

BILL ANALYSIS

C.S.H.B. 127
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Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas has one of the highest rates of childhood obesity in the nation. Sodas, whole milk, and sugary electrolyte replacement drinks are currently allowed to be sold on public school campuses. 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.

C.S.H.B. 127 intends to address the issue of childhood obesity by prohibiting public schools from selling certain beverages during school hours.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 127 amends the Agriculture Code to prohibit a public school from selling or allowing to be sold to a student on the school campus any type of beverage other than the following: water without added sweetener; milk with a fat content of one percent or less; fluid milk substitutions permitted by the United States Department of Agriculture under federal law; 100 percent vegetable juice; 100 percent fruit juice; or an electrolyte replacement beverage, 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. The bill makes the prohibition inapplicable on a day that school is not in session, before the beginning of the breakfast period, or after the end of the last instruction period of the day. The bill authorizes the Department of Agriculture to adopt rules as necessary to administer its provisions and makes its provisions applicable beginning with the 2012-2013 school year.

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 127 differs from the original by prohibiting a public school from selling or allowing to be sold to a student any type of beverage other than, among others, milk with a fat content of one percent or less, fluid milk substitutions permitted by federal law, 100 percent vegetable juice, or 100 percent fruit juice, whereas the original prohibits the sale of beverages other than milk with a fat content of two percent or less; soy milk, rice milk, or similar nondairy milk; or vegetable juice or fruit juice that is at least 50 percent juice and does not contain added sweetener. The substitute contains a provision not included in the original to permit the sale of an electrolyte replacement beverage if the beverage is provided at the discretion of a coach to students engaged in certain vigorous activity, whereas the original permits the sale of an electrolyte replacement beverage if the beverage meets certain requirements relating to sweetener content.

C.S.H.B. 127 differs from the original, in a provision making the prohibition inapplicable on a day that school is not in session, by also making the prohibition inapplicable before the beginning of the breakfast period or after the end of the last instruction period of the day, rather than making the prohibition inapplicable beginning at least one-half hour after the end of a school day, as in the original.

C.S.H.B. 127 differs from the original by making its provisions applicable beginning with the 2012-2013 school year, rather than with the 2011-2012 school year, as in the original. The substitute makes the bill effective September 1, 2011, whereas the original makes it effective on passage or September 1, 2011.