STATE OF NEW YORK

7607--A

2019-2020 Regular Sessions

IN ASSEMBLY

May 13, 2019

Introduced by M. of A. BENEDETTO, LIFTON, MOSLEY, FERNANDEZ, L. ROSENTHAL, SAYEGH, CRUZ, WOERNER, RAMOS, D'URSO -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. The education law is amended by adding a new section 2-e to read as follows:

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

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

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

2. The wellness policy established by subdivision one of this section shall be in compliance with all relevant state and federal laws, including the Healthy, Hunger-Free Kids Act of 2010 7 CFR 210.30, and represent best practices and guidance from (i) the stakeholder group established in paragraph (a) of subdivision one of this section and (ii) the Centers for Disease Control and Prevention's Whole School, Whole Community, Whole Child model.

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

LBD11451-02-0

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

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

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