

EXECUTIVE ORDER NO. 4 - 14

ESTABLISHING NUTRITION STANDARDS FOR FOOD AND BEVERAGES PURCHASED, PREPARED, OR SERVED BY CITY AGENCIES

WHEREAS, Philadelphia and other communities across the U.S. are increasingly committed to making the healthy choice the default choice for residents and employees seeking to live healthy, active, and fulfilled lives;

WHEREAS, eating healthfully is an important part of ensuring that Philadelphians live healthy and fulfilled lives;

WHEREAS, hunger and obesity in Philadelphia result from poor nutritional intake and inadequate access to healthy, nutritious foods;

WHEREAS, numerous City agencies purchase food and beverages on a regular basis, and these choices impact thousands of City residents and workers, including youth and other vulnerable populations in afterschool programs, homeless shelters, prisons, and via vending machines;

WHEREAS, science-based nutrition standards can improve the quality and appeal of foods served through municipal programs, and reduce food waste;

WHEREAS, City agencies recognize and understand the importance of offering a broad choice of healthy food and beverages to their employees and clients, and wish to make the healthy choice the default choice for thousands of Philadelphians, especially youth;

WHEREAS, City agencies recognize the importance of collaborating on this important issue and understand that input and insights from all affected agencies will aid in establishing appropriate nutrition standards that will benefit a great number of Philadelphians; and

WHEREAS, by establishing and implementing nutrition standards, the City can set an example for businesses and institutions on how to improve nutritional options for their clients and employees.

NOW, THEREFORE, I, Michael A. Nutter, by the powers vested in me by the Philadelphia Home Rule Charter, hereby **ORDER** as follows:

SECTION 1. DEFINITIONS

“City Agency.” Any office, agency, department, board, or commission in the Executive and Administrative Branch.

“City Contract.” Any contract awarded or executed by a City Agency that either calls for the provision of food or beverages; or that provides for direct or indirect City funding of the

purchase, preparation, or service of food or beverages; all regardless whether food or beverages are a predominant or incidental component of the contract or funding.

“Nutrition Standards.” The nutrition standards and guidelines promulgated by the Health Commissioner pursuant to Section 4 of this Executive Order.

SECTION 2. SCOPE AND MANDATE

(A) The Nutrition Standards shall apply to all City Contracts, except as provided in Section 2(C).

(B) City Agencies, in collaboration with the Department of Public Health, shall ensure that all food and beverages purchased, prepared, or served in connection with a City Contract comply with the Nutrition Standards. All City Contracts shall so provide.

(C) The Nutrition Standards:

(1) Shall be mandatory for City Contracts awarded pursuant to solicitation commenced (whether by sealed bid, request for proposal, or other means) on or after July 1, 2014;

(2) Shall not be mandatory for City Contracts awarded pursuant to solicitation commenced (whether by sealed bid, request for proposal, or other means) before July 1, 2014; however, to the extent feasible, City Agencies shall endeavor to implement the Nutrition Standards for such City Contracts.

SECTION 3. EXCEPTION

Notwithstanding the provisions specified in Section 2, the Nutrition Standards shall not apply where loss of state or federal government funding will result, or where the Health Commissioner finds other extenuating circumstances.

SECTION 4. NUTRITION STANDARDS ESTABLISHED THROUGH COLLABORATION BETWEEN CITY AGENCIES

(A) The Health Commissioner, in collaboration with City Agencies expected to be affected by this Executive Order, shall develop and make publicly available a document detailing the nutrition standards and guidelines required by this Executive Order. Affected City Agencies shall provide implementation suggestions and information about their current food and beverage purchase, preparation, and service activities.

(B) The purpose of the Nutrition Standards is to ensure that the City offers a broad range of healthy food and beverages. The Nutrition Standards may vary by City Agency and City Contract if the Health Commissioner, at his or her discretion, determines that such variance is warranted for reasons including, but not limited to, day-to-day operations, food and beverage

costs, and seasonal restrictions on particular food or beverages. In addition, the Health Commissioner may, at his or her discretion, phase in the Nutrition Standards to provide for gradual modification of prevailing food preferences.

(C) The Health Commissioner may, as appropriate, amend the Nutrition Standards in accordance with his or her review of the latest scientific data and dietary guidance. The Health Commissioner shall provide adequate notice of any such amendment to all City Agencies then responsible for implementing the Nutrition Standards.

SECTION 5. EFFECTIVE DATE

This Executive Order shall take effect immediately.

10/11/14
DATE


MICHAEL A. NUTTER, MAYOR
CITY OF PHILADELPHIA