

4540

2015-2016 Regular Sessions

I N A S S E M B L Y

February 3, 2015

Introduced by M. of A. CLARK -- read once and referred to the Committee
on Education

AN ACT to amend the education law, in relation to establishing nutrition
standards for competitive foods and beverages sold or provided in
public schools

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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. COMPETITIVE FOOD AND BEVERAGE NUTRITION STANDARDS. 1. FOR THE
4 PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL BE DEFINED AS
5 FOLLOWS:
6 A. "A LA CARTE ENTREE" SHALL MEAN A SINGLE FOOD OR COMBINATION OF
7 FOODS OFFERED AS A MAIN COURSE OR CENTRAL FOCUS OF A MEAL, GENERALLY A
8 PROTEIN SOURCE.
9 B. "COMPETITIVE FOODS" SHALL MEAN FOODS AND BEVERAGES PROVIDED IN:
10 (I) SCHOOL CAFETERIAS OFFERED AS A LA CARTE ITEMS;
11 (II) SCHOOL BUILDINGS, INCLUDING CLASSROOMS AND HALLWAYS;
12 (III) SCHOOL STORES;
13 (IV) SCHOOL SNACK BARS;
14 (V) VENDING MACHINES;
15 (VI) CONCESSION STANDS;
16 (VII) BOOSTER SALES;
17 (VIII) FUNDRAISING ACTIVITIES;
18 (IX) SCHOOL-SPONSORED OR SCHOOL-RELATED EVENTS; AND
19 (X) ANY OTHER LOCATION ON SCHOOL PROPERTY.
20 C. "FRESH" SHALL MEAN FRESH, FROZEN, DRIED OR CANNED WITHOUT ADDED
21 SUGAR, FAT, OR SODIUM.
22 D. "ITEM" SHALL MEAN ONE SERVING OF A PRODUCT.
23 E. "NUTRITION STANDARDS" SHALL MEAN THE MINIMUM STANDARDS FOR BEVERAGE
24 AND FOOD NUTRITION ESTABLISHED IN THIS SECTION.

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

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1 F. "PUBLIC SCHOOL" SHALL MEAN AN ELEMENTARY, MIDDLE, HIGH, CHARTER,
2 INNOVATION OR COMPARABLE SCHOOL OPERATED BY A PUBLIC SCHOOL DISTRICT.

3 G. "SCHOOL DAY" SHALL MEAN THE HOURS OF THE DAY THAT STUDENTS MUST
4 ATTEND SCHOOL.

5 2. ALL COMPETITIVE FOODS AND BEVERAGES SOLD OR PROVIDED IN PUBLIC
6 SCHOOLS SHALL COMPLY WITH THE NUTRITION STANDARDS OF THIS SECTION;
7 PROVIDED, HOWEVER, THAT UNLESS OTHERWISE DETERMINED BY THE PUBLIC SCHOOL
8 DISTRICT, THIS SECTION SHALL NOT APPLY TO COMPETITIVE FOODS AND BEVERAG-
9 ES SOLD ON SCHOOL GROUNDS UP TO THIRTY MINUTES BEFORE THE BEGINNING OF
10 THE SCHOOL DAY OR THIRTY MINUTES AFTER THE END OF THE SCHOOL DAY.

11 3. WHEN APPLYING THE NUTRITION STANDARDS OF THIS SECTION, THE FOOD
12 PRODUCT SHOULD BE ANALYZED AS A WHOLE, NOT BY THE INDIVIDUAL INGREDIENTS
13 THAT MAKE UP THE PRODUCT.

14 4. A PACKAGED ITEM SHALL CONTAIN NO MORE THAN ONE SERVING PER PACKAGE.

15 5. PUBLIC SCHOOLS SHALL, IN ACCORDANCE WITH APPLICABLE GUIDELINES OF
16 THE DEPARTMENT:

17 A. MAKE READILY AVAILABLE PLAIN, POTABLE WATER TO ALL STUDENTS DURING
18 THE DAY, AT NO COST TO THE STUDENTS;

19 B. OFFER FOR SALE FRESH FRUIT AND NON-FRIED VEGETABLES AT ANY LOCATION
20 WHERE FOOD IS SOLD, BUT NOT INCLUDING NON-REFRIGERATED VENDING MACHINES
21 AND VENDING MACHINES DISPENSING ONLY BEVERAGES;

22 C. MAKE NUTRITION INFORMATION AVAILABLE FOR STUDENTS FOR NON-PREPACK-
23 AGED COMPETITIVE FOODS AND BEVERAGES, WITH THE EXCEPTION OF THE SALE OR
24 PROVISION OF FRESH FRUITS OR FRESH VEGETABLES, AND FOODS OR BEVERAGES
25 SOLD DURING THE SCHOOL DAY AT BOOSTER SALES, CONCESSION STANDS AND OTHER
26 SCHOOL-SPONSORED OR SCHOOL-RELATED FUNDRAISERS AND EVENTS;

27 D. PROHIBIT THE USE OF FRYOLATORS IN THE PREPARATION OF COMPETITIVE
28 FOODS; AND

29 E. ENSURE THAT FOOD PREPARATION AND ALL FOODS AND BEVERAGES SOLD OR
30 PROVIDED TO STUDENTS MEET ALL APPLICABLE STATE AND FEDERAL FOOD SAFETY
31 REQUIREMENTS.

32 6. SNACKS SOLD OR PROVIDED IN ANY PUBLIC SCHOOL SHALL MEET THE FOLLOW-
33 ING STANDARDS:

34 A. NOT MORE THAN THIRTY-FIVE PERCENT OF ITS TOTAL CALORIES SHALL BE
35 FROM FAT;

36 B. NOT MORE THAN TEN PERCENT OF ITS TOTAL CALORIES SHALL BE FROM SATU-
37 RATED FAT EXCEPT FOR PACKAGED DAIRY FOOD ITEMS OR NUTS; AND

38 C. NOT MORE THAN THIRTY-FIVE PERCENT OF ITS TOTAL CALORIES SHALL BE
39 FROM SUGARS.

40 7. NO BEVERAGES OTHER THAN ONE HUNDRED PERCENT FRUIT AND VEGETABLE
41 JUICE WITH NO ADDED SUGAR, MILK, MILK SUBSTITUTES AND WATER SHALL BE
42 SOLD OR PROVIDED IN ANY PUBLIC SCHOOL.

43 S 2. This act shall take effect immediately; provided however that the
44 department of education shall develop nutritional standards within one
45 year after this act shall have become a law and the nutritional stand-
46 ards shall be implemented in public schools within two years after this
47 act shall have become a law.