

Competitive Food and Beverage Legislation

AN ACT CONCERNING HEALTHY FOOD AND BEVERAGES IN SCHOOLS.

Section 1. (NEW) (*Effective July 1, 2008*) (a) Except as otherwise provided in subsection (b) of this section, each local and regional board of education and the governing authority for each state charter school, interdistrict magnet school and endowed academy shall permit at schools under its jurisdiction the sale of only the following beverages to students from any source, including, but not limited to, school stores, vending machines, school cafeterias, and any fund-raising activities on school premises, whether or not school sponsored:

- (1) Low-fat or non-fat milk that may be flavored and no more than 150 kcal/8 ounces,
- (2) Low-fat or non-fat nutritionally equivalent nondairy milks such as soy or rice milk, which may be flavored, and no more than 150 kcal/8 ounces,
- (3) one hundred per cent fruit juice, vegetable juice or combination of such juices, containing no added sugars or sweeteners with up to 120 kcal/8 ounces, and
- (4) bottled water, which may be flavored but contain no added sugars, sweeteners, or caffeine.
- (5) At the high school level, beverages may include all of the above and
 - a. No-or low- calorie beverages with up to 10 calories / 8 ounces and
 - b. other mid-calorie beverages such as light juices, light teas, and sports drinks with no more than 66 calories / 8 ounces.

Portion sizes of beverages, other than water as described in subdivision (5) of this subsection, that are offered for sale pursuant to this subsection shall not exceed 8 ounces for elementary school, 10 ounces for middle school and 12 ounces for high school. If middle school and high school students have shared access to areas on a common campus or in common buildings, then the school community has the option to adopt the high school standard.

(b) This shall apply to all beverages sold on school grounds during the regular and extended school day. The extended school day includes activities such as clubs, yearbook, band and choir practice, student government, drama, and childcare / latchkey programs.

Each such board of education or governing authority may permit at schools under its jurisdiction, the sale to students of beverages that are not listed in subsection (a) of this section, provided

- (1) such sale is in connection with an event such as interscholastic sporting events, school plays, and band concerts where parents and other adults constitute a significant portion of the audience or are selling beverages as boosters
- (2) such sale is at the location of such event, and
- (3) such beverages are not sold from a vending machine or school store.

Sec. 2. (NEW) (*Effective July 1, 2008*) Not later than August 1, 2008, and January first of each year thereafter, the Department of Education shall publish a set of nutrition standards for food items offered for sale to students at schools. Such standards shall not apply to food sold as part of the National School Lunch Program and School Breakfast Program unless such items are purchased separately from a school lunch or breakfast that is reimbursable under such program.

Sec. 3. (NEW) (*Effective July 1, 2006*) (a) Each local and regional board of education, the regional vocational-technical school system, and the governing authority for each state charter school, interdistrict magnet school and endowed academy that participates in the National School Lunch Program shall certify in its annual application to the Department of Education for school lunch funding whether, during the school year for which such application is submitted, all food items made available for sale to students in schools under its jurisdiction and not exempted from the nutrition standards published by the Department of Education pursuant to section 2 of this act will meet said standards. Except as otherwise provided in subsection (b) of this section, such certification shall include food not exempted from said nutrition standards and offered for sale to students at all times, and from all sources, including, but not limited to, school stores, vending machines, school cafeterias, and any fundraising activities on school premises, whether or not school sponsored.

(b) Each board of education, the regional vocational-technical school system and each governing authority that certifies pursuant to this section compliance with the department's nutrition standards for food may exclude from such certification the sale to students of food items that do not meet such standards, provided

- (1) such sale is in connection with an event occurring after the end of the regular school day or on the weekend,
- (2) such sale is at the location of such event, and
- (3) such food is not sold from a vending machine or school store.

Sec. 4. (NEW) (a) The State Board of Education is authorized to expend in each fiscal year an amount equal to

- (1) the money required pursuant to the matching requirements of said federal laws and shall disburse the same in accordance with said laws, and
- (2) ten cents per lunch served in the prior school year in accordance with said laws by any local or regional board of education, the regional vocational-technical school system or governing authority of a state charter school, interdistrict magnet school or endowed academy that participates in the National School Lunch Program and certifies pursuant to section 3 of this act that the nutrition standards established by the Department of Education pursuant to section 2 of this act shall be met.

(b) The State Board of Education shall prescribe the manner and time of application by local and regional boards of education such board of education, the regional vocational-technical school system, such governing authority or controlling authority of the nonpublic schools for such funds, provided such application shall include the certification that any funds received pursuant to subsection (a) of this section shall be used for the program approved. The State Board of Education shall determine the eligibility of the applicant to receive such grants pursuant to regulations provided in subsection (c) of this section and shall certify to the Comptroller the amount of the grant for which the board of education, or the regional vocational-technical school system, the governing authority or the controlling authority of a nonpublic school is eligible. Upon receipt of such certification, the Comptroller shall draw an order on the Treasurer in the amount, at the time and to the payee so certified.

(c) The State Board of Education may adopt such regulations as may be necessary in implementing these sections.

(d) The Commissioner of Education shall establish a procedure for monitoring compliance by boards of education, the regional vocational-technical school system, or governing authorities with certifications submitted in accordance with section 3 of this act and may adjust grant amounts pursuant to subdivision (2) of subsection (a) of this section based on failure to comply with said certification.

Sec. 5. (NEW) (*Effective July 1, 2006*) Nonpublic schools and nonprofit agencies may participate in the school breakfast, lunch and other feeding programs under such regulations as may be promulgated by the State Board of Education in conformance with said sections and under the federal laws governing said programs.

Sec. 6. (NEW) (*Effective July 1, 2006*) Each local and regional board of education and governing authority for each state charter school, interdistrict magnet school and endowed academy shall make available in the schools under its jurisdiction for purchase by students enrolled in such schools nutritious, and low-fat foods, and drinks, which shall include, but shall not be limited to, low-fat milk, one hundred per cent natural fruit juices and water at all times when drink is available for purchase by students in such schools and low-fat dairy products and fresh or dried fruit at all times when food is available for purchase by students in such schools during the regular school day.

Sec. 7. Sections 1 and 2 of this Act apply upon enactment to contracts entered into or extended on or after enactment of this Act. If a school district is operating under a contract entered into before the enactment of this Act, the local or regional board of education or governing authority for each state charter school, interdistrict magnet school or endowed academy shall comply with the requirements of sections 1 and 2 of this 2007 Act upon expiration of the contract or on September 1, 2009, whichever is first.