

By: Nelson

S.B. No. 34

A BILL TO BE ENTITLED

AN ACT

relating to a nutrition policy for public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 2, Agriculture Code, is amended by adding Chapter 15A to read as follows:

CHAPTER 15A. PUBLIC SCHOOL NUTRITION POLICY

Sec. 15A.001. DEFINITIONS. In this chapter:

(1) "Competitive food" means a food or beverage provided or made available to public school students other than that provided or made available under the national school breakfast, school lunch, or after-school snack program, including a food or beverage provided or made available in a vending machine or in a school store.

(2) "Meal service period" means the time designated for serving and eating a meal on a school campus.

Sec. 15A.002. APPLICABILITY OF CHAPTER. This chapter applies only to a school district with at least one campus that participates in the national school breakfast, school lunch, or after-school snack program.

Sec. 15A.003. ACCESS TO COMPETITIVE FOODS RESTRICTED. (a) An elementary school campus may not serve or provide access to a competitive food at any time during the school day.

(b) A middle school or junior high school campus may serve or provide access to a competitive food only at times other than

1 during the meal service period.

2 (c) A high school campus may serve or provide access to a
3 competitive food during a meal service period only in areas other
4 than areas where school meals are served or provided.

5 (d) A middle school, junior high school, or high school
6 campus may not serve or provide access to a competitive food unless
7 the food meets the nutrition standards described by this chapter
8 and rules adopted by the commissioner under this chapter.

9 (e) A middle school, junior high school, or high school
10 campus may provide students access to a competitive food using a
11 vending machine or similar automated machine only if access to the
12 machine is restricted during the periods in which access to the food
13 is prohibited under this section.

14 Sec. 15A.004. ACCESS TO FOODS OF MINIMAL NUTRITIONAL VALUE
15 RESTRICTED. (a) An elementary school campus may not serve or
16 provide access to foods of minimal nutritional value.

17 (b) The commissioner shall adopt rules relating to the
18 availability of foods of minimal nutritional value on middle
19 school, junior high school, and high school campuses.

20 (c) For purposes of this section, the commissioner by rule
21 shall identify foods of minimal nutritional value.

22 Sec. 15A.005. SCHOOL MEAL NUTRITION STANDARDS. (a) In
23 addition to the nutrient content standards required by federal law,
24 a school district or campus may not provide or make available to
25 students:

26 (1) whole milk, except that a school district or
27 campus may provide whole milk for use by children not older than two

1 years of age;

2 (2) food products containing excessive amounts of fat
3 per serving, as determined by the commissioner;

4 (3) food products in portion sizes larger than those
5 approved by the commissioner; and

6 (4) other food products prohibited by rules adopted by
7 the commissioner.

8 (b) Each school district is encouraged to adopt menus
9 recommended by the commissioner that:

10 (1) increase the weekly servings of fresh fruit and
11 vegetables;

12 (2) increase the weekly servings of whole grain foods;
13 and

14 (3) satisfy other specific meal standards, as
15 determined by the commissioner.

16 Sec. 15A.006. EXCEPTIONS. The commissioner by rule may
17 adopt exceptions to Sections 15A.004 and 15A.005 for:

18 (1) students with special needs, as determined by the
19 commissioner;

20 (2) not more than three campus-wide events each school
21 year;

22 (3) campus-approved student field trips;

23 (4) athletic, band, or other competitions that occur
24 off of school property;

25 (5) student fund-raisers;

26 (6) student birthday parties; and

27 (7) other special events, as determined by the

1 commissioner.

2 Sec. 15A.007. RULES. (a) The commissioner by rule may
3 adopt additional guidelines and policies relating to public school
4 nutrition.

5 (b) The commissioner shall adopt rules to administer this
6 chapter.

7 SECTION 2. As soon as practicable after the effective date
8 of this Act, the commissioner of agriculture shall adopt any rules
9 necessary to implement this Act.

10 SECTION 3. This Act applies beginning with the 2007-2008
11 school year.

12 SECTION 4. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.