



IN THE GENERAL ASSEMBLY STATE OF _____

Competitive School Food and Beverage Act

1 Be it enacted by the People of the State of _____, represented in the General
2 Assembly:

3 **Section 1. Title.** This act shall be known as and may be cited as the “**Competitive School**
4 **Food and Beverage Act.**”

5 **Section 2. Purpose.** The Legislature hereby finds and declares that:

6 a) Childhood obesity has reached epidemic levels in this (State) and throughout the
7 nation. Studies show approximately 17% of American children are obese, and the
8 rates have doubled in children and tripled in teens over the past two decades.

9 b) Overweight and obese children are at a higher risk for long-term health problems,
10 including: heart disease, stroke, type 2 diabetes, certain cancers, high blood pressure
11 and gallbladder disease. Health experts agree one of the most effective ways to
12 prevent these chronic diseases is to establish policies and programs to help children
13 and adolescents develop healthy eating and physical activity habits they can maintain
14 throughout their lives.

15 c) A child who is physically healthy is more likely to be academically motivated, alert
16 and successful. Good nutrition plays an important role in learning and cognitive
17 development. Inadequate diet and hunger have been found to adversely influence the
18 ability to learn and to decrease motivation and attentiveness.

- 1 d) The school environment significantly influences the foods children eat nearly every
2 day. While the United States Department of Agriculture (USDA) regulates the
3 nutritional quality of meals sold under its reimbursable school lunch and breakfast
4 programs, similar standards do not exist for foods and beverages sold individually
5 outside the USDA meal programs. This includes foods sold through vending
6 machines, a la carte lines, fundraisers and school stores. These foods are often high
7 in added sugars, salt or saturated fats and trans fats.
- 8 e) Nutrition-poor foods in schools undermine parents' efforts to feed their children well.
9 Parents entrust schools with the care of their children during the school day. Without
10 their parents' knowledge, some children spend their lunch money on low-nutrition
11 foods from vending machines and a la carte lines, rather than on balanced school
12 meals.
- 13 f) A 2006 Centers for Disease Control study found that 33 percent of elementary
14 schools, 71 percent of middle schools, and 89 percent of high schools had vending
15 machines, a school store, canteen, or snack bar where students could buy food. Most
16 of what was sold was of poor nutritional quality.
- 17 g) Studies show an association between the availability of competitive foods in schools
18 and higher intakes of total calories, total fat and saturated fat, and soft drinks; and
19 lower intakes of fruits, vegetables, milk and key nutrients.
- 20 h) Schools are switching to the sale of healthier foods without losing revenue. The
21 USDA and the Centers for Disease Control and Prevention (CDC) studied 17 schools
22 and school districts reporting income data after improving the nutritional quality of

1 school foods and beverages. After improving their school foods, 12 schools and
2 school districts increased their revenue and four reported no change.

3 **Section 3 Definitions.** For purposes of this section, unless the context otherwise requires:

4 a) “Competitive foods and beverages.” Foods and beverages sold outside of
5 reimbursable school meals .-- served or sold through vending machines, cafeteria a la
6 carte lines, fundraisers and school stores on campus throughout the school day.

7 b) “A la carte line.” The portion of the school selling individual items, as opposed to a
8 complete meal.

9 c) “School day.” The period of time between the arrival of the first student at the school
10 building and the end of the last instructional period. The term shall not include
11 periods of time before or after the school day which are commonly used for
12 extracurricular activities such as clubs, yearbook, band, choir, student government,
13 drama and sports.

14 d) “USDA.” The United States Department of Agriculture.

15 **Section 4. Requirements.** Nutritional standards for foods and beverages sold individually
16 on school grounds during the school day.

17 a) All competitive foods and beverages served or sold in each school district must meet
18 the following specific guidelines that must be applied campus-wide:

19 1. Beverages:

20 (a) Elementary and Middle School:

21 1. Water without additives, sweetener or carbonation

22 2. One percent and non-fat milk in 8 ounce portions.

23 a. Lactose-free and soy beverages

1 b. Flavored milk with no more than 22 grams of total sugars per 8 ounce
2 portion.

3 3. 100 percent fruit juice in 4 ounce portion as packaged

4 4. Must be caffeine-free with the exception of trace amounts of naturally
5 occurring caffeine substances.

6 (a) High School

7 1. Water without flavoring, additives or carbonation

8 2. One percent and non-fat milk in 8 ounce portions.

9 a. Lactose-free and soy beverages

10 b. Flavored milk, with no more than 22 grams of total sugars per 8 ounce
11 portion

12 c. 100 percent fruit juice no more than 8 ounces

13 d. Must be caffeine-free with the exception of trace amounts of naturally
14 occurring caffeine substances.

15 e. Non caffeinated, non-fortified beverages with fewer than 5 calories per
16 portion as packaged (with or without non-nutritive sweeteners,
17 carbonation, or flavoring (can be offered after regular school hours)

18 2. Foods:

19 a. Fruits, vegetables, whole grains, and related combination products and non-fat
20 and low-fat dairy that are limited to 200 calories or fewer per portion as
21 packaged and contains:

22 1. no more than 35 percent of total calories from fat;

23 2. less than 10 percent of total calories from saturated fats;

- 1 3. zero trans fat (less than or equal to 0.5 grams per serving);
- 2 4. 35 percent or less of calories from total sugars, except for yogurt with no
- 3 more than 30 grams of total sugars per 8 ounce as packaged;
- 4 5. a sodium content of 200 milligrams or less per portion as packaged.
- 5 6. Combination products must contain a total of one or more servings as
- 6 packaged of fruit, vegetables, or whole grain products per portion.

7 **Section 5. Effective Date.** This Act shall become effective immediately upon being enacted
8 into law.

9 **Section 6. Severability.** If any provision of this Act is held by a court to be invalid, such
10 invalidity shall not affect the remaining provisions of this Act, and to this end the provisions
11 of this Act are hereby declared severable.