
**SENATE COMMITTEE ON
BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT**
Senator Richard Roth, Chair
2021 - 2022 Regular

Bill No:	SB 225	Hearing Date:	January 10, 2022
Author:	Wiener		
Version:	January 3, 2022		
Urgency:	No	Fiscal:	No
Consultant:	Hannah Frye		

Subject: Vending Machines

SUMMARY: This bill requires a person who owns a vending machine to post their telephone number, email address, or both, on a vending machine, in addition to the requirements under current law to post their name and address.

Existing Federal Law:

- 1) Specifies that vending machine operators subject to §§ 403(q)(5)(H)(viii) of the Federal Food, Drug, and Cosmetic Act, or a vending machine operator that voluntarily registers to be subject to the requirements, must provide the following contact information on vending machines selling covered vending machine food: the vending machine operator's name, telephone number, and mailing address or email address. (21 CFR 101.8(e))

Existing State Law:

- 1) Requires every person who owns a vending machine to have their name and address affixed in a place where it may be seen by anyone using the machine. A violation of this requirement is a misdemeanor punishable by imprisonment in the county jail for up to six months, by a fine of up to \$1,000, or by both, for each violation. (Business and Professions Code §§ 17570 and 17572)
- 2) Requires each vending machine to have a sign indicating the owner's name, address, and telephone number posted in a prominent place. (Health and Safety Code §§ 114145)

This bill:

- 1) Requires that, in addition to posting their name and address, a person who owns a vending machine must also post their telephone number, email address, or both on the machine in a conspicuous location.
- 2) States that violation of these provisions shall not be classified as a misdemeanor and that the potential punishments for violation of this section shall not apply to these new provisions.

FISCAL EFFECT: Unknown. This bill is not keyed fiscal by Legislative Counsel.

COMMENTS:

1. **Purpose.** This bill is sponsored by the author. According to the author, “Existing law does not ensure that individuals who may be utilizing a vending machine (i.e. damage to machine, electronic issues) can report issues adequately to the owner of said vending machine – this bill addresses that by requiring that a telephone or email address (or both) is also posted.”
2. **Vending Machine Definitions and Regulatory Standards.** A vending machine is classified as a mechanical device which is operated by the insertion of a coin or item representative of a value of five cents or more in order to dispense a product, service, or exchange of value. In the state of California, all vending machines are required to be constructed and maintained in accordance with the standards for health, safety, and performance set by NSF International (NSF) and the American National Standards Institute (ANSI). NSF is an independent, international organization which develops public health standards and provides auditing and certification services. ANSI is a private, non-profit organization which administers and organizes the United States voluntary standards and conformity assessment system. These two organizations collaborate to produce an annual American National Standard for vending machines (most recent publication: *NSF/ANSI 25-2021: Vending Machines for Food and Beverages*).
3. **Vending Machine Owner Contact Information.** Presently, the only contact information required to be displayed on a vending machine in California is the machine owner’s name and address according to the Business & Professions Code. However, the Health and Safety Code requires that vending machines display the owner’s name, address, and telephone number. SB 225 proposes updates to the Business & Professions Code to require the addition of either the vending machine’s telephone number or an email address (or both). This bill does not specify whether the owner of the machine must post their professional, personal, or office contact information, therefore it is left to the discretion of the machine owner regarding which form of contact information should be displayed on the machine.

The proposed changes regarding the listing of owner contact information on vending machines may be useful for vending machine consumers, facility owners, construction or maintenance workers, and others who may wish to contact a vending machine’s owner. However, it is important to note that SB 225 does specify that failure to list an owner’s email or telephone number on a machine is exempt from classification as a misdemeanor. Therefore, the penalties associated with failure to list a vending machine owner’s name and address do not apply if a machine owner does not list their telephone number or email address.

4. **Comments.**
 - a) *Clarification of required email address or telephone number type.* SB 225 does not specify the type of email address or telephone number that must be displayed on a vending machine. Therefore, this language leaves this decision to the discretion of the vending machine owner regarding whether to display an office, professional, or personal telephone number or email address. It may be useful to specify the nature of the machine owner’s telephone number or email address

displayed on their respective vending machines, especially regarding a requirement that the telephone number or email address must be active and routinely checked for new messages by the vending machine owner.

- b) *Penalty for failure to meet contact information requirements.* The penalty for a violation of current California state law regarding the placement of owner contact information on vending machines is classified as a misdemeanor punishable by imprisonment in the county jail for up to six months, by a fine of up to \$1,000 or by both. SB 225 specifies that failure to list the owner's telephone number or email address is not a criminal offense; therefore, these punishments do not apply if a vending machine owner fails to comply with these new provisions. While this exemption ensures that current vending machine owners are not punished if they cannot immediately update the contact information listed on all of their existing machines, it also provides no impetus for vending machine owners to incorporate updated contact information on existing or new vending machines. The author may wish to consider a grace period for these new provisions before including them in existing enforcement mechanisms. This allows time for vending machine owners to update contact information on existing machines, while ensuring that both new and existing vending machines all comply with these new provisions.

SUPPORT AND OPPOSITION:

Support:

None received

Opposition:

None received

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