

1471

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to creating the children's healthy access to meals program (CHAMP); and to amend the general municipal law, in relation to certain school district contracts

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 915-a
2 to read as follows:
3 S 915-A. CHILDREN'S HEALTHY ACCESS TO MEALS PROGRAM (CHAMP). 1. THE
4 LEGISLATURE HEREBY FINDS AND DECLARES THAT IT IS IN THE INTEREST OF THE
5 STATE WHEREVER PRACTICAL TO EDUCATE AND ENCOURAGE CHILDREN TO MAKE HEALTHIER
6 FOOD CHOICES AND DEVELOP HEALTHY HABITS BOTH IN AND OUTSIDE
7 SCHOOL. TO THIS END, THE CHAMP IS HEREBY ESTABLISHED TO ASSIST SCHOOLS
8 IN IMPLEMENTING NUTRITIONAL STANDARDS FOR ALL FOOD AND BEVERAGES THAT
9 ARE SOLD WITHIN SCHOOLS OUTSIDE OF THE NATIONAL SCHOOL LUNCH AND SCHOOL
10 BREAKFAST PROGRAMS.
11 2. THIS SECTION APPLIES TO ELEMENTARY AND SECONDARY SCHOOLS UNDER THE
12 JURISDICTION OF THE FOLLOWING, COLLECTIVELY REFERENCED AS "SCHOOL
13 DISTRICTS" FOR PURPOSES OF THIS SECTION: SCHOOL DISTRICTS, PRIVATE
14 SCHOOLS THAT PARTICIPATE IN ANY PROGRAM AUTHORIZED BY THE RICHARD B.
15 RUSSELL NATIONAL SCHOOL LUNCH ACT OR THE CHILD NUTRITION ACT OF 1966,
16 BOARDS OF COOPERATIVE EDUCATIONAL SERVICES, AND CHARTER SCHOOLS.
17 3. THE COMMISSIONER, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH,
18 THE DEPARTMENT OF AGRICULTURE AND MARKETS, AND INCLUDING BUT NOT LIMITED
19 TO, AT LEAST ONE REPRESENTATIVE EACH FROM THE SCHOOL FOOD SERVICE DIRECTORS;
20 SCHOOL BOARDS; SCHOOL ADMINISTRATORS; THE PEDIATRIC MEDICAL COMMUNITY;
21 AND THE AGRICULTURAL COMMUNITY, SHALL DEVELOP BY DECEMBER THIRTY-FIRST,
22 TWO THOUSAND NINE, STATEWIDE NUTRITION STANDARDS FOR ALL FOOD AND
23 BEVERAGES THAT ARE SOLD TO STUDENTS DURING THE SCHOOL DAY, EXCLUSIVE OF

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

LBD07291-01-9

1 THOSE PROVIDED THROUGH THE FEDERAL DEPARTMENT OF AGRICULTURE SCHOOL MEAL
2 PROGRAMS. SUCH NUTRITION STANDARDS SHALL BE DEVELOPED TO INCREASE THE
3 PROPORTION OF STUDENTS WHOSE FOOD AND BEVERAGE INTAKE AT SCHOOL CONTRIB-
4 UTES TO GOOD OVERALL DIETARY QUALITY, AND SHALL INCLUDE, BUT NOT BE
5 LIMITED TO, CHANGES TO INCREASE CONSUMPTION OF FRUITS AND VEGETABLES,
6 WHOLE GRAIN PRODUCTS, AND REDUCED FAT DAIRY PRODUCTS, AND CHANGES TO
7 DECREASE THE CONSUMPTION OF FOODS HIGH IN TOTAL FAT, TRANS FAT, SATU-
8 RATED FAT, AND SUGAR.

9 4. THE DEPARTMENT SHALL PERIODICALLY GATHER DATA RELATED TO THE IMPACT
10 OF THE NUTRITION STANDARDS ON THE HEALTH OF NEW YORK STATE'S STUDENTS.
11 SUCH DATA SHALL BE DISSEMINATED TO THE DEPARTMENT OF HEALTH AND THE
12 DEPARTMENT OF AGRICULTURE AND MARKETS FOR THEIR REVIEW AND COMMENT. THE
13 DEPARTMENT, AFTER CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE
14 DEPARTMENT OF AGRICULTURE AND MARKETS, SHALL MAKE PERIODIC REPORTS, NO
15 LESS THAN ONCE PER SCHOOL YEAR, TO THE LEGISLATURE AND GOVERNOR REGARD-
16 ING THEIR FINDINGS. THE FIRST SUCH PERIODIC REPORT SHALL BE MADE TO THE
17 LEGISLATURE AND GOVERNOR NO LATER THAN DECEMBER FIFTEENTH, TWO THOUSAND
18 TWELVE. THE DEPARTMENT SHALL MODIFY NUTRITIONAL STANDARDS AS NEEDED
19 BASED ON CRITERIA TO INCLUDE, BUT NOT BE LIMITED TO, DATA COLLECTED BY
20 THE DEPARTMENT AND SCIENCE-BASED BEST PRACTICES FOR CREATING HEALTHY
21 NUTRITIONAL CHOICES.

22 5. BEGINNING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL
23 YEAR, AND EACH YEAR THEREAFTER, SCHOOL DISTRICTS SHALL RECEIVE AN ADDI-
24 TIONAL TEN CENTS (ABOVE THE AMOUNT PROVIDED FOR THE TWO THOUSAND
25 NINE--TWO THOUSAND TEN SCHOOL YEAR), PER THE NUMBER OF FEDERALLY REIM-
26 BURSABLE BREAKFASTS AND LUNCHESES SERVED IN THE PRIOR FISCAL YEAR TO
27 STUDENTS, IN ACCORDANCE WITH AN ACT OF CONGRESS ENTITLED THE "NATIONAL
28 SCHOOL LUNCH ACT", P.L. 79-396, AS AMENDED, OR THE PROVISIONS OF THE
29 "CHILD NUTRITION ACT OF 1996", P.L. 89-642, AS AMENDED.

30 6. IF AT THE COMMENCEMENT OF THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN
31 SCHOOL YEAR, A SCHOOL DISTRICT HAS AN EXISTING CONTRACT WITH A COMPANY
32 TO PROVIDE VENDING OR OTHER FOOD AND BEVERAGE SERVICES WHICH WOULD BE
33 BREACHED BY COMPLIANCE WITH THE STANDARDS ESTABLISHED BY THE COMMISSION-
34 ER PURSUANT TO THIS SECTION, SUCH STANDARDS THAT AFFECT SUCH CONTRACT
35 SHALL BE APPLICABLE TO THE SCHOOL DISTRICT ON THE DAY FOLLOWING THE END
36 OF THE CURRENT TERM OF SUCH CONTRACT OR ON THE DATE ON WHICH THE
37 CONTRACT IS TERMINATED, WHICHEVER IS EARLIER.

38 S 2. Paragraph (b) of subdivision 9 and subdivision 10 of section 103
39 of the general municipal law, paragraph (b) of subdivision 9 as amended
40 by chapter 269 of the laws of 2004 and subdivision 10 as added by chap-
41 ter 848 of the laws of 1983, are amended to read as follows:

42 (b) the amount that may be expended by a school district in any fiscal
43 year for such purchases shall not exceed an amount equal to [twenty]
44 SIXTY cents multiplied by the total number of days in the school year
45 multiplied by the total enrollment of such school district;

46 10. Notwithstanding the foregoing provisions of this section to the
47 contrary, a board of education may, on behalf of its school district,
48 separately purchase milk, directly from licensed milk processors employ-
49 ing less than forty people pursuant to the provisions of this subdivi-
50 sion. The amount that may be expended by a school district in any fiscal
51 year pursuant to this section shall not exceed an amount equal to [twen-
52 ty-five] SEVENTY-FIVE cents multiplied by the total number of days in
53 the school year multiplied by the total enrollment of such school
54 district. All purchases made pursuant to this subdivision shall be
55 administered pursuant to regulations promulgated by the commissioner of
56 education. The regulations promulgated by the commissioner of education

1 shall ensure that the prices paid by a school district for items
2 purchased pursuant to this subdivision do not exceed the market value of
3 such items and that all licensed processors who desire to sell to a
4 school district pursuant to this subdivision have equal opportunities to
5 do so.

6 S 3. The commissioner of education shall conduct an assessment of the
7 physical education and nutrition standards and the instruction provided
8 to students in grades kindergarten through twelve. The assessment shall
9 evaluate the state's minimum standards for nutrition and physical educa-
10 tion to ensure that the requirements are sufficient to help students
11 achieve the health benefits of proper nutrition and physical activity
12 and encourage students to maintain a lifetime of healthy habits. In
13 particular, the assessment shall examine current requirements to deter-
14 mine whether they provide an adequate amount of time and quality of
15 physical activity to achieve physical fitness, and a variety of activ-
16 ities with an emphasis on skills, and activities that reflect current
17 trends in fitness and age appropriate active lifestyles. The commission-
18 er of education shall report on the findings of the assessment to the
19 board of regents, and make appropriate recommendations that would
20 promote physical fitness and healthy eating habits.

21 In implementing standards developed pursuant to section one of this
22 act, the commissioner of education, in collaboration with the commis-
23 sioner of health shall, where practicable, assist school districts in
24 coordinating with existing state-administered, school-focused nutri-
25 tional programs and programs operated by comprehensive care centers for
26 eating disorders, established pursuant to article 27-J of the public
27 health law.

28 S 4. This act shall take effect immediately.