

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2003**

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**SENATE DRS15126-RC-3 (3/13)**

Short Title: Moratorium on Soft Drink Contracts/Schools. (Public)

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Sponsors: Senator Kinnaird.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO PLACE A MORATORIUM ON THE AUTHORITY OF LOCAL  
BOARDS OF EDUCATION TO ENTER INTO CONTRACTS FOR THE SALE  
OF SOFT DRINKS TO STUDENTS IN PUBLIC SCHOOLS, AND TO APPOINT  
AN INDEPENDENT STUDY COMMISSION TO STUDY THE PUBLIC  
HEALTH ISSUES AND MAKE RECOMMENDATIONS REGARDING  
WHETHER CERTAIN FOODS, INCLUDING SOFT DRINKS, SHOULD BE  
MADE AVAILABLE TO STUDENTS IN PUBLIC SCHOOLS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Notwithstanding G.S. 115C-264, a local board of education shall not enter into a contract, authorize an agent to enter into a contract, or otherwise delegate the board's authority to enter into a contract that allows soft drinks to be sold to students on school property during the school day. A local board may exercise an existing option to renew or extend that is contained in a contract that allows soft drinks to be sold to students on school property during the school day. However, a local board may not amend an existing contract that allows soft drinks to be sold to students on school property during the school day in order to create an option to extend or renew the period of the contract. For purposes of this act, the term "soft drinks" includes foods of minimal nutritional value as defined in 7 C.F.R. § 210.11(a)(2).

**SECTION 2.(a)** The Commission on Nutrition and Public School Students is created. The purpose of the Commission is to study the public health issues related to elementary and secondary students consuming foods of minimal nutritional value and whether, and to what extent, those foods should be made available to students in public schools.

**SECTION 2.(b)** The Commission shall consist of 10 members as follows:

1 (1) Five members appointed by the President Pro Tempore of the Senate.  
2 Of these members, at least one each shall be a member of the Senate, a  
3 pediatrician, a specialist in child nutrition, and a dentist.

4 (2) Five members appointed by the Speaker of the House of  
5 Representatives. Of these members, at least one each shall be a  
6 member of the House of Representatives, a pediatrician, a specialist in  
7 child nutrition, and a dentist.

8 **SECTION 2.(c)** The President Pro Tempore of the Senate shall designate  
9 one Senator as cochair and the Speaker of the House of Representatives shall designate  
10 one Representative as cochair. Vacancies on the Commission shall be filled by the same  
11 appointing officer who made the initial appointment. The Commission shall expire  
12 upon delivering its final report.

13 **SECTION 2.(d)** The Commission, while in the discharge of official duties,  
14 may exercise all powers provided for under the provisions of G.S. 120-19 and G.S.  
15 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint  
16 call of the cochairs. The Commission may meet in the Legislative Building or the  
17 Legislative Office Building. The Commission may contract for professional, clerical, or  
18 consultant services as provided by G.S. 120-32.02.

19 The Legislative Services Commission, through the Legislative Services  
20 Officer, shall assign professional staff to assist the Commission in its work. The House  
21 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to  
22 the Commission, and the expenses relating to the clerical employees shall be borne by  
23 the Commission. Members of the Commission shall receive subsistence and travel  
24 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

25 **SECTION 2.(e)** The Commission shall have the following powers and  
26 duties:

27 (1) To review State and federal laws and rules related to the sale of foods  
28 of minimal nutritional value to students in public schools.

29 (2) To review research related to the public health issues of childhood  
30 diabetes, tooth decay, eating disorders, and other related nutritional  
31 issues.

32 (3) To review how local school food services contract to obtain food for  
33 school meals and whether the method by which other food items are  
34 made available to students in schools is consistent with the National  
35 School Lunch Program, the National School Breakfast Program, and  
36 sound nutritional policy.

37 (4) To review the impact of the moratorium created in Section 1 of this act  
38 on local school administrative units and students.

39 **SECTION 2.(f)** The Commission on Nutrition and Public School Students  
40 shall submit an interim report to the General Assembly and the Joint Legislative  
41 Education Oversight Committee not later than the convening of the 2004 Regular  
42 Session of the General Assembly. The report shall make recommendations regarding  
43 whether and under what circumstances foods of minimal nutritional value may be made  
44 available to students at public schools. The Commission on Nutrition and Public School

1 Students shall submit a final report to the General Assembly and to the Joint Legislative  
2 Education Oversight Committee prior to December 1, 2004.

3           **SECTION 2.(g)** All State departments and agencies and local governments  
4 and their subdivisions shall furnish the Commission with any information in their  
5 possession or available to them.

6           **SECTION 2.(h)** Of the funds appropriated to the General Assembly, the  
7 Legislative Services Commission shall allocate funds to implement the provisions of  
8 Section 2 of this act.

9           **SECTION 3.** This act is effective when it becomes law. Section 1 applies to  
10 contracts entered into on or after the effective date and expires January 31, 2005.