

EXECUTIVE ORDER NO. 70

To: All Agencies Under the Mayor
From: Michael B. Hancock, Mayor
Date: May 25, 2018
Subject: Healthier City Vending Machines

Purpose: This Executive Order establishes the policy of the City and County of Denver for controlling and providing healthier food and beverage options to City employees in City vending machines. Executive Order No. 70, dated April 29, 2003, “Vending Machines on City Property” is hereby canceled and superseded by this Executive Order.

- 1.0 **Applicable Authority:** The applicable authority for this Executive Order No. 70 is found in Section 2.2.10 of the 2002 revised Charter of the City and County of Denver.
- 2.0 **Delegation of Authority:** Where the City Charter provides exclusive authority to Departments/Agencies other than General Services for the operation of city facilities, such Department Heads hereby delegate authority to implement this Executive Order to General Services with the exception of those exemptions listed in paragraph 8.0.
- 3.0 **Concessionaire:** Except for the Department of Aviation, the National Western Center, or as otherwise approved by the Director of Facilities Management, only one concessionaire shall be allowed to provide any one type of vending service in buildings or facilities owned or operated by the City and County of Denver, except, however, multiple concessionaires may be allowed in buildings or facilities which have vending machines located in public cafeterias or retail spaces that are operated under separate agreements between the City and a concessionaire. Private tenants and lessees of City property may be authorized to operate their own vending machines.
- 4.0 **Healthier Vending Nutrition Standards:** At least 75% of available food and beverages sold in vending machines located in facilities owned or operated by the City shall meet the Healthier Vending Nutrition Standards set forth in the attached Memorandum No. 70A and shall be placed in designated “healthy” vending machine slots.
- 5.0 **Point of Purchase Nutritional Labeling:** All vending machines located in facilities owned or operated by the City shall display nutritional labeling in accordance with the requirements set forth in Food and Drug Administration food labeling regulations 21 C.F.R. §§ 101.8, 101.9.
- 6.0 **Advertising:** Vending machine advertising (machine wraps, posters, etc.) in facilities owned or operated by the City shall be limited to products that meet the City’s Healthier Vending Nutrition Standards.

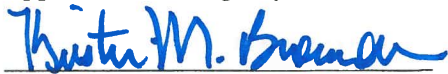
7.0 **Approving Authority:** The Department of General Services shall be the approving and contracting authority for all vending machines located in all buildings or facilities owned or operated by the City except for the Department of Aviation, the National Western Center or as noted below. All vending machines located in buildings or facilities owned or operated by the City facility as of the effective date of this Executive Order shall be reported to the Department of General Services, and the Department of General Services shall take such action on each individual machine as is necessary to comply with the provisions of this Executive Order. All vending machines subsequently placed in any building or facility owned or operated by the City shall be authorized by the Department of General Services in accordance with the provisions of this Executive Order.

8.1 **Exemptions:** The following are exempt from the provisions of this Executive Order:

- a. The Department of Aviation (for tenant and public-facing machines)
- b. The Denver Art Museum
- c. The Denver Museum of Science and Nature
- d. The Denver Botanic Gardens
- e. The Denver Zoo
- f. Denver Arts and Venues
- g. Denver Sheriff Department Inmate Welfare and Recreation Fund
- h. Facilities managed under separate agreement by a third-party
- i. National Western Center (for tenant and public-facing machines)

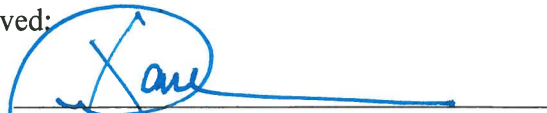
9.1 **MEMORANDUM ATTACHMENTS:** The procedure(s) for implementing this Executive Order may be defined by Memorandum Attachments to the Executive Order which shall become a part of the Executive Order. The Department of General Services, which is responsible for the content of this Executive Order, shall have the authority to issue procedure Memorandum Attachments relative to this Executive Order through the Executive Order Committee.

Approved for Legality:



Kristin Bronson
City Attorney for the City and County
of Denver

Approved:



Michael B. Hancock
Mayor



Kim Day
Chief Executive Officer of Aviation



Robert McDonald
Executive Director of Public Health and
Environment



Murphy Robinson
Executive Director of General Services



Allegra "Happy" Haynes
Executive Director of Parks & Recreation



Eulois Cleckley
Executive Director of Public Works



Brendan Hanlon
Chief Financial Officer



Troy Riggs
Executive Director of Safety



Brad Buchanan
Executive Director of Community Planning
& Development



Don Mares
Executive Director of Human Services

MEMORANDUM NO. 70A

TO: All Agencies Under the Mayor

FROM: Michael B. Hancock, Mayor

DATE: May 25, 2018

SUBJECT: Healthier Vending Nutrition Standards

This Memorandum shall be attached to and become a part of Executive Order No. 70, dated May 25 2018, subject "Healthier City Vending Machines."

These Healthier Vending Nutrition Standards are informed by the General Services Administration's "Health and Sustainable Guidelines for Federal Concessions and Vending Operations"¹, the U.S. Department of Agriculture's "A Guide to Smart Snacks in School"², and the Colorado Department of Public Health and Environment's "Colorado Healthy Hospital Compact".³

Beverages may include any of the following:

- Water (plain, sparkling, flavored with no sweetener);
- Milk or unsweetened non-dairy beverages (nonfat, 1% or 2% less than 12 ounces);
- 100% juice or juice with only fruit/vegetable by-products (less than 8 ounces), with no caloric sweeteners;
- Vegetable juice (with 230 milligrams of sodium or less per serving);
- Unsweetened tea or coffee, with no caloric sweeteners;
- Diet beverages with less than or equal to 40 calories per serving; and
- Other beverages with less than or equal to 40 calories per 8 ounces.

Foods may include any of the following:

- Fresh fruits and vegetables;
- Nuts and seeds with no added sugar; and
- Any other snacks that meet each of the following nutrition standards:
 - Less than or equal to 200 calories;
 - Less than or equal to 10% of calories from saturated fat;
 - Less than or equal to 230 milligrams of sodium;
 - Less than or equal to 35% of calories from sugar; and
 - 0 grams of trans fat.

¹ General Services Administration. Health and sustainable Guidelines for Federal Concessions and Vending Operations. Retrieved July 2016 from:

https://www.gsa.gov/portal/mediald/170091/fileName/Guidelines_for_Federal_Concessions_and_Vending_Operations.action ²

United States Department of Agriculture. Smart Snacks in Schools. Retrieved July 2016 from:

https://www.fns.usda.gov/sites/default/files/tn/USDA_SmartSnacks.pdf

³ Colorado Department of Public Health and Environment. Colorado Healthy Hospital Compact. Retrieved July 2016 from:

https://www.gsa.gov/portal/mediald/170091/fileName/Guidelines_for_Federal_Concessions_and_Vending_Operations.action