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

3024

2013-2014 Regular Sessions

I N S E N A T E

January 28, 2013

Introduced by Sens. LAVALLE, HANNON -- 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 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:

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

S 915-A. VENDING MACHINES. 1. SCHOOL VENDING MACHINES SHALL BE STOCKED ONLY WITH FOOD AND BEVERAGES DESCRIBED IN THIS SUBDIVISION.

(A) FOR ALL STUDENTS, ONLY THE FOLLOWING FOOD AND BEVERAGES MAY BE PROVIDED IN VENDING MACHINES:

(1) FRUITS, VEGETABLES, WHOLE GRAINS AND RELATED COMBINATION PRODUCTS AND NON-FAT AND LOW-FAT DAIRY THAT ARE LIMITED TO TWO HUNDRED CALORIES OR FEWER PER PORTION AS PACKAGED AND CONTAIN:

(I) NO MORE THAN THIRTY-FIVE PERCENT OF TOTAL CALORIES FROM FAT;

(II) LESS THAN TEN PERCENT OF TOTAL CALORIES FROM SATURATED FATS;

(III) ZERO TRANS FAT (LESS THAN OR EQUAL TO 0.5 GRAMS PER SERVING);

(IV) THIRTY-FIVE PERCENT OR LESS OF CALORIES FROM TOTAL SUGARS, EXCEPT FOR YOGURT WITH NO MORE THAN THIRTY GRAMS OF TOTAL SUGARS PER EIGHT OUNCE PORTION AS PACKAGED; AND

(V) A SODIUM CONTENT OF TWO HUNDRED MILLIGRAMS OR LESS PER PORTION AS PACKAGED;

(2) WATER WITHOUT FLAVORING, ADDITIVES OR CARBONATION;

(3) ONE PERCENT AND NON-FAT MILK IN EIGHT OUNCE PORTIONS;

(4) FLAVORED MILK WITH NO MORE THAN TWENTY-TWO GRAMS OF TOTAL SUGARS PER EIGHT OUNCE PORTION;

(5) ONE HUNDRED PERCENT FRUIT JUICE IN FOUR OUNCE PORTIONS FOR ELEMENTARY AND MIDDLE SCHOOLS AND EIGHT OUNCE PORTIONS FOR HIGH SCHOOLS; AND

(6) CAFFEINE-FREE BEVERAGES, WITH THE EXCEPTION OF TRACE AMOUNTS OF NATURALLY OCCURRING CAFFEINE SUBSTANCES;

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

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(B) FOR HIGH SCHOOL STUDENTS AFTER SCHOOL, ONLY THE FOLLOWING FOOD AND BEVERAGES MAY BE PROVIDED IN VENDING MACHINES:

(1) FOODS THAT DO NOT EXCEED TWO HUNDRED CALORIES PER PORTION AS PACKAGED AND CONTAIN:

(I) NO MORE THAN THIRTY-FIVE PERCENT OF TOTAL CALORIES FROM FAT;

(II) LESS THAN TEN PERCENT OF TOTAL CALORIES FROM SATURATED FATS;

(III) ZERO TRANS FAT (LESS THAN OR EQUAL TO 0.5 GRAMS PER PORTION);

(IV) THIRTY-FIVE PERCENT OR LESS OF CALORIES FROM TOTAL SUGARS; AND

(V) A SODIUM CONTENT OF TWO HUNDRED MILLIGRAMS OR LESS PER PORTION AS PACKAGED; AND

(2) NON-CAFFEINATED, NON-FORTIFIED BEVERAGES WITH FEWER THAN FIVE CALORIES PER PORTION AS PACKAGED (WITH OR WITHOUT NON-NUTRITIVE SWEETENERS, CARBONATION OR FLAVORING).

2. THE TERMS OF ANY CONTRACT ENTERED INTO BETWEEN A SCHOOL DISTRICT AND A BUSINESS OR CORPORATION FOR THE OPERATION OF A VENDING MACHINE FOR THE SALE OF FOODS AND BEVERAGES TO STUDENTS SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION. IF A SCHOOL DISTRICT IS PARTY TO A CONTRACT WHICH PROVIDES FOR, OR REQUIRES PERIODIC RENEWAL, THE TERMS OF SUCH RENEWAL SHALL COMPLY WITH THE PROVISIONS OF THIS SECTION.

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