

SENATE BILL 1788
By Trail

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 6, Part 23, relative to nutrition standards in schools.

WHEREAS, as Tennessee has epidemic proportions of childhood obesity, one of the highest rates of pediatric obesity, one of the highest rates of childhood Type II diabetes, and one of the highest rates of heart disease in the United States; and

WHEREAS, Congress has introduced the Improved Nutrition and Physical Activity (IMPACT) Bill to address the overall concern with the obesity epidemic in the United States and in particular, the need to educate youth about good nutrition, healthy eating habits, and the importance of physical activity; and

WHEREAS, the United States Surgeon General in 2001 issued a report entitled "Call to Action to Prevent and Decrease Overweight and Obesity" in which he listed the treatment and prevention of obesity as a national priority, and the United States department of agriculture (USDA) issued a report to Congress in which it recognized that food without regulated nutrition standards are low in nutrient density and are relatively higher in fat, added sugar, and calories; now, therefore, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 6, Part 23, is amended by adding the following as a new, appropriately designated section:

Section 49-6-2307.

(a) The sale of all foods on school grounds shall be approved for compliance with the nutrition standards set out in this section by each school board and the commissioner.

(1) At elementary and secondary schools, any sale of food or beverages to students before school opens and during school hours shall be sold by the cafeteria for that school. No food may be sold from sources other than those operated by the school cafeteria until after the close of the school day.

(2) Individual food items sold to pupils during morning or afternoon breaks at elementary and middle schools shall be any individual food item sold from a school cafeteria and shall be any of the following:

(A) Whole grain, enriched or fortified grains, or grain products;

(B) Fruits or fruit juices with twenty percent (20%) or higher fruit content;

(C) Water;

(D) Milk;

(E) Dairy products;

(F) Vegetables or vegetable juices; or

(G) Electrolyte-replacement beverages.

No foods of minimum nutritional value shall be sold.

(3) Regardless of the time of day, water, milk, one hundred percent (100%) fruit juices, fruit-based drinks that are composed of no less than ten percent (10%) fruit juices, and electrolyte-replacement beverages are the only beverages that may be sold to pupils in elementary or secondary schools.

(b) In middle schools and high schools, from one (1) hour before the start of the school day until one (1) hour after the end of the last lunch period, any sale of food or beverages shall be sold by the school cafeteria for that school. No carbonated beverage shall be sold to pupils until one (1) hour after the end of the last lunch period. Vending machines that contain food or beverage items that do not meet the requirements of this section shall remain locked or shall be rendered inoperable by a timing device until one (1) hour after the end of the last lunch period.

(c) Vendors, entities, or individuals that do not comply with the requirements of any part of this section shall cease all food and beverage operations until they are compliant. Any monies allotted to the schools from proceeds gained by vendors or individuals from the sale shall be withdrawn from the schools.

(d) At elementary, middle, and high schools, the non-compliant vendor, individual, or entity shall reimburse the school for any penalties assessed against the school for violation of this policy, provided such violations are not by the school.

(e) A school may permit the sale of food items that do not comply with subsections (a) and (b) of this section as part of a school fundraising event in any of the following circumstances:

(1) If students of the school sell such food items off of school premises; or

(2) If students of the school sell such food items at least one-half (1/2)

hour after the end of the school day.

(f) The above-stated requirements are minimum requirements. Schools may exceed the requirements set forth herein and have stricter policies regarding school nutrition.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.