Model School Foods Reform Legislation

Introduced by (legislator's name)

Date

The people of the State of (your state) do enact as follows:

SECTION 1. The Legislature finds and declares as follows:

(a) Childhood obesity has reached epidemic levels in (your state) and throughout the nation. Studies show that approximately 16.5 percent of American children are obese and the rates have doubled in children and tripled in teens over the past two decades.

(b) Overweight and obese children are at higher risk for long-term health problems, including heart disease, stroke, type 2 diabetes, certain cancers, high blood pressure, and gallbladder disease. The lives of overweight youth are often also affected by discrimination, psychological stress, poor body image, and low self-esteem. Childhood obesity significantly increases the risk of obesity in adulthood.

(c) Two-thirds of all deaths in (State) result from four chronic diseases: heart disease, cancer, stroke, and diabetes. Health experts agree that one of the most effective ways to prevent these chronic diseases is to establish policies and programs that help children and adolescents to develop healthy eating and physical activity habits they can maintain throughout their lives.

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

(e) The school environment significantly influences the foods children eat nearly every day. While the United States Department of Agriculture (USDA) regulates the nutritional quality of meals sold under its reimbursable school lunch and breakfast programs, similar standards do not exist for foods and beverages that are sold individually outside the USDA meal programs, such as through vending machines, à la carte lines, fundraisers, and school stores. Those foods are often high in added sugars, salt, or saturated and trans fat.

(f) Only 2% of children (2 to 19 years) meet the five main recommendations for a healthy diet from the USDA. Soft drink consumption has doubled over the last 30 years. USDA surveys have found that children ages 2 to 18 years consumed an average of 118 more calories per day in 1996 than they did in 1978. According to the USDA, the increases are largely driven by increased intakes of foods and beverages high in added
sugars (especially sodas, fruit drinks, cookies and other sweet baked goods). Only one-third of children eat the recommended amount of fruit, and about three-quarters of school-age children consume too much saturated fat and sodium and not enough fiber.

(g) Nutrition-poor foods in schools undermine parents’ efforts to feed children well. Parents entrust schools with the care of their children during the school day. Without their parents’ knowledge, some children spend their lunch money on low-nutrition foods from vending machines and a la carte lines, rather than on balanced school meals.

(h) Schools are switching to selling healthier foods without losing revenue. The USDA and the Centers for Disease Control and Prevention (CDC) studied 17 schools and school districts that reported income data after improving the nutritional quality of school foods and beverages. After improving their school foods, 12 schools and districts increased their revenue and four reported no change.

SECTION 2. Nutrition Standards for Foods and Beverages Sold Individually on School Grounds during the School Day

(a) The sale of all foods on school grounds shall be approved by the school food service program.

(b) Individual items served or sold individually (i.e., foods sold outside of reimbursable school meals, such as through vending machines, cafeteria a la carte [snack] lines, fundraisers, school stores, etc.) at elementary and secondary schools anywhere on campus throughout the school day shall meet the standards as set forth in subdivision (c) and (d).

(c) Elementary Schools. The school food service program will approve and provide all food and beverage sales to students in elementary schools. Given young children’s limited nutrition skills, food in elementary schools should be sold as balanced meals. If available, foods and beverages sold individually should be limited to low-fat and non-fat milk, fruits, and non-fried vegetables.

(d) Middle/Junior High and High Schools. In middle/junior high and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, student stores, fundraising activities, etc.) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:
(1) **Beverages**

(i) **Allowed:** water or seltzer water\(^1\) without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 50% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free fluid milk and nutritionally-equivalent nondairy beverages (to be defined by USDA);

(ii) **Not allowed:** soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 50% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine, excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

(2) **Foods.** A food item sold individually:

(i) will have no more than 35% of its calories from fat (excluding nuts, seeds, peanut butter, and other nut butters) and 10% of its calories from saturated and trans fat combined;

(ii) will have no more than 35% of its weight from added sugars; if a food manufacturer fails to provide the added sugars content of a food item, schools can use the percentage of weight from total sugars (in place of the percentage of weight from added sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.

(iii) will contain no more than 230 mg of sodium per serving for chips, cereals, crackers, French fries, baked goods, and other snack items; will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg of sodium for pizza, sandwiches, and main dishes.

(3) A choice of at least two fruits and/or non-fried vegetables will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables; fruit-based drinks that are at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines). Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate fruits, vegetables, yogurts, and other perishable items.

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\(^1\) Surprisingly, seltzer water may not be sold during meal times in areas of the school where food is sold or eaten because it is considered a “Food of Minimal Nutritional Value” (Appendix B of 7 CFR Part 210).
(4) Portion Sizes. Portion sizes of foods and beverages sold individually will be limited to:

(i) One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;

(ii) One ounce for cookies;

(iii) Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items;

(iv) Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;

(v) Eight ounces for non-frozen yogurt;

(vi) Twelve fluid ounces for beverages, excluding water; and

(vi) The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

(e) For purposes of this section, “school day” is defined as the period of time between the arrival of the first student at the school building and the end of the last instructional period.

(f) Nothing in this section shall be construed to prohibit or limit the sale of any food or beverage item to teachers, administrators, or other adult school employees in a separate area that is inaccessible to students.

(g) Five years after enactment of this act and every five years subsequently, the (State) Department of Education, in consultation with the (State) Department of Health, shall review and, if necessary, revise and update the nutrition and portion size standards set forth in (c) and (d) to reflect advancements in nutrition science, dietary trend data, and new product availability.

SECTION 3. Enforcement of Nutrition Standards

The Superintendent of Public Education shall supervise the implementation of this Act and shall address acts of noncompliance. Any public school that the Superintendent of Public Education finds has failed to comply with this Act shall be subject to a penalty to be assessed as follows:
(a) The first violation shall result in a fine of no less than one week’s revenue from the sale of foods and beverages sold outside of the reimbursable school meal programs;

(b) Subsequent violations shall result in a fine of no less than one month's revenue from the sale of foods and beverages sold outside of the reimbursable school meal programs; and

(c) Revenue collected as a result of the fines in this subsection shall be transferred to the food service fund of the local school district.

(d) "Habitual violations," which means five or more violations within a six-month period, shall result in a six-month ban on the sale of foods and beverages outside of the reimbursable school meal programs for the violating school.