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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:

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

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

12 (A) CANDY INCLUDING HARD CANDY, CHOCOLATE CANDY, JELLIES, GUMS, MARSH-
13 MALLOW CANDIES, FONDANT, LICORICE, SPUN CANDY AND CANDY COATED POPCORN;
14 AND

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

23 2. THE TERMS OF ANY CONTRACT ENTERED INTO BETWEEN A SCHOOL DISTRICT
24 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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1 THE SALE OF FOODS AND BEVERAGES TO STUDENTS SHALL COMPLY WITH THE
2 PROVISIONS OF THIS SECTION. IF A SCHOOL DISTRICT IS PARTY TO A CONTRACT
3 WHICH PROVIDES FOR, OR REQUIRES PERIODIC RENEWAL, THE TERMS OF SUCH
4 RENEWAL SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.

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