements with  
2 vendors shall be modified as needed to bring them into compliance  
3 with this act.

4 D. Future requests for bids and contracts for the procurement  
5 or and provision of covered food and beverages by or for state  
6 agencies shall incorporate the nutrition and procurement standards.  
7 To facilitate monitoring and compliance with the requirements of  
8 this act, future requests for bids and contracts for covered food  
9 and beverages shall require accurate and timely financial reports  
10 from vendors, provide for periodic reviews or audits of financial  
11 records by the Department, and include specific breach of contract  
12 and enforcement provisions relating to the requirements of this act.

13 E. The Department shall have final authority to determine  
14 whether a specific food or beverage to be purchased, sold, or  
15 provided is consistent with the nutrition and procurement standards.

16 F. Nothing herein shall be construed to restrict local  
17 government authority to enact and enforce more stringent  
18 requirements.

19 G. The provisions of this act shall be severable and the  
20 invalidity of any section or subsection or part thereof shall not  
21 make void any other section or subsection or part thereof.

22 SECTION 4. This act shall become effective November 1, 2015.