

# STATE OF NEW YORK

7767

## IN SENATE

February 18, 2020

Introduced by Sen. BIAGGI -- 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 local wellness policies

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 2-e to  
2 read as follows:

3 § 2-e. Model wellness policy. 1. The commissioner shall establish a  
4 New York state model wellness policy. Such policy shall be developed:

5 (a) In consultation with state agencies including, but not limited to,  
6 the department of health, department of agriculture and markets, office  
7 of mental health, and office of temporary and disability assistance; and

8 (b) Once the model wellness policy is drafted, the commissioner shall  
9 solicit comments and feedback from experts and stakeholders, including  
10 but not limited to school administrators, school boards, teachers,  
11 parents, students, school food service directors, physicians, nurses,  
12 registered dietitians, nutritionists, mental health professionals, coop-  
13 erative extensions, not-for-profit organizations, and institutions of  
14 higher education.

15 2. The wellness policy established by subdivision one of this section  
16 shall be in compliance with all relevant state and federal laws, includ-  
17 ing the Healthy, Hunger-Free Kids Act of 2010 7 CFR 210.30, and repre-  
18 sent best practices and guidance from (i) the stakeholder group estab-  
19 lished in paragraph (a) of subdivision one of this section and (ii) the  
20 Centers for Disease Control and Prevention's Whole School, Whole Commu-  
21 nity, Whole Child model.

22 3. On or before January first, two thousand twenty-one, the model  
23 wellness policy shall be made available to school districts, boards of  
24 cooperative educational services, charter schools and nonpublic schools.  
25 School districts, boards of cooperative educational services, charter  
26 schools and nonpublic schools may, but shall not be required to, incor-  
27 porate all or part of the model policy as a part of their locally  
28 adopted wellness policy.

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

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1 4. On or before July first, two thousand twenty, the commissioner  
2 shall establish and maintain an online, publicly available and searcha-  
3 ble database of every local educational agencies' most recently reviewed  
4 wellness policy and triennial assessment.

5 § 2. This act shall take effect immediately and shall be deemed to  
6 have been in full force and effect on and after April 1, 2020; provided,  
7 however, that if the requirement to perform administrative reviews of  
8 wellness policies incorporated in 7 CFR 210.18 is repealed, subdivision  
9 4 of section 2-e of the education law as added by section one of this  
10 act shall be repealed; provided further, however, that the commissioner  
11 of education shall notify the legislative bill drafting commission upon  
12 the occurrence of the repeal of subdivision 4 of section 2-e of the  
13 education law as added by section one of this act in order that the  
14 commission may maintain an accurate and timely effective database of the  
15 official text of the laws of the state of New York in furtherance of  
16 effectuating the provisions of section 44 of the legislative law and  
17 section 70-b of the public officers law.