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I N   A S S E M B L Y

May 2, 2016

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Introduced by M. of A. RICHARDSON -- read once and referred to the  
Committee on Education

AN ACT to amend the education law, in relation to establishing nutrition  
standards for competitive foods and beverages sold or provided in  
public schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The education law is amended by adding a new section 915-a  
2     to read as follows:

3     S 915-A. COMPETITIVE FOOD AND BEVERAGE NUTRITION STANDARDS. 1. FOR THE  
4     PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL BE DEFINED AS  
5     FOLLOWS:

6     A. "A LA CARTE ENTREE" SHALL MEAN A SINGLE FOOD OR COMBINATION OF  
7     FOODS OFFERED AS A MAIN COURSE OR CENTRAL FOCUS OF A MEAL, GENERALLY A  
8     PROTEIN SOURCE.

9     B. "COMPETITIVE FOODS" SHALL MEAN FOODS AND BEVERAGES PROVIDED IN:

10     (I) SCHOOL CAFETERIAS OFFERED AS A LA CARTE ITEMS;

11     (II) SCHOOL BUILDINGS, INCLUDING CLASSROOMS AND HALLWAYS;

12     (III) SCHOOL STORES;

13     (IV) SCHOOL SNACK BARS;

14     (V) VENDING MACHINES;

15     (VI) CONCESSION STANDS;

16     (VII) BOOSTER SALES;

17     (VIII) FUNDRAISING ACTIVITIES;

18     (IX) SCHOOL-SPONSORED OR SCHOOL-RELATED EVENTS; AND

19     (X) ANY OTHER LOCATION ON SCHOOL PROPERTY.

20     C. "FRESH" SHALL MEAN FRESH, FROZEN, DRIED OR CANNED WITHOUT ADDED  
21     SUGAR, FAT, OR SODIUM.

22     D. "ITEM" SHALL MEAN ONE SERVING OF A PRODUCT.

23     E. "NUTRITION STANDARDS" SHALL MEAN THE MINIMUM STANDARDS FOR BEVERAGE  
24     AND FOOD NUTRITION ESTABLISHED IN THIS SECTION.

25     F. "PUBLIC SCHOOL" SHALL MEAN AN ELEMENTARY, MIDDLE, HIGH, CHARTER,  
26     INNOVATION OR COMPARABLE SCHOOL OPERATED BY A PUBLIC SCHOOL DISTRICT.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 G. "SCHOOL DAY" SHALL MEAN THE HOURS OF THE DAY THAT STUDENTS MUST  
2 ATTEND SCHOOL.

3 2. ALL COMPETITIVE FOODS AND BEVERAGES SOLD OR PROVIDED IN PUBLIC  
4 SCHOOLS SHALL COMPLY WITH THE NUTRITION STANDARDS OF THIS SECTION;  
5 PROVIDED, HOWEVER, THAT UNLESS OTHERWISE DETERMINED BY THE PUBLIC SCHOOL  
6 DISTRICT, THIS SECTION SHALL NOT APPLY TO COMPETITIVE FOODS AND BEVERAG-  
7 ES SOLD ON SCHOOL GROUNDS UP TO THIRTY MINUTES BEFORE THE BEGINNING OF  
8 THE SCHOOL DAY OR THIRTY MINUTES AFTER THE END OF THE SCHOOL DAY.

9 3. WHEN APPLYING THE NUTRITION STANDARDS OF THIS SECTION, THE FOOD  
10 PRODUCT SHOULD BE ANALYZED AS A WHOLE, NOT BY THE INDIVIDUAL INGREDIENTS  
11 THAT MAKE UP THE PRODUCT.

12 4. A PACKAGED ITEM SHALL CONTAIN NO MORE THAN ONE SERVING PER PACKAGE.

13 5. PUBLIC SCHOOLS SHALL, IN ACCORDANCE WITH APPLICABLE GUIDELINES OF  
14 THE DEPARTMENT:

15 A. MAKE READILY AVAILABLE PLAIN, POTABLE WATER TO ALL STUDENTS DURING  
16 THE DAY, AT NO COST TO THE STUDENTS;

17 B. OFFER FOR SALE FRESH FRUIT AND NON-FRIED VEGETABLES AT ANY LOCATION  
18 WHERE FOOD IS SOLD, BUT NOT INCLUDING NON-REFRIGERATED VENDING MACHINES  
19 AND VENDING MACHINES DISPENSING ONLY BEVERAGES;

20 C. MAKE NUTRITION INFORMATION AVAILABLE FOR STUDENTS FOR NON-PREPACK-  
21 AGED COMPETITIVE FOODS AND BEVERAGES, WITH THE EXCEPTION OF THE SALE OR  
22 PROVISION OF FRESH FRUITS OR FRESH VEGETABLES, AND FOODS OR BEVERAGES  
23 SOLD DURING THE SCHOOL DAY AT BOOSTER SALES, CONCESSION STANDS AND OTHER  
24 SCHOOL-SPONSORED OR SCHOOL-RELATED FUNDRAISERS AND EVENTS;

25 D. PROHIBIT THE USE OF FRYOLATORS IN THE PREPARATION OF COMPETITIVE  
26 FOODS; AND

27 E. ENSURE THAT FOOD PREPARATION AND ALL FOODS AND BEVERAGES SOLD OR  
28 PROVIDED TO STUDENTS MEET ALL APPLICABLE STATE AND FEDERAL FOOD SAFETY  
29 REQUIREMENTS.

30 6. SNACKS SOLD OR PROVIDED IN ANY PUBLIC SCHOOL SHALL MEET THE FOLLOW-  
31 ING STANDARDS:

32 A. NOT MORE THAN THIRTY-FIVE PERCENT OF ITS TOTAL CALORIES SHALL BE  
33 FROM FAT;

34 B. NOT MORE THAN TEN PERCENT OF ITS TOTAL CALORIES SHALL BE FROM SATU-  
35 RATED FAT EXCEPT FOR PACKAGED DAIRY FOOD ITEMS OR NUTS; AND

36 C. NOT MORE THAN THIRTY-FIVE PERCENT OF ITS TOTAL CALORIES SHALL BE  
37 FROM SUGARS.

38 7. NO BEVERAGES OTHER THAN ONE HUNDRED PERCENT FRUIT AND VEGETABLE  
39 JUICE WITH NO ADDED SUGAR, MILK, MILK SUBSTITUTES AND WATER SHALL BE  
40 SOLD OR PROVIDED IN ANY PUBLIC SCHOOL.

41 S 2. This act shall take effect immediately; provided however that the  
42 department of education shall develop nutritional standards within one  
43 year after this act shall have become a law and the nutritional stand-  
44 ards shall be implemented in public schools within two years after this  
45 act shall have become a law.