

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 900
Committee Substitute Favorable 4/13/09

Short Title: Nutrition Stds./All Foods Sold at School.

(Public)

Sponsors:

Referred to:

March 31, 2009

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ANNUALLY REVIEW
3 NUTRITION STANDARDS FOR FOODS AND BEVERAGES ADMINISTERED BY
4 THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION
5 PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE
6 OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS DURING THE
7 INSTRUCTIONAL DAY TO MEET CERTAIN STANDARDS BY THE 2010 SCHOOL
8 YEAR.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 115C-264.3 reads as rewritten:

11 "§ 115C-264.3. **Child Nutrition Program standards.**

12 (a) The State Board of Education, in direct consultation with a cross section of local
13 directors of child nutrition services, shall establish statewide nutrition standards for school
14 meals, a la carte foods and beverages, and items served in the After School Snack Program
15 administered by the Department of Public Instruction and child nutrition programs of local
16 school administrative units. The nutrition standards will promote gradual changes to increase
17 fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans
18 fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education
19 shall be implemented initially in elementary schools. All elementary schools shall achieve a
20 basic level by the end of the 2009-2010 school year, followed by middle schools and then high
21 schools.

22 (b) The State Board of Education shall examine the standards on an annual basis and
23 make modifications that reflect current products in the marketplace, best practices in the
24 industry, and science-based evidence as reflected in the Dietary Guidelines for Americans,
25 published by the United States Department of Health and Human Services."

26 SECTION 2. G.S. 115C-264.2 reads as rewritten:

27 "§ 115C-264.2. **Vending machine sales, and other foods sold on campus during the**
28 **instructional day.**

29 (a) Each school may, with the approval of the local board of education, sell to students
30 beverages in vending machines during the school day so long as:

- 31 (1) Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at
32 elementary schools, or (iii) contrary to the requirements of the National
33 School Lunch Program;
- 34 (2) Sugared carbonated soft drinks, including mid-calorie carbonated soft
35 drinks, are not offered for sale in middle schools;
- 36 (3) Not more than fifty percent (50%) of the offerings for sale to students in
37 high schools are sugared carbonated soft drinks;



- 1 (4) Diet carbonated soft drinks are not considered in the same category as
2 sugared carbonated soft drinks; and
- 3 (5) Bottled water products are available in every school that has beverage
4 vending.
- 5 (b) Nothing in subsection (a) of this section prohibits a school from adopting stricter
6 policies with respect to beverage vending.
- 7 (c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient
8 Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack
9 vending is available to students, and in middle and high schools, seventy-five percent (75%) of
10 snack vending products have not more than 200 calories per portion or snack vending package.
- 11 (d1) School stores, snack bars, fund-raisers, and other food sale operations on the school
12 campus during the instructional day shall, by school year 2010-2011, meet the Proficient Level
13 of the NC Eat Smart Nutrition Standards."

14 **SECTION 3.** This act is effective when it becomes law.