

The Healthy Food for Healthy Kids Act

Section I: Findings.

Whereas: Globally, diet-related chronic diseases are the leading cause of death;

Whereas: Many children consume one-third to one-half of their daily calories during the school day;

Whereas: The 2012 nutrition standards for school meals (Nutrition Standards in the National School Lunch and School Breakfast Programs, 77 Fed. Reg. 4088 [Jan. 26, 2012]) and 2016 nutrition standards for competitive foods (National School Lunch Program and School Breakfast Program - Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010, 81 Feb. Reg. 50131 [July 29, 2016]) promulgated by the U.S. Department of Agriculture were estimated to save up to \$792 million in health-care related costs over ten years and prevent more than two million cases of childhood obesity;

Whereas: More than 99 percent of participating U.S. schools and, as of [year], [X] percent of schools participating in [STATE], were meeting the 2012 school meal nutrition standards;

Whereas: Studies conducted by USDA and other researchers have shown that since the implementation of the 2012 school meal standards the nutritional quality of school meals has significantly increased; students are eating more healthy food; food waste has either remained the same or decreased; and student participation rates are higher in schools where the meals are healthiest;

Whereas: The 2018 school nutrition rollbacks (Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements, 83 Fed. Reg. 63,775 final rule [Dec. 12, 2018]) weakened nutrition standards for sodium, whole grains, and milk;

Whereas: The 2020 proposed school nutrition rollbacks (Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs, 85 Fed. Reg. 4094 proposed rule [Jan. 23, 2020]) would exempt many foods from nutrition standards and weaken fruit and vegetable requirements;

Whereas: The weak school nutrition standards resulting from the rollbacks are not aligned with the nutrition science; are counter to sound public health policy; and endanger child health;

Whereas: Weaker nutrition standards make it more difficult for individual schools that want to provide healthier options to their students by stymying innovation by industry and limiting product availability;

[SODIUM OPTIONS]

Whereas: The seven-year delay in the second phase of sodium reduction and elimination of the third sodium reductions for school meals will harm children's health;

Whereas: Nine out of ten children consume too much sodium, increasing their risk of elevated blood pressure by approximately 40 percent;

Whereas: Approximately one in six children aged 8-17 have elevated blood pressure;

[WHOLE GRAIN OPTIONS]

Whereas: Children, on average, consume too few whole grains and too many refined grains, and reducing by half the amount of whole grain-rich foods in school meals will harm children's health;

Whereas: Eating more whole grains is associated with reduced risk of heart disease, and whole grains provide more nutrients than refined grains and are a healthful source of fiber;

Whereas: In 2018, nearly 80 percent of school districts did not have a waiver to provide fewer whole grain-rich foods;

[ADDED SUGAR OPTIONS]

Whereas: The 2015-2020 Dietary Guidelines for Americans recommends limiting consumption of added sugars to no more than ten percent of calories daily;

Whereas: School age children consume nearly twice the recommended limit of added sugars (about 17 percent of calories are from added sugars for children age 9 to 18);

Whereas: Excessive consumption of added sugars contributes to obesity, which is associated with heart disease, type 2 diabetes, and tooth decay;

Whereas: There is no standard limiting added sugars in school meals and the standard for competitive foods is weak and outdated;

...; now, therefore,

Section II. Be it enacted by the [GOVERNING BODY] of [STATE/LOCALITY NAME] as follows:

a. Nutrition Standards for School Meals

(1) School food authorities must meet, at minimum, the nutrition standards and meal patterns, including food components and quantities, established in the school meals final rule, Nutrition Standards in the National School Lunch and School Breakfast Programs (77 Fed. Reg. 4088, Jan. 26, 2012).

(A) Sodium—School food authorities must meet sodium Target 2 levels by school year 2022-2023 and sodium Target 3 levels by school year 2025-2026.

i. The [STATE AGENCY] shall develop a sodium reduction “Target 4” in alignment with the National Academies of Sciences Engineering, and

Medicine’s Dietary Reference Intakes for Sodium (March 5, 2019) and a compliance deadline by no later than school year 2030-2031.

(B) Whole Grains—School food authorities must meet the whole grain-rich requirements by no later than school year 2022-2023.

- (2) Added Sugars—School food authorities must meet, on average over the school week, the quantitative recommendations for limiting added sugars established by the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) by no later than school year 2024-2025.
- (3) The requirements pursuant to this subsection remain in effect until stronger state or federal requirements are established.

b. Nutrition Standards for All Foods Sold Outside of School Meals (Competitive Foods)

- (1) Competitive Foods Standards—School food authorities must meet the 2016 competitive foods standards (National School Lunch Program and School Breakfast Program - Nutrition Standards for All Foods Sold in School as Required by the Healthy, Hunger-Free Kids Act of 2010, 81 Fed. Reg. 50131 [July 29, 2016]).
- (2) Added Sugars—School food authorities must meet, per item, the quantitative recommendations for limiting added sugars established by the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) by no later than school year 2023-2024.
- (3) Exemptions—Every à la carte item that is also an entrée or side dish offered as part of the lunch or breakfast program must meet the nutrition standards for competitive foods (81 Feb. Reg. 50131 [July 29, 2016]) with the exception of entrée items on the day they are served as part of the reimbursable meal.
- (4) The requirements pursuant to this subsection remain in effect until stronger state or federal requirements are established.

c. Technical Assistance

OPTION ONE [Does not specify type of technical assistance]

- (1) The [STATE AGENCY] must provide technical assistance and training to assist school food authorities in meal planning that meets the evidenced-based nutrition standards as updated by the Act. Compliance assistance may be offered during trainings, onsite visits, online training modules, sessions at state conferences for food service professionals, and/or administrative reviews.

OPTION TWO [Specifies type of technical assistance]

- (1) To assist school food authorities in meeting the requirements of the Act, the [STATE AGENCY]—
 - (A) shall—

- (i) develop and provide to school food authorities standardized recipes, menu cycles, food product specifications, and model preparation techniques;
 - (ii) provide school food authorities information regarding nutrient standard menu planning, assisted nutrient standard menu planning, and food-based menu systems;
 - (iii) develop and provide school food authorities best practices, trainings, including peer-to-peer trainings, online training modules, sessions at conferences for food service professionals, and other resources; and
 - (iv) work with food industry to support development and increased availability and affordability of products that meet the updated state standards; and
- (B) may provide school food authorities information regarding other approaches, as determined by the [STATE AGENCY].

d. Monitoring Compliance

- (1) Baseline report—Not later than one year after enactment, each school food authority shall submit a baseline report to the [STATE AGENCY] on the content of sodium, whole grains, and added sugar in school breakfast, lunch, and competitive foods offered.
- (2) REPORT to the [STATE AGENCY].—Not later than two years after enactment and annually thereafter, school food authorities shall submit to the [STATE AGENCY], and make publicly available, a report on compliance with the school meal and competitive food requirements under the Act, including for fruits, vegetables, whole grains, sodium, and added sugars.

OPTIONAL SECTION FOR FUNDING

e. Funding

- (1) Beginning the school year these standards are implemented, school food authorities determined to be compliant by the [STATE AGENCY] shall receive an additional X cents per reimbursable meal based on the total number of reimbursable meal (paid, free and reduced-price) served by the school food authority in the prior school year.