

**RESOLUTION NO. 580 -2014, ADOPTING LOCAL LAW
NO. 24 -2014, A LOCAL LAW TO ESTABLISH HEALTHY FOOD
STANDARDS AT SUFFOLK COUNTY FACILITIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on February 11, 2014, a proposed local law entitled, "**A LOCAL LAW TO ESTABLISH HEALTHY FOOD STANDARDS AT SUFFOLK COUNTY FACILITIES**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 24 -2014, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ESTABLISH HEALTHY FOOD STANDARDS AT
SUFFOLK COUNTY FACILITIES**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that obesity is an epidemic throughout the United States among both children and adults, which can cause significant health problems such as diabetes and cardiovascular disease.

This Legislature also finds and determines that over 59% of Suffolk County residents are overweight or obese pursuant to body mass index (BMI) calculations.

This Legislature further finds that the County of Suffolk should adopt a leadership role in promoting good health and fighting obesity.

This Legislature finds that the County of Suffolk operates a network of parks, many of which feature concession stands that allow visitors to purchase a convenient meal. Other County facilities have cafeterias and vending machines that make food and beverages available to visitors and employees.

This Legislature also finds that concession stands in other areas of the country that offer healthy food and beverages are finding their businesses thriving, with increased profits and reduced production costs.

This Legislature determines that County park concessions, cafeterias and vending machines should offer healthy menu items that are readily available for purchase by visitors and employees to encourage consumption of fresh fruits, vegetables and whole grains and promote a healthy, active lifestyle.

This Legislature also finds that improving the food offerings available at County facilities will also showcase our vibrant local farming community, expose residents to local and local organic foods and produce, and contribute to the improvement of Long Island's economy.

Therefore, the purpose of this law is to require that healthy food standards be incorporated into all future County agreements with concession, cafeteria and vending machine operators.

Section 2. Contract Requirements.

All County contracts for the provision of food or beverages at concession stands, cafeterias or by vending machines on property owned by the County of Suffolk shall include the following requirements, as applicable to the service being provided:

- A. For concession stands at County parks and cafeteria operators on County property:
 - 1. Concessionaire shall offer a minimum of four (4) fresh fruit or vegetable choices and a minimum of one (1) type of leafy-green salad with a minimum of one (1) vinegar-based dressing.
 - 2. Concessionaire shall attempt to offer sandwiches, salads and entrees which have no more than 700 calories, with at least 25% of offerings having 550 calories or less, containing no more than 800 mg of sodium and made with whole grains.
 - 3. Concessionaire shall offer a minimum of one (1) steamed, baked or grilled vegetable option daily, which contains no more than 200 mg of sodium per serving.
 - 4. At least 50% of soups offered by a concessionaire shall contain no more than 480 mg of sodium per 8 ounce serving.
 - 5. 33% of all breakfast breads offered by a concessionaire shall have no more than 300 calories per serving.
 - 6. 33% of all desserts offered by a concessionaire shall have no more than 200 calories per serving.
 - 7. Concessionaire shall offer a minimum of one (1) organic option and shall seek to source produce locally, when possible.

- B. For vending machines on County property:
 - 1. Beverage requirements:
 - a. At least 2 slots in each beverage vending machine shall be stocked with water.
 - b. Water must be stocked in the highest selling position.
 - c. Beverages with more than 25 calories per 8 ounce serving shall fill no more than 2 slots, with at least 1 of those slots selling containers that are 12 ounces or smaller in size.

- d. Any remaining slots may be filled with beverages that contain between 0 and 25 calories per 8 ounce serving.

2. Snack requirements:

- a. At least 66% of the snacks offered for sale shall contain no more than 250 calories per package.
- b. At least 66% of the snacks other than nuts, seeds, nut butters and cheese shall contain no more than 7 grams of total fat.
- c. At least 66% of the snacks other than nuts, seeds, nut butters and cheese shall contain no more than 2 grams of saturated fat.
- d. All snacks offered for sale shall be free of trans fats.
- e. At least 66% of the snacks shall contain no more than 200 milligrams of sodium.
- f. At least 66% of the snacks shall contain no more than 10 grams of sugar, except for fruit and vegetable products with no added sugar, which are exempt from this requirement.
- g. At least 66% of the snacks offered for sale which are grain or potato based must contain a minimum of 2 grams of fiber.
- h. No more than 50% of snacks offered shall be grain or potato based.

3. Advertising:

- a. Promotional space on any vending machine shall advertise a choice which meets the heightened standards set forth in this law for beverages or snacks that are offered for sale.
- b. Caloric information for each item offered shall be provided based on the size of the package offered for sale.

Section 3. Exemptions.

The requirements set forth under section 2(A) of this law shall not apply to restaurants at County golf courses where food and beverages are served by wait staff, the Suffolk County correctional facilities, the Long Island Ducks Stadium, the Vanderbilt Museum or at Suffolk County Community College campuses.

Section 4. Enforcement.

- A. The terms of this law shall be enforced by the County departments which administer contracts for the provision of food or beverages on County property.
- B. The violation of the terms of this law, which are contained in contracts for the provision of food and beverages, shall constitute grounds for termination of a contract.

Section 5. Applicability.

This law shall apply to all concession, cafeteria and vending machine contracts entered into on or after the effective date of this law.

Section 6. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 8. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

DATED: July 29, 2014

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER,
RETURNED BY THE COUNTY EXECUTIVE UNSIGNED AUGUST 29, 2014

After a public hearing duly held on August 11, 2014
Filed with the Secretary of State on September 24, 2014