

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**HOUSE BILL 650**

Short Title: Moratorium on Soft Drink Contracts/Schools.

(Public)

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Sponsors: Representatives Howard; Adams, Alexander, Blue, Blust, Bowie, Brubaker, Carpenter, Coates, Culp, Davis, Edwards, Esposito, Fitch, Hensley, Hill, Holmes, Insko, Johnson, Justus, Kiser, Luebke, McAllister, McComas, Michaux, Morgan, Morris, Sherrill, Starnes, Teague, Underhill, Walend, Walker, Warner, Weatherly, Weiss, West, and G. Wilson.

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Referred to: Rules, Calendar, and Operations of the House.

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March 15, 2001

A BILL TO BE ENTITLED

1 AN ACT TO PLACE A MORATORIUM ON THE AUTHORITY OF LOCAL  
2 BOARDS OF EDUCATION TO ENTER INTO CONTRACTS FOR THE SALE  
3 OF SOFT DRINKS TO STUDENTS IN PUBLIC SCHOOLS, AND TO APPOINT  
4 AN INDEPENDENT STUDY COMMISSION TO STUDY THE PUBLIC  
5 HEALTH ISSUES AND MAKE RECOMMENDATIONS REGARDING  
6 WHETHER CERTAIN FOODS, INCLUDING SOFT DRINKS, SHOULD BE  
7 MADE AVAILABLE TO STUDENTS IN PUBLIC SCHOOLS.  
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9 The General Assembly of North Carolina enacts:

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

20 **SECTION 2.1.(a)** The Commission on Nutrition and Public School Students  
21 is created. The purpose of the Commission is to study the public health issues related to  
22 elementary and secondary students consuming foods of minimal nutritional value and

1 whether and to what extent those foods should be made available to students in public  
2 schools.

3 **SECTION 2.1.(b)** The Commission shall consist of 10 members as follows:

- 4 (1) Five members appointed by the President Pro Tempore of the Senate.  
5 Of these members, at least one each shall be a member of the Senate, a  
6 pediatrician, a specialist in child nutrition, and a dentist.
- 7 (2) Five members appointed by the Speaker of the House of  
8 Representatives. Of these members, at least one each shall be a  
9 member of the House of Representatives, a pediatrician, a specialist in  
10 child nutrition, and a dentist.

11 **SECTION 2.1.(c)** The President Pro Tempore of the Senate shall designate  
12 one senator as cochair and the Speaker of the House of Representatives shall designate  
13 one representative as cochair. Vacancies on the Commission shall be filled by the same  
14 appointing officer who made the initial appointment. The Commission shall expire  
15 upon delivering its final report.

16 **SECTION 2.1.(d)** The Commission, while in the discharge of official duties,  
17 may exercise all powers provided for under the provisions of G.S. 120-19 and G.S. 120-  
18 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call  
19 of the cochairs. The Commission may meet in the Legislative Building or the  
20 Legislative Office Building. The Commission may contract for professional, clerical, or  
21 consultant services as provided by G.S. 120-32.02.

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

28 **SECTION 2.1.(e)** The Commission shall have the following powers and  
29 duties:

- 30 (1) To review State and federal laws and rules related to the sale of foods  
31 of minimal nutritional value to students in public schools.
- 32 (2) To review research related to the public health issues of childhood  
33 obesity, tooth decay, eating disorders, and other related nutritional  
34 issues.
- 35 (3) To review how local school food services contract to obtain food for  
36 school meals and whether the method by which other food items are  
37 made available to students in schools is consistent with the National  
38 School Lunch Program, the National School Breakfast Program, and  
39 sound nutritional policy.
- 40 (4) To review the impact of the moratorium created in Section 1 of this act  
41 on local school administrative units and students.

42 **SECTION 2.1.(f)** The Commission on Nutrition and Public School Students  
43 shall submit an interim report to the General Assembly and the Joint Legislative  
44 Education Oversight Committee not later than the convening of the 2002 Regular

1 Session of the General Assembly. The report shall make recommendations regarding  
2 whether and under what circumstances foods of minimal nutritional value may be made  
3 available to students at public schools. The Commission on Nutrition and Public School  
4 Students shall submit a final report to the General Assembly and to the Joint Legislative  
5 Education Oversight Committee prior to December 1, 2002.

6           **SECTION 2.1.(g)** All State departments and agencies and local governments  
7 and their subdivisions shall furnish the Commission with any information in their  
8 possession or available to them.

9           **SECTION 2.1.(h)** Of the funds appropriated to the General Assembly, the  
10 Legislative Services Commission shall allocate funds to implement the provisions of  
11 Section 2 of this act.

12           **SECTION 3.** This act is effective when it becomes law. Section 1 applies to  
13 contracts entered into on or after the effective date, and expires January 31, 2003.