S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 25, 2010

Introduced by M. of A. GALEF, ORTIZ, GOTTFRIED, CLARK, DINOWITZ, MILLMAN, BARRON, CASTRO, FIELDS, GUNTHER, MENG, TITUS, FINCH -- Multi-Sponsored by -- M. of A. CAHILL, CALHOUN, CONTE, CRESPO, DUPREY, GIBSON, LIFTON, MARKEY, SAYWARD, WEISENBERG -- read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to the prohibition of the sale of certain foods in vending machines on school grounds or property

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

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

S 915-A. PROHIBITING THE SALE TO PUPILS OF CERTAIN FOODS AND BEVERAGES IN VENDING MACHINES. 1. IF A PUBLIC SCHOOL EMPLOYS A VENDING MACHINE UPON ITS GROUNDS OR PROPERTY FOR THE SALE OF FOODS OR BEVERAGES TO STUDENTS, EVERY EFFORT SHALL BE MADE TO STOCK THE VENDING MACHINE WITH FOODS AND BEVERAGES THAT WILL CONTRIBUTE TO THE NUTRITIONAL WELL-BEING OF STUDENTS AND AID IN THE ESTABLISHING OF GOOD EATING HABITS. DURING THE SCHOOL DAY NO VENDING MACHINE ON THE GROUNDS OR PROPERTY OF THE SCHOOL SHALL MAKE AVAILABLE FOR SALE TO STUDENTS FOODS AND BEVERAGES OF MINIMAL NUTRITIONAL VALUE, INCLUDING BUT NOT LIMITED TO:

(A) CANDY INCLUDING HARD CANDY, CHOCOLATE CANDY, JELLIES, GUMS, MARSHMALLOW CANDIES, FONDANT, LICORICE, SPUN CANDY AND CANDY COATED POPCORN; AND

(B) CARBONATED WATER WITH ADDED SWEETENERS, OR BEVERAGES THAT CONTAIN CAFFEINE OR SWEETENERS. PROVIDED, HOWEVER, THAT NOTHING SET FORTH IN THIS SECTION SHALL LIMIT THE SALE OF CHOCOLATE MILK, FLAVORED MILK, SOY OR RICE MILK, OR JUICE WITH SWEETENERS PRODUCED FROM NATURAL SOURCES. THE TERM "SWEETENER" FOR THE PURPOSES OF THIS PARAGRAPH SHALL MEAN, BUT NOT BE LIMITED TO, ANY ADDITIVE THAT ENHANCES THE SWEETNESS OF A BEVERAGE INCLUDING ARTIFICIAL SWEETENERS SUCH AS ASPARTAME, ACESULFAME K AND SACCHARIN.

2. THE TERMS OF ANY CONTRACT ENTERED INTO BETWEEN A SCHOOL DISTRICT AND A BUSINESS OR CORPORATION FOR THE OPERATION OF A VENDING MACHINE FOR

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

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THE SALE OF FOODS AND BEVERAGES TO STUDENTS SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION. IF A SCHOOL DISTRICT IS PARTY TO A CONTRACT WHICH PROVIDES FOR, OR REQUIRES PERIODIC RENEWAL, THE TERMS OF SUCH RENEWAL SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law and shall apply to contracts entered into or renewed on or after such date.