

## **BILL ANALYSIS**

Senate Research Center

H.B. 127  
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Education  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Two-thirds of all adult Texans (66.7 percent) are considered overweight or clinically obese. Obesity has been linked to a rise in insurance premiums, loss of worker productivity, and a higher disability rate, all of which strain local economies. Texas also has one of the highest rates of childhood obesity in the nation, with more than 20 percent of children being considered obese. Obese children have an 80 percent chance of staying obese through adulthood. Therefore, it is imperative that healthy dietary options be readily available in schools in order to mitigate the rise in the adult and child obesity rate.

Schools in Texas are currently permitted to sell whole milk, sugary fruit drinks, and electrolyte replacement drinks that contribute to obesity. With the exception of whole milk, which is rich in nutrients, these types of beverages can contain high amounts of fat and sugar, and have little to no nutritional value. The beverage options available in Texas public schools should act to combat the obesity rate, not contribute to it.

H.B. 127 amends current law relating to the types of beverages that may be sold to students on public school campuses.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1 (Section 12.0021, Agriculture Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 12, Agriculture Code, by adding Section 12.0021, as follows:

Sec. 12.0021. BEVERAGES ALLOWED TO BE SOLD TO STUDENTS ON PUBLIC SCHOOL CAMPUSES. (a) Prohibits a public school, except as provided by Subsection (b), from selling or allowing to be sold to a student on the school campus any type of beverage other than the following:

- (1) water without added sweetener;
- (2) milk with a fat content of one percent or less;
- (3) fluid milk substitutions permitted by the United States Department of Agriculture under 7 C.F.R. Section 210.10;
- (4) 100 percent vegetable juice;
- (5) 100 percent fruit juice;
- (6) zero-calorie electrolyte replacement or zero-calorie vitamin water beverages; or
- (7) an electrolyte replacement beverage other than one described by Subdivision (6) but only if the electrolyte replacement beverage is

provided at the discretion of a coach to students engaged in vigorous physical activity lasting at least one hour.

(b) Provides that Subsection (a) does not apply:

(1) on a day that school is not in session;

(2) before the beginning of the breakfast period; or

(3) after the end of the last instruction period of the day.

(c) Authorizes the Texas Department of Agriculture to adopt rules as necessary to administer this section.

SECTION 2. Provides that this Act applies beginning with the 2012-2013 school year.

SECTION 3. Provides that this Act takes effect September 1, 2011.