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

2969

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

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

AN ACT to amend the education law, in relation to the regulation of certain food products in schools

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

Section 1. The legislature finds that the recent efforts to prohibit dessert items in New York public schools is inappropriate and ill-advised, that the decision as to whether a child should be allowed to eat certain foods should be a matter decided by the child's parents, not by school boards or state and local governments. The legislature further finds that a ban on food items will have the unintended effect of restricting school activities, by reducing opportunities for fundraising to support such activities, many of which rely on the sale of desserts and other snack items and will prohibit desserts from being served as part of school birthday celebrations. The legislature finds and declares that parents are fully capable of taking the initiative to ensure that their children receive proper nutrition including information on the foods that they eat.

S 2. The education law is amended by adding a new section 409-j to read as follows:

S 409-J. REGULATION OF CERTAIN FOOD PRODUCTS IN SCHOOLS. NO BOARD OF EDUCATION OR TRUSTEES, PRINCIPAL OR OTHER PERSON IN CHARGE OF ANY PUBLIC ELEMENTARY OR SECONDARY SCHOOL SHALL PROHIBIT ANY STUDENT OR PARENT OF A STUDENT FROM BRINGING ANY FOOD NOT PROHIBITED BY THE LAWS OF THIS STATE OR THE FEDERAL GOVERNMENT INTO ANY SCHOOL EITHER FOR CONSUMPTION BY STUDENTS AT APPROPRIATE TIMES THAT DO NOT INTERFERE WITH CLASSROOM AND EDUCATIONAL ACTIVITIES, OR FOR SALE FOR THE PURPOSE OF RAISING FUNDS TO BENEFIT THE SCHOOL OR SCHOOL-RELATED ACTIVITIES AND CLUBS. THE PROVISIONS OF THIS SECTION NOTWITHSTANDING, A BOARD OF EDUCATION OR TRUSTEES, PRINCIPAL OR OTHER PERSON IN CHARGE OF A PUBLIC ELEMENTARY OR

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

LBD05791-01-9

SECONDARY SCHOOL MAY PROHIBIT ANY FOOD ITEMS UPON A REQUEST BY A MAJORITY OF PARENTS IN SUCH SCHOOL. NOTHING IN THIS SECTION SHALL PROHIBIT ANY BOARD OF EDUCATION OR TRUSTEES, PRINCIPAL OR OTHER PERSON IN CHARGE OF ANY PUBLIC ELEMENTARY OR SECONDARY SCHOOL FROM PROMULGATING RULES OR REGULATIONS RELATING TO THE SALE OR OFFERING OF FOOD TO STUDENTS WHICH ARE REASONABLY RELATED AND NECESSARY TO PROTECT THE IMMEDIATE HEALTH OR SAFETY OF STUDENTS.

S 3. This act shall take effect immediately.