

REFERENCE TITLE: DHS; state food standards.

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

HB 2233

Introduced by
Representatives Larkin, Dalessandro, Gallego: Hernández, Mach, Mendez,
Saldate

AN ACT

AMENDING TITLE 36, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 2;
RELATING TO STATE FOOD STANDARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 8, Arizona Revised Statutes, is amended
3 by adding article 2, to read:

4 ARTICLE 2. STATE FOOD STANDARDS

5 36-931. State food standards task force: development of
6 standards: requirements

7 A. WITHIN THREE MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
8 DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES SHALL ESTABLISH A FOOD
9 STANDARDS TASK FORCE TO DEVELOP STATE FOOD STANDARDS THAT CONSISTS OF THE
10 FOLLOWING MEMBERS:

11 1. ONE REPRESENTATIVE FROM EACH STATE AGENCY THAT PURCHASES, PREPARES,
12 SERVES OR SELLS FOOD ON STATE PROPERTY.

13 2. AT LEAST ONE DIETITIAN OR NUTRITIONIST, ONE PEDIATRICIAN, ONE
14 DENTIST AND ANY OTHER PERSON THE DIRECTOR WOULD LIKE TO APPOINT.

15 B. THE FOOD STANDARDS TASK FORCE SHALL DEVELOP STATE FOOD STANDARDS IN
16 CONJUNCTION WITH THE DIRECTOR. NOT LATER THAN TWELVE MONTHS AFTER THE
17 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT OF HEALTH SERVICES, BASED ON
18 THE RECOMMENDATIONS OF THE TASK FORCE, SHALL FINALIZE THE STATE FOOD
19 STANDARDS FOR FOODS SERVED AND SOLD BY STATE AGENCIES AND INSTITUTIONS AND ON
20 STATE PROPERTY AND SHALL COMMUNICATE THE STANDARDS TO THE DIRECTOR OF EACH
21 STATE AGENCY THAT PURCHASES, PREPARES, SERVES OR SELLS FOOD AND BEVERAGE.

22 C. THE STATE FOOD STANDARDS DEVELOPED PURSUANT TO THIS SECTION MUST:

23 1. BE CONSISTENT WITH OR EXCEED THE NUTRITION RECOMMENDATIONS IN THE
24 MOST RECENT EDITION OF THE FEDERAL DIETARY GUIDELINES FOR AMERICANS DEVELOPED
25 BY THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE UNITED STATES
26 DEPARTMENT OF HEALTH AND HUMAN SERVICES.

27 2. SUPPORT AND ENCOURAGE BREAST-FEEDING AND ENSURE THAT EMPLOYEES ARE
28 PROVIDED WITH APPROPRIATE SPACE AND ADEQUATE TIME FOR BREAST-FEEDING OR
29 EXPRESSING MILK FOR THEIR INFANTS.

30 3. INCLUDE RECOMMENDATIONS FOR THE USE OF LOCALLY GROWN FOOD PRODUCTS
31 TO THE GREATEST EXTENT POSSIBLE.

32 D. IN DEVELOPING THE STATE FOOD STANDARDS, THE FOOD STANDARDS TASK
33 FORCE AND DEPARTMENT OF HEALTH SERVICES SHALL CONSIDER ALL OF THE FOLLOWING:

34 1. RECOMMENDATIONS FOR NUTRITION STANDARDS FOR FOODS, BEVERAGES OR
35 MEALS MADE BY AUTHORITATIVE SCIENTIFIC ORGANIZATIONS.

36 2. BOTH POSITIVE AND NEGATIVE CONTRIBUTIONS OF NUTRIENTS, INGREDIENTS
37 AND FOODS TO THE DIETS OF ADULTS AND CHILDREN, INCLUDING CALORIES OR PORTION
38 SIZE, SATURATED FAT, TRANS FAT, SODIUM, ADDED SUGARS AND THE PRESENCE OF
39 FRUITS, VEGETABLES, WHOLE GRAINS AND NUTRIENTS OF CONCERN IN AMERICANS'
40 DIETS.

41 3. ADAPTATIONS OF THE STANDARDS FOR DIFFERENT VENUES, INCLUDING CHILD
42 CARE FACILITIES, CORRECTIONAL FACILITIES, GOVERNMENT MEETINGS OR OTHER
43 SETTINGS WITH UNIQUE POPULATIONS OR CIRCUMSTANCES.

1 E. THE DEPARTMENT OF HEALTH SERVICES SHALL REVIEW AND UPDATE THE STATE
2 FOOD STANDARDS AS NECESSARY, BUT AT LEAST EVERY FIVE YEARS TO ENSURE THAT THE
3 STANDARDS REMAIN CURRENT AND SCIENCE-BASED.

4 36-932. State food standards; applicability

5 A. THE STATE FOOD STANDARDS DEVELOPED PURSUANT TO SECTION 36-931 APPLY
6 TO ALL FOODS AND BEVERAGES PURCHASED, PREPARED, SERVED AND SOLD BY ALL STATE
7 AGENCIES AND INSTITUTIONS AND SOLD OR SERVED ON STATE PROPERTY, INCLUDING:

- 8 1. ALL STATE GOVERNMENT OFFICE BUILDINGS.
- 9 2. MEETINGS AND CONFERENCES HOSTED OR FUNDED BY STATE AGENCIES.
- 10 3. ROADSIDE REST STOPS MANAGED OR OWNED BY THIS STATE.
- 11 4. STATE PARKS AND RECREATION CENTERS.
- 12 5. CHILD CARE FACILITIES MANAGED OR SUBSIDIZED BY THIS STATE OR ON
13 STATE PROPERTY.
- 14 6. STATE-SUPPORTED HOSPITALS.
- 15 7. CORRECTIONAL FACILITIES.
- 16 8. STATE INSTITUTIONS OF HIGHER EDUCATION.
- 17 9. HOMELESS SHELTERS OPERATED BY THIS STATE.
- 18 10. SENIOR CENTERS OPERATED BY THIS STATE.

19 B. ALL PURCHASES MADE BY ANY DEPARTMENT OR DIVISION OR ANY OFFICER OR
20 AGENCY ON BEHALF OF THIS STATE MUST BE MADE IN ACCORDANCE WITH THIS ARTICLE.
21 ALL CONTRACTS ENTERED INTO BY A STATE AGENCY WITH FOOD SERVICE, CATERING OR
22 VENDING COMPANIES OR OTHER FOOD PROVIDERS MUST ENSURE THE FOOD SUPPLIED WILL
23 COMPLY WITH THE STATE FOOD STANDARDS ADOPTED PURSUANT TO THIS ARTICLE. ALL
24 EXISTING CONTRACTS THAT DO NOT MEET THE STATE FOOD STANDARDS MUST BE REVISED
25 OR TERMINATED AT THE NEXT RENEWAL STAGE OF THE CONTRACT.

26 36-933. Menu labeling; standard menu items; state property

27 IF A FOOD, BEVERAGE OR COMBINATION MEAL IS A STANDARD MENU ITEM THAT IS
28 OFFERED FOR SALE ON GOVERNMENT PROPERTY OR BY A STATE AGENCY, THE RESTAURANT
29 OR FOOD SERVICE ESTABLISHMENT THAT IS NOT PART OF A CHAIN WITH TWENTY OR MORE
30 OUTLETS NATIONALLY SHALL:

31 1. IN A NUTRIENT CONTENT DISCLOSURE STATEMENT ADJACENT TO THE NAME OF
32 THE STANDARD MENU ITEM, SO AS TO BE CLEARLY ASSOCIATED WITH THE STANDARD MENU
33 ITEM, ON THE MENU, MENU BOARD, DRIVE-THROUGH MENU BOARD OR FOOD DISPLAY TAG
34 LISTING THE ITEM FOR SALE, LIST THE NUMBER OF CALORIES CONTAINED IN THE
35 STANDARD MENU ITEM, AS USUALLY PREPARED AND OFFERED FOR SALE.

36 2. PROVIDE A SUCCINCT STATEMENT CONCERNING SUGGESTED DAILY CALORIC
37 INTAKE, POSTED PROMINENTLY ON THE MENU OR MENU BOARD AND DESIGNED TO ENABLE
38 THE PUBLIC TO UNDERSTAND, IN THE CONTEXT OF A TOTAL DAILY DIET, THE
39 SIGNIFICANCE OF THE CALORIC INFORMATION THAT IS PROVIDED ON THE MENU, THAT
40 READS: "AN AVERAGE ADULT SHOULD CONSUME NO MORE THAN TWO THOUSAND CALORIES A
41 DAY".

42 3. MAKE AVAILABLE IN WRITING AT THE POINT OF ORDERING IN THE
43 RESTAURANT OR SIMILAR RETAIL ESTABLISHMENT, THE DISCLOSURE OF SATURATED FAT,
44 TRANS FAT, SODIUM AND FIBER PER MENU ITEM AS IT IS USUALLY OFFERED FOR SALE.
45 THE RESTAURANT OR FOOD SERVICE ESTABLISHMENT MUST INCLUDE A PROMINENT, CLEAR

1 AND CONSPICUOUS STATEMENT REGARDING THE AVAILABILITY OF THIS INFORMATION ON
2 THE MENU OR MENU BOARD.

3 4. IN THE CASE OF FOOD SOLD AT A SALAD BAR, BUFFET LINE, CAFETERIA
4 LINE OR SIMILAR SELF-SERVICE ARRANGEMENT, AND FOR SELF-SERVICE BEVERAGES OR
5 FOOD THAT IS ON DISPLAY AND THAT IS VISIBLE TO CUSTOMERS, PLACE ADJACENT TO
6 EACH FOOD OFFERED A SIGN THAT LISTS CALORIES PER DISPLAYED FOOD ITEM OR PER
7 SERVING, AS OFFERED FOR SALE.

8 5. FOR MENU ITEMS THAT COME IN DIFFERENT FLAVORS, VARIETIES OR
9 COMBINATIONS, BUT THAT ARE LISTED AS A SINGLE MENU ITEM, SUCH AS SOFT DRINKS,
10 ICE CREAM, PIZZA, DOUGHNUTS OR CHILDREN'S COMBO MEALS, LIST THE MEDIAN VALUE
11 FOR CALORIES FOR ALL FLAVORS, VARIETIES OR COMBINATIONS ON MENUS AND MENU
12 BOARDS IF THE CALORIE VALUES FOR ALL FLAVORS, VARIETIES OR COMBINATIONS ARE
13 WITHIN TWENTY PER CENT OF THE MEDIAN. IF THE CALORIES OR OTHER NUTRIENT
14 VALUES ARE NOT WITHIN TWENTY PER CENT OF THE MEDIAN, THE RANGE FOR ALL THE
15 FLAVORS, VARIETIES OR COMBINATIONS OF THAT MENU ITEM MUST BE LISTED FROM THE
16 LOWEST TO THE HIGHEST VALUE. IF A MENU ITEM THAT COMES IN DIFFERENT
17 VARIETIES IS ON DISPLAY WITH A NAME PLACARD OR SIMILAR SIGNAGE, THE CALORIES
18 PER ITEM AS OFFERED FOR SALE MUST BE LISTED ON A PLACARD ALONG WITH THE NAME.
19 IF A MENU ITEM IS NOT ON DISPLAY, NUTRITION INFORMATION FOR EACH INDIVIDUAL
20 FLAVOR OR VARIETY OR EACH INDIVIDUAL MENU ITEM THAT CAN BE CHOSEN AS PART OF
21 A COMBINATION MEAL MUST BE PROVIDED BY MEANS OF AN IN-STORE BROCHURE OR
22 BOOKLET OR ANOTHER DEVICE THAT IS READILY AVAILABLE TO CUSTOMERS AT THE POINT
23 OF ORDERING. SIGNAGE MUST ALERT CUSTOMERS TO THE AVAILABILITY OF THIS
24 INFORMATION.

25 36-934. Program termination

26 THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2024 PURSUANT
27 TO SECTION 41-3102.

28 Sec. 2. Short title

29 This act may be cited as the "Healthy Arizona Act of 2014".