

BILL ANALYSIS

Senate Research Center
87R656 CAE-D

S.B. 396
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Education
4/14/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Schools across Texas offer instruction to their students about health, including nutritious eating habits. This instruction is developed with the input of the district's local School Health Advisory Council (SHAC), a group of parents and health professionals who are tasked with making recommendations on curriculum related to health used by the district. However, concerned stakeholders report that some schools choose to post advertisements for food products on their campuses, many with messages that conflict with the nutrition instruction recommended by their SHACs. Without calibrating schools' advertising decisions with their health instruction, students can be subjected to confusing mixed messages regarding nutrition while on campus.

S.B. 396 allows schools to clear up this confusion by tasking SHACs with developing recommendations on food advertising in schools. While the districts themselves will retain the final decision on all advertising, SHACs are in the best position to determine how potential advertisements are compatible or incompatible with the nutrition curriculum they have recommended for district use. Putting forward a consistent message on healthy eating habits will ensure the recommendations of the SHAC will be most effective.

As proposed, S.B. 396 amends current law relating to the establishment of school district policies regarding the marketing and commercial advertising of food products on school district property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 28.004, Education Code, by adding Subsection (p), as follows:

(p) Requires the local school health advisory council (council) to:

(1) conduct a review of the school district policies regarding the marketing and commercial advertising on district property of food products that are not offered through the school meal program;

(2) determine the extent to which the marketing and commercial advertising on district property of food products that are not offered through the school meal program conflict with recommendations developed by the council as required by Subsection (c)(2) (relating to policies, procedures, strategies, and curriculum designed to prevent certain physical health concerns); and

(3) recommend:

(A) policies, procedures, strategies, and curricula for the district to diminish the negative health consequences, including obesity, cardiovascular disease, and Type 2 diabetes, related to the marketing and commercial advertising on district property of food products that are not offered through the school meal program; and

(B) the extent to which marketing and commercial advertising on district property of food products that are not offered through the school meal program should be allowed.

SECTION 2. Effective date: September 1, 2021.