

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 96

BY REPRESENTATIVE KATRINA JACKSON

BESE: Directs BESE to report to the legislative health and welfare committees on implementation of laws which limit student access to certain foods and beverages in public schools

1 A CONCURRENT RESOLUTION

2 To authorize and direct the State Board of Elementary and Secondary Education to report  
3 to the legislative committees on health and welfare concerning measures taken to  
4 implement the provisions of R.S. 17:197.1 which limit student access to certain  
5 foods and beverages in public schools.

6 WHEREAS, according to a 2011 report published by the Robert Wood Johnson  
7 Foundation, Louisiana has the fourth-highest rate of childhood obesity in the United States;  
8 and

9 WHEREAS, being overweight or obese dramatically increases a child's susceptibility  
10 later in life to cardiovascular disease, type two diabetes, stroke, sleep apnea, hypertension,  
11 certain forms of cancer, osteoarthritis, and other serious health problems; and

12 WHEREAS, childhood obesity in this state is a vital public health concern which  
13 requires careful attention and a prevention-based approach in order to safeguard the health,  
14 productivity, and well-being of future generations of Louisianians; and

15 WHEREAS, with its passage of Senate Bill No. 146 of the 2005 Regular Session, of  
16 the Legislature of Louisiana affirmed prevention of childhood obesity as a public health  
17 priority; and

18 WHEREAS, among findings presented in Senate Bill No. 146 of the 2005 Regular  
19 Session of the Legislature is one acknowledging that healthier food choices available at

1 schools can promote healthier eating habits and reduce obesity and future health problems;  
2 and

3 WHEREAS, this legislation, signed into law as Act No. 331 of the 2005 Regular  
4 Session of the Legislature, enacted R.S. 17:197.1 which provides that except for beverages  
5 sold as part of the school food program, only the following beverages, not to exceed sixteen  
6 ounces in size, may be sold to students at public elementary and secondary schools from  
7 one-half hour before school to one-half hour after school:

8 (1) Fruit juices or drinks composed entirely of fruit juice or vegetable juice that do  
9 not contain added natural or artificial sweeteners.

10 (2) Unsweetened flavored drinking water or unflavored drinking water.

11 (3) Low-fat milk, skim milk, flavored milk, and non-dairy milk; and

12 WHEREAS, as amended by Act No. 306 of the 2009 Regular Session of the  
13 Legislature, R.S. 17:197.1 also requires that except for beverages sold as part of the school  
14 food program, the selection of beverages offered for sale to students in public high schools  
15 in the last ten minutes of each lunch period be comprised of the following:

16 (1) Bottled water.

17 (2) No-calorie or low-calorie beverages that contain up to ten calories per eight  
18 ounces.

19 (3) Up to twelve ounce servings of beverages that contain one hundred percent fruit  
20 juice with no added sweeteners and up to one hundred twenty calories per eight ounces.

21 (4) Up to twelve ounce servings of any other beverage that contains no more than  
22 sixty-six calories per eight ounces.

23 (5) At least fifty percent of non-milk beverages shall be water and no-calorie or  
24 low-calorie options that contain up to ten calories per eight ounces.

25 (6) Low-fat milk, skim milk, and nondairy milk; and

26 WHEREAS, R.S. 17:197.1 provides further that except for items sold as part of the  
27 school food program, the following foods shall not be sold to students at public elementary  
28 and secondary schools from one-half hour before school to one-half hour after the end of  
29 school, and that these foods also shall not comprise more than fifty percent of the items

1 offered for sale to students in public high schools in the last ten minutes of each lunch  
2 period:

3 (1) Food of "minimal nutritional value" as defined in federal regulation (7 CFR  
4 220.2).

5 (2) Snacks or desserts that exceed one hundred fifty calories per serving, have more  
6 than thirty-five percent of their calories from fat, or have greater than thirty grams of sugar  
7 per serving, except for unsweetened or uncoated seeds or nuts; and

8 WHEREAS, in order to protect and promote health and well-being, it is in the best  
9 interest of this state to ensure full compliance with laws and policies which support the vital  
10 public health priority of childhood obesity prevention.

11 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
12 authorize and direct the State Board of Elementary and Secondary Education, hereafter  
13 referred to as "BESE", to submit a written report on or before December 31, 2013, to the  
14 House and Senate committees on health and welfare concerning measures taken to  
15 implement the provisions of R.S. 17:197.1 which limit student access to certain foods and  
16 beverages in public schools.

17 BE IT FURTHER RESOLVED that the report shall include but not be limited to the  
18 following items:

19 (1) The schedule on which BESE monitors schools for compliance with the  
20 provisions of R.S. 17:197.1.

21 (2) Any actions which BESE undertakes when a school is found not to be in  
22 compliance with the provisions of R.S. 17:197.1.

23 BE IT FURTHER RESOLVED that BESE shall present such report to the House and  
24 Senate committees on health and welfare meeting jointly, or to each health and welfare  
25 committee meeting independently, prior to the final adjournment of the 2014 Regular  
26 Session of the Legislature of Louisiana.

27 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted  
28 to the president of the State Board of Elementary and Secondary Education.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Katrina Jackson

HCR No. 96

Directs BESE to submit a written report to the legislative committees on health and welfare on or before Dec. 31, 2013 on measures taken to implement provisions of law (R.S. 17:197.1) which limit student access to certain foods and beverages in public schools. Further, directs BESE to present the report to the committees on health and welfare, meeting jointly or independently, prior to final adjournment of the 2014 R.S.