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I N   A S S E M B L Y

March 17, 2010

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Introduced by M. of A. TEDISCO, KOLB, THIELE, CONTE, RAIA, BARCLAY --  
read once and referred to the Committee on Education

AN ACT to create the "Healthy Kids Act" pilot program to encourage  
students to develop healthy eating habits and makes an appropriation  
therefor

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

1     Section 1. This act shall be known and may be cited as the "Healthy  
2 Kids Act".  
3     S 2. The board of regents is hereby authorized and directed to estab-  
4 lish a three-year pilot program to encourage students to develop healthy  
5 eating habits in not less than ten school districts in New York state.  
6 1. School districts may apply, in accordance with criteria developed by  
7 the board of regents, to be selected to participate in such program. In  
8 selecting participating school districts, the board shall choose school  
9 districts that are representative of the geographic and financial diver-  
10 sity of the state, and have demonstrated a commitment to encouraging  
11 students to develop healthy eating habits. The pilot program shall  
12 commence in the 2011-2012 school year. Participating school districts  
13 will be eligible to receive grants, insofar as such funds are made  
14 available by the legislature.  
15 2. A participating school district shall comply with all of the  
16 following program requirements:  
17     a. No beverage shall be sold to students from one-half hour before the  
18 start of the school day until one-half hour after the end of the school  
19 day, except for the following:  
20       (i) fruit-based drinks that are composed of no less than fifty percent  
21 fruit juice and have no added sweeteners;  
22       (ii) drinking water;  
23       (iii) milk, including but not limited to, chocolate milk, soy milk,  
24 rice milk, and other dairy or non-dairy milk; and  
25       (iv) electrolyte replacement beverages that do not contain more than  
26 forty-two grams of added sweetener per twenty-ounce serving.

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

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1 b. No food or snack item shall be sold to students from vending  
2 machines from one-half hour before the start of the school day until  
3 one-half hour after the end of the school day, unless such food or snack  
4 meets the standards set forth in the United States department of agri-  
5 culture's guidelines for the federal school lunch program.

6 c. For the purposes of this subdivision, "added sweeteners" means all  
7 sugars used as ingredients in processed and prepared beverages and  
8 foods, including non-caloric sweeteners such as saccharin and aspartame,  
9 but not including natural sugars that are contained within the fruit or  
10 fruit juice.

11 S 3. Each school district that is selected to participate in the  
12 "Healthy Kids Act" pilot program shall be eligible to receive a grant to  
13 offset the costs of developing and adopting policies pursuant to this  
14 act. The grants shall be a one-time grant and shall be used to provide  
15 funding for approved vendor contracts; assist in the purchase and  
16 conversion of vending machines; and to offset the economic loss, if any,  
17 suffered by districts no longer authorized to enter into certain  
18 contracts related to the sale of food and soft drinks.

19 S 4. The sum of two million dollars (\$2,000,000), or so much thereof  
20 as may be necessary, is hereby appropriated to the education department  
21 out of any moneys in the state treasury in the general fund, not other-  
22 wise appropriated, and made immediately available, for the purpose of  
23 carrying out the provisions of this act. Such moneys shall be payable on  
24 the audit and warrant of the state comptroller on vouchers certified or  
25 approved by the commissioner of education in the manner prescribed by  
26 law.

27 S 5. This act shall take effect on the one hundred eightieth day after  
28 it shall have become a law; provided, however, that effective immediate-  
29 ly, the addition, amendment and/or repeal of any rule or regulation  
30 necessary for the implementation of this act on its effective date is  
31 authorized and directed to be made and completed on or before such  
32 effective date.