



# WORKING DRAFT

General Assembly

February Session, 2006

***Raised Bill No.***

LCO No. 366

\*00366

\*

Referred to Committee on

Introduced by:

## ***AN ACT CONCERNING HEALTHY FOOD AND BEVERAGES IN SCHOOLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) Except as otherwise  
2 provided in subsection (b) of this section, each governing authority of  
3 public schools and endowed academies approved pursuant to section  
4 10-34 of the general statutes, shall permit at schools under its  
5 jurisdiction the sale of only the following beverages to students from  
6 any source, including, but not limited to, school stores, vending  
7 machines, school cafeterias, and any fund-raising activities on school  
8 premises, whether or not school sponsored: (1) Two per cent fat milk,  
9 one per cent fat milk and nonfat milk, that may be flavored but contain  
10 no artificial sweeteners and no more than thirty-two grams of sugar  
11 per eight ounce serving, or four grams per ounce, (2) nondairy milks  
12 such as soy or rice milk, which may be flavored but contain no  
13 artificial sweeteners, no more than thirty-two grams of sugar per eight  
14 ounce serving, or four grams per ounce, ~~no more than thirty-five per~~  
15 cent of calories from fat per serving and no more than ten per cent of

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16 calories from saturated fat per serving, (3) one hundred per cent fruit  
17 juice, vegetable juice or combination of such juices, containing no  
18 added sugars, sweeteners or artificial sweeteners, (4) beverages that  
19 contain only water and fruit or vegetable juice and have no added  
20 sugars, sweeteners or artificial sweeteners, and (5) water, which may  
21 be flavored but contain no added sugars, sweeteners, artificial  
22 sweeteners or caffeine. Portion sizes of beverages, other than water as  
23 described in subdivision (5) of this subsection, that are offered for sale  
24 pursuant to this subsection shall not exceed twelve ounces.

25 (b) A governing authority of public schools or endowed academies  
26 approved pursuant to section 10-34 of the general statutes may permit  
27 at schools under its jurisdiction, the sale to students of beverages that  
28 are not listed in subsection (a) of this section, provided (1) such sale is  
29 in connection with a school sponsored event occurring after the end of  
30 the regular school day or on the weekend, (2) such sale is at the  
31 location of such event, and (3) such beverages are not sold from a  
32 vending machine or school store.

33 Sec. 2. (NEW) (*Effective July 1, 2006*) Not later than August 1, 2006,  
34 and January first of each year thereafter, the Department of Education  
35 shall publish a set of nutrition standards for food items offered for sale  
36 to students at schools. Such standards shall not apply to food sold as  
37 part of the National School Lunch Program and School Breakfast  
38 Program unless such items are purchased separately from a school  
39 lunch or breakfast that is reimbursable under such programs.

40 Sec. 3. (NEW) (*Effective July 1, 2006*) (a) Each governing authority of  
41 public schools and endowed academies approved pursuant to section  
42 10-34 of the general statutes that participates in the National School  
43 Lunch Program shall certify in its annual application to the  
44 Department of Education for school lunch funding whether, during  
45 the school year in which such application is submitted, all food items  
46 made available for sale to students in schools under its jurisdiction and  
47 not exempted from the nutrition standards published by the

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48 Department of Education pursuant to section 2 of this act will meet  
49 said standards. Except as otherwise provided in subsection (b) of this  
50 section, such certification shall include food not exempted from said  
51 nutrition standards and offered for sale to students at all times, and  
52 from all sources, including, but not limited to, school stores, vending  
53 machines, school cafeterias, and any fundraising activities on school  
54 premises, whether or not school sponsored.

55 (b) A governing authority of public schools or an endowed academy  
56 approved pursuant to section 10-34 of the general statutes certifying  
57 pursuant to this section compliance with the department's nutrition  
58 standards for food may exclude from such certification the sale to  
59 students of food items that do not meet such standards, provided (1)  
60 such sale is in connection with a school sponsored event occurring  
61 after the end of the regular school day or on the weekend, (2) such sale  
62 is at the location of such event, and (3) such food is not sold from a  
63 vending machine or school store.

64 Sec. 4. Section 10-215b of the general statutes is repealed and the  
65 following is substituted in lieu thereof (*Effective July 1, 2006*):

66 (a) The State Board of Education is authorized to expend in each  
67 fiscal year an amount equal to (1) the money required pursuant to the  
68 matching requirements of said federal laws and shall disburse the  
69 same in accordance with said laws, and (2) ten cents per lunch served  
70 in the prior school year in accordance with said laws by any governing  
71 authority of public schools or endowed academies approved pursuant  
72 to section 10-34 that participate in the National School Lunch Program  
73 and certify pursuant to section 3 of this act that the nutrition standards  
74 established by the Department of Education pursuant to section 2 of  
75 this act shall be met.

76 (b) The State Board of Education shall prescribe the manner and  
77 time of application by [local and regional boards of education]  
78 governing authorities of public schools or controlling authority of the

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79 nonpublic schools for such funds, provided such application shall  
80 include the certification that any funds received pursuant to subsection  
81 (a) of this section shall be used for the program approved. The State  
82 Board of Education shall determine the eligibility of the applicant to  
83 receive such grants pursuant to regulations provided in subsection (c)  
84 of this section and shall certify to the Comptroller the amount of the  
85 grant for which the [board of education] governing authority of a  
86 public school or nonpublic school is eligible. Upon receipt of such  
87 certification, the Comptroller shall draw an order on the Treasurer in  
88 the amount, at the time and to the payee so certified.

89 (c) The State Board of Education may adopt such regulations as may  
90 be necessary in implementing sections 10-215 to 10-215b, inclusive.

91 (d) The Commissioner of Education shall establish a procedure for  
92 monitoring compliance by governing authorities of public schools and  
93 endowed academies approved pursuant to section 10-34 with  
94 certifications submitted in accordance with section 3 of this act and  
95 may adjust grant amounts pursuant to subdivision (2) of subsection (a)  
96 of this section based on failure to comply with said certification.

97 Sec. 5. Section 10-215a of the general statutes is repealed and the  
98 following is substituted in lieu thereof (*Effective July 1, 2006*):

99 Nonpublic schools and nonprofit agencies may participate in the  
100 school breakfast, lunch and other feeding programs provided in  
101 sections 10-215 to 10-215b under such regulations as may be  
102 promulgated by the State Board of Education in conformance with said  
103 sections and under the federal laws governing said programs, except  
104 that such schools, other than the endowed academies approved  
105 pursuant to section 10-34, and agencies shall not be eligible for the  
106 funding described in subdivision (2) of subsection (a) of section 10-  
107 215b, as amended by this act.

108 Sec. 6. Section 10-221p of the general statutes is repealed and the  
109 following is substituted in lieu thereof (*Effective July 1, 2006*):

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110 Each [local and regional board of education] governing authority of  
111 public schools and endowed academies approved pursuant to section  
112 10-34, shall make available in the schools under its jurisdiction for  
113 purchase by students enrolled in such schools nutritious [,] and low-fat  
114 foods, [and drinks,] which shall include, but shall not be limited to,  
115 [low-fat milk, one hundred per cent natural fruit juices and water at all  
116 times when drink is available for purchase by students in such schools  
117 and] low-fat dairy products and fresh or dried fruit at all times when  
118 food is available for purchase by students in such schools during the  
119 regular school day.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2006</i>	New section
Sec. 2	<i>July 1, 2006</i>	New section
Sec. 3	<i>July 1, 2006</i>	New section
Sec. 4	<i>July 1, 2006</i>	10-215b
Sec. 5	<i>July 1, 2006</i>	10-215a
Sec. 6	<i>July 1, 2006</i>	10-221p

### **Statement of Purpose:**

To limit the distribution of unhealthy beverages and encourage the distribution of healthy foods and beverages to students in schools and to make minor changes to the school lunch program.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

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