

2018 Regular Session

HOUSE BILL NO. 616

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To amend and reenact R.S. 17:197.1, relative to foods and beverages, other than meals  
3 offered in public elementary and secondary schools; to provide for applicability of  
4 federal guidelines; to delete authorizations, limitations, and nutritional guidelines  
5 relative to such foods and beverages; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 17:197.1 is hereby amended and reenacted to be read as follows:

8 §197.1. Foods and beverages other than school breakfast or lunch in public  
9 elementary and secondary schools; legislative findings; restrictions

10 A. The legislature finds that:

11 (1) The rate of obesity in school children has significantly increased in recent  
12 years.

13 (2) The United States Department of Agriculture relates childhood obesity  
14 in part to poor nutritional resources with little or no nutritional value available to  
15 children.

16 (3) Providing healthier alternatives at school promotes healthier eating habits  
17 and reduces obesity and future health problems.

18 ~~B.(1) Except for beverages sold as part of the school food program operated~~  
19 ~~pursuant to Subpart B of Part III of Chapter 1 of this Title, only the following types~~  
20 ~~of beverages which, except for milk and water, may not exceed sixteen ounces in~~  
21 ~~size, may be sold to students at public elementary and secondary schools or on the~~

1 grounds of such schools at any time during a period beginning one-half hour before  
 2 the start of the school day and ending one-half hour after the end of the school day:

3 (a) ~~Fruit juices or drinks that are composed of one hundred percent fruit juice~~  
 4 ~~or vegetable juice and that do not contain added natural or artificial sweeteners.~~

5 (b) ~~Unsweetened flavored drinking water or unflavored drinking water.~~

6 (c) ~~Low-fat milk, skim milk, flavored milk, and non-dairy milk.~~

7 (2) ~~Notwithstanding any provision of law to the contrary, beginning the last~~  
 8 ~~ten minutes of each lunch period and except for beverages sold as part of the school~~  
 9 ~~food program operated pursuant to Subpart B of Part III of Chapter 1 of this Title,~~  
 10 ~~the selection of beverages offered for sale to students in public high schools, shall~~  
 11 ~~be comprised of the following:~~

12 (a) ~~Bottled water.~~

13 (b) ~~No-calorie or low-calorie beverages that contain up to ten calories per~~  
 14 ~~eight ounces.~~

15 (c) ~~Up to twelve ounce servings of beverages that contain one hundred~~  
 16 ~~percent fruit juice with no added sweeteners and up to one hundred twenty calories~~  
 17 ~~per eight ounces.~~

18 (d) ~~Up to twelve ounce servings of any other beverage that contains no more~~  
 19 ~~than sixty-six calories per eight ounces.~~

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

22 (f) ~~Low-fat milk, skim milk, and nondairy milk.~~

23 C.(1) ~~Except for items sold as part of the school food program operated~~  
 24 ~~pursuant to Subpart B of Part III of Chapter 1 of this Title, food items which meet~~  
 25 ~~any of the following criteria shall not be sold to students at public elementary and~~  
 26 ~~secondary schools or on the grounds of public elementary and secondary schools at~~  
 27 ~~any time during a period beginning one-half hour before the start of the school day~~  
 28 ~~and ending one-half hour after the end of the school day:~~

29 (a) ~~Food of minimal nutritional value as defined in Section 220.2 of Title 7~~  
 30 ~~of the Code of Federal Regulation.~~

1                   (b) ~~Snacks or desserts that exceed one hundred fifty calories per serving,~~  
2                   ~~have more than thirty-five percent of their calories from fat, or have more than thirty~~  
3                   ~~grams of sugar per serving, except for unsweetened or uncoated seeds or nuts.~~

4                   (2) ~~Beginning the last ten minutes of each lunch period and except for food~~  
5                   ~~items sold as part of the school food program operated pursuant to Subpart B of Part~~  
6                   ~~III of Chapter 1 of this Title, the selection of food items offered for sale to students~~  
7                   ~~in public high schools shall be comprised of no more than fifty percent of the food~~  
8                   ~~items which meet any of the criteria listed in Paragraph (1) of this Subsection.~~

9                   D. ~~Except for items sold as part of the school food program operated~~  
10                  ~~pursuant to Subpart B of Part III of Chapter 1 of this Title, fresh pastries shall not be~~  
11                  ~~sold to students at public elementary and secondary schools or on the grounds of~~  
12                  ~~public elementary and secondary schools at any time during a period beginning one-~~  
13                  ~~half hour before the start of the school day and ending one-half hour after the end of~~  
14                  ~~the school day. For purposes of this Section, "fresh pastries" shall be defined by~~  
15                  ~~rules promulgated by the State Board of Elementary and Secondary Education in~~  
16                  ~~accordance with the Administrative Procedure Act.~~

17                  E. ~~Each public elementary or secondary school principal shall determine if~~  
18                  ~~students shall be allowed to possess drinking water in classrooms during classes.~~

19                  F. ~~The Pennington Biomedical Research Center is authorized to develop and~~  
20                  ~~provide to interested persons, schools, or school systems publications relating to~~  
21                  ~~foods which can be sold on public elementary and secondary school grounds in~~  
22                  ~~compliance with the provisions of this Section. The Pennington Biomedical~~  
23                  ~~Research Center may provide assessments of nutritional value of individual food~~  
24                  ~~items contemplated for sale on public school grounds.~~

25                  G. ~~If on May 15, 2005, a public school or school system has an existing~~  
26                  ~~contract with a company to provide vending services which would be breached by~~  
27                  ~~compliance with this Section, the provisions of this Section shall be applicable to the~~  
28                  ~~schools in that system on the day following the end of the current term of that~~  
29                  ~~contract, or the date on which the contract is terminated, whichever is earlier.~~

1                   H. ~~The State Board of Elementary and Secondary Education shall provide~~  
 2                   by rule for the placement of competitive foods in public elementary and secondary  
 3                   schools and provide for the enforcement of those rules.

4                   I. ~~Nothing in this Section shall be construed to prohibit or limit the sale or~~  
 5                   distribution of any food or beverage item through fund-raisers by students, teachers,  
 6                   or groups when the items are intended for sale off the school campus.

7                   J. ~~The provisions of this Section shall be effective for public schools and~~  
 8                   school systems, beginning with the 2005-2006 school year and thereafter.

9                   Each public elementary or secondary school shall adhere to federal guidelines  
 10                  with respect to foods and beverages sold to students at schools or on the grounds  
 11                  other than food and beverages sold as part of a school food program operated  
 12                  pursuant to this Subpart. The provisions of this Subsection shall be applicable only  
 13                  during a period beginning one-half hour before the start of the school day and ending  
 14                  one-half hour after the end of the school day.

15                  K.C. ~~Beginning in the 2006-2007 school year and thereafter, each~~ Each  
 16                  public elementary ~~and~~ or secondary school shall comply with all of the following:

17                  (1) Encourage and motivate children of all physical abilities to participate  
 18                  in physical activity for the purpose of allowing all children to reach their full  
 19                  potential as individuals.

20                  (2) Improve physical activity and fitness in schools by encouraging  
 21                  innovative physical education programs that consist of physical exertion of a  
 22                  moderate to vigorous intensity level.

23                  (3) Improve nutrition in children by making available during the day snacks  
 24                  with higher nutritional values.

25                  (4) Increase the awareness of children about the importance of physical  
 26                  activity and improved nutrition and the effects of both on improving health.

27                  (5) Encourage increased parental awareness of the positive impact on health  
 28                  and fitness of increasing the activity level of children and of improving nutrition.

29                  (6) Encourage daily physical activity and the development of lifelong  
 30                  patterns of physical activity.

1                   (7) Encourage the enjoyment of physical activity and the improvement of  
2                   nutritional and eating habits.

3                   D. The Pennington Biomedical Research Center may develop and provide to  
4                   interested persons, schools, or school systems publications relating to foods which  
5                   can be sold on public elementary or secondary school grounds in compliance with  
6                   the provisions of this Section. The Pennington Biomedical Research Center may  
7                   provide assessments of the nutritional value of individual food items contemplated  
8                   for sale on public school grounds.

9                   ~~E. For purposes of this Section, "public high school" shall mean any school~~  
10                  ~~whose grade structure falls within the six through twelve range and includes grades~~  
11                  ~~in the ten to twelve range, or any school that contains only grade nine.~~

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_