
SENATE BILL 5436

State of Washington 58th Legislature 2003 Regular Session

By Senators Kohl-Welles, Rasmussen, Jacobsen, Winsley, Thibaudeau,
McAuliffe, Prentice and Kline

Read first time 01/24/2003. Referred to Committee on Education.

AN ACT Relating to the sales of competitive foods and beverages sold and served on public school campuses; adding a new section to chapter 28A.235 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.** (1) The legislature finds:

(a) Childhood obesity has reached epidemic levels in Washington and throughout the nation. Nearly one in five Washington adolescents in grades nine through twelve were recently found to be either overweight or at risk of being overweight;

(b) Overweight and obese children are at higher risk for developing severe long-term health problems, including but not limited to, Type 2 diabetes, cardiovascular disease, high blood pressure, and certain cancers;

(c) Overweight youth also are often affected by discrimination, psychological stress, and low self-esteem;

(d) Obesity and subsequent diseases are largely preventable through diet and regular physical activity;

(e) A child who has eaten a well-balanced meal and is healthy is more likely to be prepared to learn in the classroom;

(f) Encouraging adolescents to adopt healthy lifelong eating habits can increase their productivity and reduce their risk of dying prematurely; and

(g) Schools are a logical place to address the issue of obesity in children and adolescents.

(2) While the United States department of agriculture regulates the nutritional content of meals sold in schools under its school breakfast and lunch program, limited standards are in place to regulate "competitive foods," which are often high in added sugars, sodium, and saturated fat content. However, the United States department of agriculture does call for states and local entities to add restrictions on competitive foods, as necessary.

NEW SECTION. **Sec.** A new section is added to chapter 28A.235 RCW to read as follows:

(1) At elementary and middle schools, the sale of all foods on school grounds during regular school hours shall be approved for compliance with the nutrition standards in this section by the person or persons responsible for implementing these provisions as designated by the school district.

(2)(a) At elementary and middle schools, the only food that may be sold to pupils during breakfast and lunch periods is food that is sold as a full meal. This subsection does not prohibit the sale of fruit, nonfried vegetables, legumes, beverages, dairy products, or grain products, as individual food items if they meet the requirements in this subsection.

(b) An individual food item sold to a pupil during regular school hours at elementary and middle schools shall meet all of the following standards:

(i) Not more than thirty-five percent of its total calories is from fat. This subsection (2)(b)(i) does not apply to the sale of nuts or seeds;

(ii) Not more than ten percent of its total calories is from saturated fat;

(iii) Not more than thirty-five percent of its total weight is composed of sugar. This subsection (2)(b)(iii) does not apply to the sale of fruits or vegetables.

(c) During regular school hours, water, milk, one hundred percent fruit juices, or fruit-based drinks that are composed of no less than fifty percent fruit juice and that have no added sweeteners are the only beverages that may be sold to pupils at elementary and middle schools.

(3) At elementary and middle schools, vending machines that contain beverage items that do not meet the requirements in this section shall remain locked or be rendered inoperative until after regular school hours.

(4) Elementary and middle schools may permit the sale of food items that do not comply with subsections (1) through (3) of this section as part of a school fund-raising event in any of the following circumstances:

(a) By pupils of the school if the sale of those items takes place off school premises; and

(b) By pupils of the school if the sale of those items takes place at least one-half hour after the end of the school day.

(5) This section does not apply to holiday events, special celebrations, or class parties where food and beverages are brought into the school.

(6) This section applies beginning with the 2004-05 school year.

NEW SECTION. **Sec.** (1) The office of the superintendent of public instruction shall convene a task force to recommend methods of implementing this act. The task force shall also consider, and make recommendations regarding:

(a) Finding alternative ways of fund-raising to offset the revenue lost by current sales of competitive foods that do not meet the nutritional content standards required by section 2 of this act;

(b) Increasing the availability of fresh fruit and vegetables, including exploring the possibilities of organic, locally grown produce;

(c) Creating a list of recommended foods and beverages that meet the nutritional content standards required by section 2 of this act;

(d) Enhancing the student dining experience including the time allotted for a lunch period;

(e) How schools can stop the deluge of commercial marketing of products and services in schools;

(f) Incentives, both financial and nonfinancial, to encourage high schools to participate in this healthy foods program; and

(g) Ways for schools to assess how well they promote nutrition and healthy living, and how well nutrition and physical activity are integrated into the curriculum.

(2) In addition to the superintendent of public instruction or the superintendent's designee, the task force shall include but not be limited to representation from the following: School principals, teachers, school boards, representatives of parent organizations, advocacy groups concerned with children and their health, the department of health, students, the public, dieticians

and nutritionists, school food service employees, school nurses, health care providers and health maintenance organizations, and representatives of the soft drink and vending industries. At least three members of the task force shall be public members, and at least three members of the task force shall be high school students. The task force may seek input from other experts as needed.

(3) Members of the task force shall serve without compensation. The office of the superintendent of public instruction shall provide support to the task force, including assisting in the production of the required report and providing travel reimbursements in accordance with RCW 43.03.050 and 43.03.060, within existing resources, unless private or other nonstate funding can be secured.

(4) The task force shall submit recommendations to the governor, legislature, and the Washington state school directors' association by December 1, 2004.

(5) This section expires January 1, 2006.

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