

By: Lucio

S.B. No. 1786

A BILL TO BE ENTITLED

AN ACT

relating to the restriction of certain foods at 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) "Whole grain food" means a grain or bread product that contains the statement "Diets rich in whole grain foods and other plant foods and low in total fat, saturated fat, and cholesterol may help reduce the risk of heart disease and certain cancers" and includes:

(A) a whole grain as the first listed ingredient;  
or

(B) an amount of whole grains that, when combined, represents at least 51 percent of total grain weight.

Sec. 15A.002. ACCESS TO COMPETITIVE FOODS RESTRICTED. (a) An elementary school campus may not serve or provide access to a

1 competitive food at any time during the school day, except as  
2 provided by Section 15A.003.

3 (b) A middle school, junior high school, or high school  
4 campus may not serve or provide access to a competitive food at any  
5 time during the school day, except as provided by Section 15A.004.

6 Sec. 15A.003. ELEMENTARY SCHOOL NUTRITION RESTRICTIONS ON  
7 COMPETITIVE FOODS. An elementary school campus may serve or  
8 provide access to the following competitive foods during the school  
9 day:

10 (1) the following foods that do not contain added  
11 sugar or fat:

- 12 (A) nut butters;
- 13 (B) individually sold portions of nuts;
- 14 (C) seeds;
- 15 (D) eggs;
- 16 (E) cheese packaged for individual sale;
- 17 (F) fruit not listed in Subdivision (3);
- 18 (G) non-fried vegetables; or
- 19 (H) legumes;

20 (2) a dairy product or whole grain food that:  
21 (A) contains not more than 35 percent of calories  
22 from fat;

23 (B) contains not more than 10 percent of calories  
24 from saturated fat; and

25 (C) consists of not more than 35 percent sugar;

26 (3) dried blueberries, cranberries, cherries, or  
27 tropical fruit;

1           (4) fruit or vegetable juice that:

2                   (A) consists of not less than 50 percent juice;

3 and

4                   (B) contains no added sweeteners;

5           (5) cow or goat milk with a fat content of not more  
6 than two percent that:

7                   (A) contains vitamins A and D;

8                   (B) constitutes not less than 25 percent of the  
9 daily value of calcium, as provided by the United States Food and  
10 Drug Administration; and

11                   (C) contains not more than 28 grams of total  
12 sugar in each eight fluid ounces;

13           (6) nondairy milk that:

14                   (A) contains vitamins A and D;

15                   (B) constitutes not less than 25 percent of the  
16 daily value of calcium, as provided by the United States Food and  
17 Drug Administration;

18                   (C) contains not more than 28 grams of total  
19 sugar in each eight fluid ounces; and

20                   (D) contains not more than five grams of fat in  
21 each eight fluid ounces; or

22           (7) water with no added sweeteners.

23           Sec. 15A.004. MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH  
24 SCHOOL NUTRITION RESTRICTIONS ON COMPETITIVE FOODS. (a) A middle  
25 school, junior high school, or high school campus may serve or  
26 provide access to the following competitive foods during the school  
27 day:

- 1           (1) a snack food, as determined by the commissioner,  
2 that:
- 3                   (A) contains not more than 35 percent of calories  
4 from fat;
- 5                   (B) contains not more than 10 percent of calories  
6 from saturated fat;
- 7                   (C) consists of not more than 35 percent sugar;  
8 and
- 9                   (D) contains not more than 250 calories in each  
10 container;
- 11           (2) an entree food, as determined by the commissioner,  
12 that contains:
- 13                   (A) not more than 400 calories;
- 14                   (B) not more than four grams of fat in each 100  
15 calories of the entree food; and
- 16                   (C) meat or a meat alternative alone or is made up  
17 of not less than two of the following:
- 18                           (i) a meat or meat alternative;  
19                           (ii) a fruit or vegetable; or  
20                           (iii) a grain or bread;
- 21           (3) notwithstanding Subdivisions (1) and (2):
- 22                   (A) nuts, nut butters, seeds, or legumes with any  
23 fat content;
- 24                   (B) eggs or cheese packaged for individual sale  
25 with any fat or saturated fat content; or
- 26                   (C) fruit or non-fried vegetables with any fat or  
27 sugar content;

1           (4) fruit or vegetable juice that:

2                   (A) consists of not less than 50 percent juice;

3 and

4                   (B) contains no added sweeteners;

5           (5) cow or goat milk with a fat content of not more  
6 than two percent that:

7                   (A) contains vitamins A and D;

8                   (B) constitutes not less than 25 percent of the  
9 daily value of calcium, as provided by the United States Food and  
10 Drug Administration; and

11                   (C) contains not more than 28 grams of total  
12 sugar in each eight fluid ounces;

13           (6) nondairy milk that:

14                   (A) contains vitamins A and D;

15                   (B) constitutes not less than 25 percent of the  
16 daily value of calcium, as provided by the United States Food and  
17 Drug Administration;

18                   (C) contains not more than 28 grams of total  
19 sugar in each eight fluid ounces; and

20                   (D) contains not more than five grams of fat in  
21 each eight fluid ounces;

22           (7) an electrolyte replacement beverage that  
23 contains:

24                   (A) water as the primary ingredient;

25                   (B) not more than 2.1 grams of added sweetener in  
26 each fluid ounce;

27                   (C) not less than 10 and not more than 150

1 milligrams of sodium in each eight fluid ounces;

2 (D) not less than 10 and not more than 90  
3 milligrams of potassium in each eight fluid ounces; and

4 (E) no added caffeine; or

5 (8) water with no added sweeteners.

6 (b) A middle school, junior high school, or high school  
7 campus may not serve or provide access to a competitive food that  
8 contains vegetable shortening, margarine, or any kind of partially  
9 hydrogenated vegetable oil, unless the total trans fat content is  
10 less than one-half gram of trans fat in each serving.

11 (c) A middle school, junior high school, or high school  
12 campus may serve or provide access to a competitive food otherwise  
13 restricted under this section during a school-sponsored event that  
14 occurs on campus immediately after the school day ends.

15 Sec. 15A.005. RULES. The commissioner shall adopt rules to  
16 administer this chapter.

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

20 SECTION 3. This Act applies beginning with the 2013-2014  
21 school year.

22 SECTION 4. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2013.