

10032

I N A S S E M B L Y

June 10, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Pichardo) --
read once and referred to the Committee on Education

AN ACT to amend the education law, in relation to 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. VENDING MACHINES. 1. SCHOOL VENDING MACHINES SHALL BE
4 STOCKED ONLY WITH FOOD AND BEVERAGES DESCRIBED IN THIS SUBDIVISION.
5 (A) FOR ALL STUDENTS, ONLY THE FOLLOWING FOOD AND BEVERAGES MAY BE
6 PROVIDED IN VENDING MACHINES:
7 (1) FRUITS, VEGETABLES, WHOLE GRAINS AND RELATED COMBINATION PRODUCTS
8 AND NON-FAT AND LOW-FAT DAIRY THAT ARE LIMITED TO TWO HUNDRED CALORIES
9 OR FEWER PER PORTION AS PACKAGED AND CONTAIN:
10 (I) NO MORE THAN THIRTY-FIVE PERCENT OF TOTAL CALORIES FROM FAT;
11 (II) LESS THAN TEN PERCENT OF TOTAL CALORIES FROM SATURATED FATS;
12 (III) ZERO TRANS FAT (LESS THAN OR EQUAL TO 0.5 GRAMS PER SERVING);
13 (IV) THIRTY-FIVE PERCENT OR LESS OF CALORIES FROM TOTAL SUGARS, EXCEPT
14 FOR YOGURT WITH NO MORE THAN THIRTY GRAMS OF TOTAL SUGARS PER EIGHT
15 OUNCE PORTION AS PACKAGED; AND
16 (V) A SODIUM CONTENT OF TWO HUNDRED MILLIGRAMS OR LESS PER PORTION AS
17 PACKAGED;
18 (2) WATER WITHOUT FLAVORING, ADDITIVES OR CARBONATION;
19 (3) ONE PERCENT AND NON-FAT MILK IN EIGHT OUNCE PORTIONS;
20 (4) FLAVORED MILK WITH NO MORE THAN TWENTY-TWO GRAMS OF TOTAL SUGARS
21 PER EIGHT OUNCE PORTION;
22 (5) ONE HUNDRED PERCENT FRUIT JUICE IN FOUR OUNCE PORTIONS FOR ELEMEN-
23 TARY AND MIDDLE SCHOOLS AND EIGHT OUNCE PORTIONS FOR HIGH SCHOOLS; AND
24 (6) CAFFEINE-FREE BEVERAGES, WITH THE EXCEPTION OF TRACE AMOUNTS OF
25 NATURALLY OCCURRING CAFFEINE SUBSTANCES;
26 (B) FOR HIGH SCHOOL STUDENTS AFTER SCHOOL, ONLY THE FOLLOWING FOOD AND
27 BEVERAGES MAY BE PROVIDED IN VENDING MACHINES:

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

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1 (1) FOODS THAT DO NOT EXCEED TWO HUNDRED CALORIES PER PORTION AS PACK-
2 AGED AND CONTAIN:
3 (I) NO MORE THAN THIRTY-FIVE PERCENT OF TOTAL CALORIES FROM FAT;
4 (II) LESS THAN TEN PERCENT OF TOTAL CALORIES FROM SATURATED FATS;
5 (III) ZERO TRANS FAT (LESS THAN OR EQUAL TO 0.5 GRAMS PER PORTION);
6 (IV) THIRTY-FIVE PERCENT OR LESS OF CALORIES FROM TOTAL SUGARS; AND
7 (V) A SODIUM CONTENT OF TWO HUNDRED MILLIGRAMS OR LESS PER PORTION AS
8 PACKAGED; AND
9 (2) NON-CAFFEINATED, NON-FORTIFIED BEVERAGES WITH FEWER THAN FIVE
10 CALORIES PER PORTION AS PACKAGED (WITH OR WITHOUT NON-NUTRITIVE SWEETEN-
11 ERS, CARBONATION OR FLAVORING).
12 2. THE TERMS OF ANY CONTRACT ENTERED INTO BETWEEN A SCHOOL DISTRICT
13 AND A BUSINESS OR CORPORATION FOR THE OPERATION OF A VENDING MACHINE FOR
14 THE SALE OF FOODS AND BEVERAGES TO STUDENTS SHALL COMPLY WITH THE
15 PROVISIONS OF THIS SECTION. IF A SCHOOL DISTRICT IS PARTY TO A CONTRACT
16 WHICH PROVIDES FOR, OR REQUIRES PERIODIC RENEWAL, THE TERMS OF SUCH
17 RENEWAL SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.
18 S 2. This act shall take effect on the first of July next succeeding
19 the date on which it shall have become a law and shall apply to
20 contracts entered into or renewed on or after such date.