

HOUSE BILL REPORT

HB 1801

As Reported by House Committee On:
State Government & Tribal Affairs

Title: An act relating to Washington state food purchasing policy.

Brief Description: Concerning Washington state food purchasing policy.

Sponsors: Representatives Jinkins, Ladenburg, Cody, Billig, Clibborn, Moeller and Hunt.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/14/11, 1/26/12 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Health (DOH), in conjunction with the Department of Enterprise Services, to develop a model food purchasing policy for all state agencies.
- Requires that the DOH model food purchasing policy meet the 2011 Federal Health and Sustainability Guidelines for Federal Concessions and Vending Operations.
- Requires state agencies to adopt and implement food purchasing policies consistent with the standards set by the DOH.
- Requires the Department of Social and Health Services and the Department of Corrections to develop food purchasing policies for food served to persons in agency custody or who reside in agency institutions.
- Requires the DOH to report to the Legislature regarding their model food procurement policies.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 6 members: Representatives Hunt, Chair; Appleton, Vice Chair; Darneille, Dunshee, McCoy and Miloscia.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass. Signed by 5 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Alexander, Condotta and Hurst.

Staff: Thamas Osborn (786-7129).

Background:

Procurement.

The Department of Enterprise Services sets the policies and procedures for state procurement, including the development and administration of contracts for goods and services. The estimated term value of these contracts is approximately \$400 million on behalf of state agencies, colleges and universities, select nonprofit organizations, and local governments.

The Office of the Superintendent of Public Instruction's (OSPI) procurement policy is consistent with state and federal procurement regulations. Subject to specified conditions, the United States Department of Agriculture (USDA) authorizes states to implement geographic preferences when purchases are made from USDA Child Nutrition Program funds.

United States Department of Agriculture Fresh Fruits and Vegetable Program.

The 2002 federal Farm Bill created a pilot program to provide free fresh fruit and vegetable snacks to students in participating schools. Separate from schools' existing meals programs, the snack program is intended to increase children's fruit and vegetable consumption to promote better health. Implemented by the USDA Food and Nutrition Service, the \$6 million pilot program provided grants to 25 schools in each of six states and one Indian tribe. The schools used the funds to purchase their choice of snacks. In 2004 Congress made the program permanent and expanded it to eight states and three Indian tribes.

Local Farms Healthy Kids Act.

In 2008 the Legislature passed the Local Farms-Healthy Kids Act (Act), intended to strengthen links between state agriculture and state food procurement as a method to expand local markets, improve nutrition, and benefit the environment. The Act created four programs:

- the Farm-to-School Program administered by the Washington State Department of Agriculture;
- the Washington Grown Fresh Fruit and Vegetable Grant Program administered by the OSPI;
- the Farmers Market Technology Improvement Pilot Program administered by the Department of Social and Health Services; and
- the Farmers-to-Food Banks Pilot Program administered by the Department of Commerce.

Summary of Substitute Bill:

State Agency Food Purchasing Policies.

By July 1, 2013, the Department of Health (DOH), in consultation with the Department of Enterprise Services, is required to develop a recommended food purchasing policy. Its purpose is to establish standards, applicable to all state agencies, for all food: (1) purchased by agencies for their employees and guests at meetings; or (2) made available to agency employees in vending machines or through on-site vendors.

The model food purchasing policy developed by the DOH must, at minimum, meet the standards set in the 2011 Federal Health and Sustainability Guidelines for Federal Concessions and Vending Operations. The DOH is also authorized to consider the nutritional standards of private organizations, including the American Heart Association and the Institute of Medicine.

The DOH must periodically update its recommended food purchasing policy and, in doing so, must consider changes in federal guidelines regarding concessions and vending operations.

By January 1, 2014, each state agency is required to adopt and implement a food purchasing policy that establishes standards for food purchased for employees and guests at meetings and for food provided by vending machines and on-site vendors on agency property. Such policies must, at minimum, meet the standards of the recommended food purchasing policies developed by the DOH. Agency policies must establish standards for caloric, saturated fat, trans fat, sodium, and sugar content. Specified requirements are established for foods sold through vending machines and on-site vendors.

By January 1, 2014, the Department of Social and Health Services (DSHS) and the Department of Corrections (DOC), with technical support from the DOH, must each develop and implement a food purchasing policy for all food served to persons in the direct custody or care of each respective agency. Such food purchasing policies must meet the standards of the recommended food purchasing policies developed by the DOH. The DSHS and the DOC are authorized to identify special populations with particular dietary needs and exempt them from the food standards.

By November 15, 2014, the DOH is required to submit a report to the Legislature summarizing the implementation of its food purchasing policy and making recommendations for modifications to the policy requirements or food standards.

Agency Reporting Requirements.

By November 15, 2014, the DOH must report to the Legislature regarding its model food purchasing policy. The report must include:

- a summary of the implementation of the policy;
- changes needed to the agency's food procurement practices;
- costs or savings realized through the policy;
- efforts made to create pricing incentives or disincentives; and
- recommendations for modifications to policy requirements or food standards.

The DOC and the DSHS must each provide to the DOH:

- a food policy consistent with the requirements of the Act (by January 1, 2014); and

- a report of any revisions of the food policy since its inception; efforts to create pricing incentives or disincentives; and any costs or savings realized through the policy (by September 1, 2014).

The provisions of the Act do not apply to food served by the Department of Veteran's Affairs, in support of Washington State Patrol training programs, in support of other criminal justice training activities, or in the Criminal Justice Training Center.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- designates the Department of Health (DOH), in consultation with the Department of Enterprise Services (DES), as the agency tasked with developing a recommended food purchasing policy applicable to all state agencies. Under the original bill, the Department of General Administration (GA) was designated as the lead agency and was required to consult with the DOH;
- requires the DOH to periodically update its recommended food purchasing policy and, in doing so, must consider changes in federal guidelines regarding concessions and vending operations;
- eliminates bill provisions setting specific standards for meals related to the type of food, preparation method, nutritional content, and portion size. These provisions are replaced with the general requirement that food standards meet the 2011 Federal Health and Sustainability Guidelines for Federal Concessions and Vending Operations. The DOH is also authorized to consider the nutritional standards of private organizations, including the American Heart Association and the Institute of Medicine;
- requires each state agency to adopt and implement a food purchasing policy that establishes standards for food purchased for employees and guests at meetings and for food provided by vending machines and on-site vendors on agency property. Such policies must, at minimum, meet the standards of the recommended food purchasing policies developed by the DOH. Agency policies must establish standards for caloric, saturated fat, trans fat, sodium, and sugar content. Specified requirements are established for those foods sold through vending machines and on-site vendors;
- requires, by January 1, 2014, the Department of Social And Health Services (DSHS) and the Department of Corrections (DOC) to each develop and implement a food purchasing policy for all food served to persons in the direct custody or care of each respective agency;
- allows the DSHS and the DOC to identify special populations with particular dietary needs and exempt them from the food standards;
- requires, by November 15, 2014, the DOH to submit a report to the Legislature summarizing the implementation of its food purchasing policy and making recommendations for modifications to the policy requirements or food standards;
- the provisions of the Act do not apply to food served by the Department of Veteran's Affairs, in support of Washington State Patrol training programs, in support of other criminal justice training activities, or in the Criminal Justice Training Center; and
- references to the GA are changed to the DES.

Appropriation: None.

Fiscal Note: Requested on January 27, 2012.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill deals with obesity prevention and encourages healthy dietary choices. It would improve the health of children. Schools have already taken steps similar to those outlined in the bill and have seen positive results. Healthy food is no more expensive than junk food. The state needs to regulate itself regarding nutritional standards and the bill moves us towards this goal by creating such standards for food purchased by state agencies. Current agency food procurement processes are in need of improvement. We need uniform policies and standards. Procurement policies should serve good nutrition. Much of the food purchased by the state is of little nutritional value. State agencies provide food to vulnerable populations and they deserve better than they are getting. Bad food has adverse impacts on children and behavior, and has been linked to increased violence. Obese persons generate double the yearly health costs of those who are at a healthy weight. Seven of the top 10 diseases are directly related to nutrition.

(Opposed) The Washington State Business Enterprise Program operates the same as any other small business and would suffer large losses if the bill is passed. The Department of Services for the Blind gets 30 percent of its operating revenue from vending machines. Revenues needed to fund services for the blind would be adversely affected. The provisions in the bill would cause dramatic decreases in vending machine sales and thus reduce operating revenues. Rather than encourage healthy eating, the bill would cause customers to take their business elsewhere. The bill would reduce choices, but have little positive impact. The bill would be very costly to the affected agencies and would be difficult to implement. The Department of General Administration does not have personnel with the expertise necessary to deal with the technical nutritional issues raised by the bill.

Persons Testifying: (In support) Representative Jinkins, prime sponsor; Victor Coleman, Childhood Obesity Prevention Coalition; and Monica Dixon, Empower Communications.

(Opposed) Dennis Eagle, Washington Federation of State Employees; Steve Krueger, Office of General Administration; Robert Ott, Gloria Walling, and Robert Miller, Washington State Business Enterprise Program.

Persons Signed In To Testify But Not Testifying: None.