

# STATE OF NEW YORK

5159

2021-2022 Regular Sessions

## IN ASSEMBLY

February 11, 2021

Introduced by M. of A. BENEDETTO, FERNANDEZ, L. ROSENTHAL, SAYEGH, CRUZ, WOERNER, RAMOS, BUTTENSCHON, SIMON, LAVINE, NIOU, COOK, GLICK, GALEF, GOTTFRIED, CARROLL, JACKSON -- Multi-Sponsored by -- M. of A. ENGLE-BRIGHT -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to local wellness policies; and providing for the repeal of certain provisions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

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

3 § 2-f. Model wellness policy. 1. The commissioner shall establish a  
4 New York state model wellness policy. Such policy shall be developed:

5 (a) In consultation with state agencies including, but not limited to,  
6 the department of health, department of agriculture and markets, office  
7 of mental health, and office of temporary and disability assistance; and

8 (b) Once the model wellness policy is drafted, the commissioner shall  
9 solicit comments and feedback from experts and stakeholders, including  
10 but not limited to school administrators, school boards, teachers,  
11 parents, students, school food service directors, physicians, nurses,  
12 registered dietitians, nutritionists, mental health professionals, coop-  
13 erative extensions, not-for-profit organizations, and institutions of  
14 higher education.

15 2. The wellness policy established by subdivision one of this section  
16 shall be in compliance with all relevant state and federal laws, includ-  
17 ing the Healthy, Hunger-Free Kids Act of 2010 7 CFR 210.30, and repre-  
18 sent best practices and guidance from (i) the stakeholder group estab-  
19 lished in paragraph (a) of subdivision one of this section and (ii) the  
20 Centers for Disease Control and Prevention's Whole School, Whole Commu-  
21 nity, Whole Child model.

22 3. On or before January first, two thousand twenty-two, the model  
23 wellness policy shall be made available to school districts, boards of

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

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1 cooperative educational services, charter schools and nonpublic schools.  
2 School districts, boards of cooperative educational services, charter  
3 schools and nonpublic schools may, but shall not be required to, incor-  
4 porate all or part of the model policy as a part of their locally  
5 adopted wellness policy.

6 4. On or before July first, two thousand twenty-one, the commissioner  
7 shall establish and maintain an online, publicly available and searcha-  
8 ble database of every local educational agencies' most recently reviewed  
9 wellness policy and triennial assessment.

10 § 2. This act shall take effect immediately and shall be deemed to  
11 have been in full force and effect on and after April 1, 2021; provided,  
12 however, that if the requirement to perform administrative reviews of  
13 wellness policies incorporated in 7 CFR 210.18 is repealed, subdivision  
14 4 of section 2-f of the education law as added by section one of this  
15 act shall be repealed; provided further, however, that the commissioner  
16 of education shall notify the legislative bill drafting commission upon  
17 the occurrence of the repeal of subdivision 4 of section 2-f of the  
18 education law as added by section one of this act in order that the  
19 commission may maintain an accurate and timely effective database of the  
20 official text of the laws of the state of New York in furtherance of  
21 effectuating the provisions of section 44 of the legislative law and  
22 section 70-b of the public officers law.