

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 136

Short Title: Encourage Healthy NC Food in Schools. (Public)

Sponsors: Representatives Howard, Elmore, Setzer, and Dixon (Primary Sponsors).

*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Education - K-12, if favorable, Agriculture, if favorable, Rules, Calendar, and Operations of the House

February 24, 2021

A BILL TO BE ENTITLED

AN ACT TO PROMOTE MUSCADINE GRAPE JUICE USAGE IN THE STATE'S LEARNING INSTITUTIONS AND TO INCLUDE MUSCADINE GRAPE JUICE PRODUCERS AND OTHER FRUIT AND FRUIT PRODUCT PRODUCERS PARTICIPATING IN THE "GOT TO BE NC" MARKETING PROGRAM AS PARTICIPANTS IN THE FARM TO SCHOOL PURCHASING PROGRAM.

The General Assembly of North Carolina enacts:

Whereas, the Scuppernong grape, a variation of the muscadine grape, is the official fruit of the State of North Carolina; and

Whereas, the muscadine grape is an important part of North Carolina history and agriculture; and

Whereas, juice made from the muscadine grape does not need added sugar and is rich in healthy antioxidants; and

Whereas, juice made from the muscadine grape is good for all ages; Now, therefore, The General Assembly of North Carolina enacts:

**PART I. REQUIRE PUBLIC SCHOOLS TO MAKE ONE HUNDRED PERCENT MUSCADINE GRAPE JUICE AVAILABLE TO STUDENTS**

**SECTION 1.(a)** G.S. 115C-12 is amended by adding a new subdivision to read:

"(47) Duty to make available muscadine grape juice in certain schools. – The State Board of Education shall ensure that one hundred percent (100%) muscadine grape juice is made available to students in every school operated under the control of the State Board of Education, including schools operated under Article 7A and Article 9C of this Chapter, as a part of the school's nutrition program or through the operation of the school's vending facilities."

**SECTION 1.(b)** Part 2 of Article 17 of Chapter 115C of the General Statutes is amended by adding a new section to read:

**"§ 115C-264.5. Muscadine grape juice.**

A local board of education shall ensure that one hundred percent (100%) muscadine grape juice is made available to students in every school in the local school administrative unit as a part of the school's nutrition program or through the operation of the school's vending facilities."

**SECTION 1.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:



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1       "(i) Muscadine Grape Juice. – A charter school shall ensure that one hundred percent  
2 (100%) muscadine grape juice is made available to students as a part of the school's nutrition  
3 program or through the operation of the school's vending facilities."

4       **SECTION 1.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

5       "(17) Muscadine grape juice. – A regional school shall ensure that one hundred  
6 percent (100%) muscadine grape juice is made available to students as a part  
7 of the school's nutrition program or through the operation of the school's  
8 vending facilities."

9       **SECTION 1.(e)** G.S. 116-239.8(b)(4)c. reads as rewritten:

10       "c. Food services. – The laboratory school shall ensure that one hundred  
11 percent (100%) muscadine grape juice is made available to students as  
12 a part of the school's nutrition program or through the operation of the  
13 school's vending facilities. Upon request, the local school  
14 administrative unit in which the laboratory school is located shall  
15 administer the National School Lunch Program for the laboratory  
16 school in accordance with G.S. 115C-264."

17       **SECTION 1.(f)** G.S. 115D-20 reads as rewritten:

18       "**§ 115D-20. Powers and duties of trustees.**

19       The trustees of each institution shall constitute the local administrative board of such  
20 institution, with such powers and duties as are provided in this Chapter and as are delegated to it  
21 by the State Board of Community Colleges. The powers and duties of trustees shall include the  
22 following:

23       ...

24       "(15) To make available one hundred percent (100%) muscadine grape juice as a  
25 beverage option in the operation of the community college's vending  
26 facilities."

27       **SECTION 1.(g)** Part 5 of Article 1 of Chapter 116 of the General Statutes is amended  
28 by adding a new section to read:

29       "**§ 116-43.25. Availability of muscadine grape juice on campuses.**

30       Each constituent institution shall make one hundred percent (100%) muscadine grape juice  
31 available as a beverage option in the operation of the institution's vending facilities."

32       **SECTION 1.(h)** Subsections (a), (b), (c), (d), and (e) of this section apply beginning  
33 with the 2021-2022 school year. Subsections (f) and (g) of this section apply beginning with the  
34 2021-2022 academic year.

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36       **PART II. INCLUDE ALL "GOT TO BE NC" FRUIT AND FRUIT PRODUCTS**  
37 **PARTICIPANTS IN FARM TO SCHOOL PROGRAM**

38       **SECTION 2.(a)** Finding. – The General Assembly finds that availability of a greater  
39 variety of fresh produce and products derived from fresh produce sourced from North Carolina  
40 farms, orchards, and food processors to the State's schools through the Department of Agriculture  
41 and Consumer Services' Farm to School Program would provide benefits to North Carolina  
42 farmers and food processors. The General Assembly further finds that this greater availability  
43 would enhance the freshness and nutrition of meals provided to North Carolina children through  
44 the National School Lunch Program.

45       **SECTION 2.(b)** Requirement. – The Food Distribution Division of the Department  
46 of Agriculture and Consumer Services shall no later than December 1, 2021, revise its bidding,  
47 procurement, and ordering procedures for the Farm to School Program to include fruit and  
48 products derived from fruit to the list of fruit and fruit products made available to school nutrition  
49 programs through the Farm to School Program when the fruit or fruit product meets the following  
50 requirements:

- 1           (1)    The producer of the fruit or fruit product is a participant in the Department's
- 2                   "Got To Be NC" marketing program.
- 3           (2)    The fruit or fruit product meets all requirements for nutrition and packaging
- 4                   of foods supplied to school nutrition programs under federal and State law.
- 5           **SECTION 2.(c)** Report. – The Department of Agriculture and Consumer Services
- 6 shall provide an interim report on its implementation of this act no later than September 1, 2021,
- 7 and a final report no later than January 1, 2022, to the Joint Legislative Oversight Committee on
- 8 Agriculture and Natural and Economic Resources and the Fiscal Research Division.
- 9           **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
- 10 law.