



Public Health Law Program

OFFICE FOR STATE, TRIBAL, LOCAL AND TERRITORIAL SUPPORT

Sodium Reduction through Government Procurement: Summary of Related Laws and Policies¹

Government procurement refers to a law or policy that requires food purchased, provided, or made available by a government or executive agency to meet nutritional standards established by public health authorities. The laws and policies collected related to government procurement define the maximum amount of sodium allowed in foods purchased, contracted for, or served by taxpayer-funded facilities.

The following Appendix, Table of Laws and Policies Related to Sodium Reduction through Government Procurement, lists jurisdictions that adopted an executive order or policy to set standards for general nutrient requirements, including those for sodium. Massachusetts's Executive Order 509 authorizes the State Department of Public Health to issue standards for foods purchased and served in state agencies, and mentions sodium in the preamble. Accordingly, the Department of Public Health adopted food standards that include sodium limits for meals, snacks, and other foods served in 9 of the 68 state agencies, although vending, concession, and cafeteria foods were exempted because they are purchased through client or employee funds, rather than through state

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or federal dollars. Guam similarly requires that the Department of Public Health and Social Services and the Department of Administration collaborate to promulgate rules and regulations that will reduce sodium to statutorily-specified levels in foods and snacks offered in government-agency vending machines.

The goal of healthful food procurement laws and policies may be to increase availability of and demand for healthful foods and products. For example,

- In Utah, the policy applied to the meals, snacks, and drinks purchased only by the Department of Health, but other jurisdictions could apply the same principle broadly to include other public departments and agencies.
- In New York City, the local government uses its purchasing power to model a healthy food environment, potentially drive the reformulation of foods, and have an impact on a large population of city employees through city-wide healthful food procurement standards.

For public health and legal practitioners exploring procurement policies as a strategy to reduce populations' sodium intake, these laws and policies highlight examples of jurisdictions currently engaged in this activity.

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Appendix: Table of Laws Related to Sodium Reduction through Government Procurement

Juris-diction	Policy Type	Citation	Authority	Brief Description	Effective Date
GU	Statute <i>all government agencies</i>	GUAM CODE ANN. tit. 5, § 22420.1 (2011)	N/A	Requires the Department of Administration and Public Health and Social Services to promulgate rules and regulations to establish standards providing that <ul style="list-style-type: none"> • Vending machine operators will include a clear and conspicuous statement disclosing the sodium contained in every food item or beverage • At least 50% of vending machine snacks or foods <ul style="list-style-type: none"> ○ Shall not have more than 360 mg sodium/serving ○ Include at least one item that meets FDA's definition of low sodium (140 mg/serving) 	Jan. 2012
MA	Executive Order and Policy <i>nine state agencies</i>	MASS. DEP'T OF PUBLIC HEALTH, WELLNESS UNIT, MASS. STATE AGENCY FOOD STANDARDS (2010)	<ul style="list-style-type: none"> • Exec. Order No. 509, 1122 Mass. Reg. 37 (Jan. 23, 2009) • MASS. CONST. pt. 2, ch. 2, §1, art. 1 	Requires food purchased and served to meet nutritional standards defined by Department of Public Health (preamble citing decreasing sodium). Vending, concession, and cafeteria foods were exempted.	July 1, 2009

Juris-diction	Policy Type	Citation	Authority	Brief Description	Effective Date
New York City	Policy <i>all government agencies</i>	N.Y. CITY AGENCY FOOD STANDARDS, PART I: STANDARDS FOR MEALS/SNACKS PURCHASED AND SERVED (2009)	Exec. Order No. 122, N.Y. City Legis. Annual (Sept. 19, 2008)	Requires food purchased and served to follow sodium limit guidelines (except purchased foods that follow an agency's sodium reduction plan over a three-year period), as well as guidelines for other nutrients.	Mar. 19, 2009
UT	Policy <i>procurement* Department of Health</i>	UTAH DEP'T OF HEALTH, BUREAU OF HEALTH PROMOTION, HEALTHY FOOD POLICY (2009)	UTAH ADMIN. CODE r. 33-2 (2003)	Requires meals, snacks, and drinks purchased with Department of Health funds to include drinks and foods low in sodium and added sugars (among other nutritional requirements)	None found