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

1569

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. TEDISCO, KOLB, CONTE, RAIA, BARCLAY -- Multi-Sponsored by -- M. of A. THIELE -- 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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as the "Healthy Kids Act".

S 2. The board of regents is hereby authorized and directed to establish a three-year pilot program to encourage students to develop healthy eating habits in not less than ten school districts in New York state.

1. School districts may apply, in accordance with criteria developed by the board of regents, to be selected to participate in such program. In selecting participating school districts, the board shall choose school districts that are representative of the geographic and financial diversity of the state, and have demonstrated a commitment to encouraging students to develop healthy eating habits. The pilot program shall commence in the 2012-2013 school year. Participating school districts will be eligible to receive grants, insofar as such funds are made available by the legislature.

2. A participating school district shall comply with all of the following program requirements:

a. No beverage shall be sold to students from one-half hour before the start of the school day until one-half hour after the end of the school day, except for the following:

(i) fruit-based drinks that are composed of no less than fifty percent fruit juice and have no added sweeteners;

(ii) drinking water;

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

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(iii) milk, including but not limited to, chocolate milk, soy milk, rice milk, and other dairy or non-dairy milk; and

(iv) electrolyte replacement beverages that do not contain more than forty-two grams of added sweetener per twenty-ounce serving.

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

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

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

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

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