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

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I N A S S E M B L Y

May 2, 2016

Introduced by M. of A. RICHARDSON -- 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 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. COMPETITIVE FOOD AND BEVERAGE NUTRITION STANDARDS. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL BE DEFINED AS FOLLOWS:

A. "A LA CARTE ENTREE" SHALL MEAN A SINGLE FOOD OR COMBINATION OF FOODS OFFERED AS A MAIN COURSE OR CENTRAL FOCUS OF A MEAL, GENERALLY A PROTEIN SOURCE.

B. "COMPETITIVE FOODS" SHALL MEAN FOODS AND BEVERAGES PROVIDED IN:

(I) SCHOOL CAFETERIAS OFFERED AS A LA CARTE ITEMS;

(II) SCHOOL BUILDINGS, INCLUDING CLASSROOMS AND HALLWAYS;

(III) SCHOOL STORES;

(IV) SCHOOL SNACK BARS;

(V) VENDING MACHINES;

(VI) CONCESSION STANDS;

(VII) BOOSTER SALES;

(VIII) FUNDRAISING ACTIVITIES;

(IX) SCHOOL-SPONSORED OR SCHOOL-RELATED EVENTS; AND

(X) ANY OTHER LOCATION ON SCHOOL PROPERTY.

C. "FRESH" SHALL MEAN FRESH, FROZEN, DRIED OR CANNED WITHOUT ADDED SUGAR, FAT, OR SODIUM.

D. "ITEM" SHALL MEAN ONE SERVING OF A PRODUCT.

E. "NUTRITION STANDARDS" SHALL MEAN THE MINIMUM STANDARDS FOR BEVERAGE AND FOOD NUTRITION ESTABLISHED IN THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

6. SNACKS SOLD OR PROVIDED IN ANY PUBLIC SCHOOL SHALL MEET THE FOLLOWING STANDARDS:

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

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

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

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

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