

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 503
Committee Substitute Favorable 5/18/11
Third Edition Engrossed 6/1/11

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

(Public)

Sponsors:

Referred to:

March 30, 2011

A BILL TO BE ENTITLED

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT RULES FOR OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS AND TO REQUIRE CHARTER SCHOOLS PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM AND LOCAL BOARDS OF EDUCATION TO IMPLEMENT THESE RULES BY THE 2012-2013 SCHOOL YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-264.2 is repealed.

SECTION 2. Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-264.4. Other foods and beverages sold on campus.

(a) The State Board of Education shall adopt nutritional rules for all competitive foods and beverages sold to students. In promulgating its rules pursuant to this act, the State Board of Education shall adopt either the Alliance for a Healthier Generation's Competitive Foods and Beverage Guidelines or the National Academy of Sciences, Institute of Medicine's Recommended Standards for Competitive Foods and Beverages in Schools as the initial statewide standard for competitive foods and beverages. The rules shall include, but not be limited to, standards for calorie, fat, sugar, and sodium content. The State Board of Education shall report to the Joint Legislative Health Care Oversight Committee and the Joint Legislative Education Oversight Committee on the status of the final rules by April 30, 2012.

(b) For the purposes of this section, "competitive food" means any food or beverage sold to students on school grounds that is not part of the school breakfast or school lunch program. This includes, but is not limited to, vending, school stores, snack bars, fund-raisers, and other informal food sales to students on the school campus, with the exception of child nutrition programs, culinary and other curriculum programs, fund-raisers conducted after the end of the last lunch period of the day, and extracurricular events.

(c) The State Board of Education shall periodically review the nutritional rules for competitive foods and beverages to ensure that they remain current and science-based and shall also review the nutritional rules upon changes to federal law or regulations for competitive foods.

(d) Nothing in subsection (a) of this section shall prohibit a school from adopting stricter rules with respect to snack and beverage vending.

(e) No snack vending or soft drinks shall be available to elementary school students.



1 (f) The State Board of Education shall adopt these rules by April 30, 2012, and local
2 boards of education shall implement these rules by the beginning of the 2012-2013 school
3 year."

4 **SECTION 3.** G.S. 115C-238.29F is amended by adding a new subsection to read:

5 "(h1) Food and Beverages Sold on Campus. – A charter school participating in the
6 National School Lunch Program shall comply with the nutritional rules for all competitive
7 foods or beverages sold or served to students, as adopted by the State Board of Education under
8 G.S. 115C-264.4. The charter school shall implement those rules by the beginning of the 2012-
9 2013 school year."

10 **SECTION 4.** This act is effective when it becomes law.