

By: Senator(s) Dawkins, Williamson, Thames

To: Education

SENATE BILL NO. 2409

1 AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE
2 RULES THAT DELINEATE A NUTRITION INTEGRITY POLICY FOR PUBLIC
3 SCHOOLS; TO SPECIFY THAT COMPETITIVE FOODS SHALL NOT BE AVAILABLE
4 IN ELEMENTARY OR MIDDLE SCHOOLS UNTIL ONE-HALF HOUR AFTER THE LAST
5 LUNCH PERIOD OF EACH DAY; TO DIRECT THE STATE DEPARTMENT OF
6 EDUCATION TO MONITOR SCHOOL COMPLIANCE AND SUBMIT REPORTS TO THE
7 LEGISLATURE; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) The Legislature hereby finds, determines and
10 declares that:

11 (a) Child nutrition programs work as partners in the
12 educational community to provide healthy meals to school children
13 to improve student health and academic achievement;

14 (b) School districts have the opportunity to create a
15 model environment for our children, whereby lifelong healthy
16 eating habits, including eating patterns, are established and
17 maintained;

18 (c) Decreased physical activity and the
19 over-consumption of high-calorie foods has mainly contributed to
20 an epidemic of overweight and obese young people and a sharp
21 increase in the incidence of Type II diabetes; and

22 (d) The adoption and maintenance of healthy diets and
23 proper portion control by school children can be expected to
24 result in substantial savings in health care costs in future
25 years.

26 (2) As a result, the Legislature hereby finds and declares
27 that it is in the best interests of the state's youth and the
28 state in general to raise the standards for school nutrition and

29 to further restrict the availability of foods with low nutritional
30 value in schools.

31 **SECTION 2.** (1) On or before February 1, 2005, the State
32 Board of Education shall promulgate rules that delineate a
33 nutrition integrity policy for public schools in the state. The
34 rules shall be consistent with applicable federal law, but may set
35 forth nutritional standards that are higher than the federal
36 standards and may be more restrictive than the federal standards
37 concerning the availability of competitive foods in a school.

38 (2) (a) The nutrition integrity policy described in
39 subsection (1) of this section shall state, at a minimum, that, on
40 and after July 1, 2005:

41 (i) Competitive foods shall not be available in
42 elementary, middle or junior high schools during the period from
43 12:01 a.m. to one-half (1/2) hour after the last
44 federally-reimbursed lunch period of each school day; and

45 (ii) School districts shall provide to the
46 department a list of mealtimes designated by school site.

47 (b) The State Department of Education, through its
48 regular audits of school districts, shall monitor compliance by a
49 school with the nutrition integrity policy.

50 (3) On or before December 1, 2005, the State Department of
51 Education shall submit a written report to the House and Senate
52 Education Committees that summarizes the fiscal and nutritional
53 impact of competitive foods sold in high schools in the state.
54 The report may contain recommendations for changes in state law as
55 a result of the department's findings.

56 (4) Upon request, the department shall provide model policy
57 language to school districts that reflects current research
58 supporting best practices that provide a positive influence on
59 children's health and nutrition in the school environment.

60 (5) For purposes of this section, "competitive foods" means
61 any food or beverage sold to students, on school property, that is

62 separate and apart from the school district's nonprofit food
63 service program, and that is made available to students by
64 school-approved organizations or by school-approved outside
65 vendors.

66 **SECTION 3.** (1) In addition to any other duty required to be
67 performed by law, each local school board shall have and perform
68 the following specific duties:

69 (a) To adopt, on or before July 1, 2005, a nutrition
70 integrity policy consistent with the policy adopted by the State
71 Board of Education pursuant to Section 2 of this act. The
72 adoption of the policy shall involve, at a minimum, the
73 participation of the school district food service personnel,
74 administrators, principals, teachers and representatives of the
75 school district accountability committee. The local school board
76 shall determine what constitutes a school's noncompliance with the
77 policy and shall impose reasonable penalties for the
78 noncompliance. The local school board shall report all instances
79 of noncompliance and the corresponding dates to the State
80 Department of Education at the end of each fiscal year.

81 (b) The penalty provisions of paragraph (a) shall not
82 apply to any school until after the expiration of any multiyear
83 contract related to competitive foods that is entered into prior
84 to the effective date of paragraph (a) and that is still in effect
85 on July 1, 2005.

86 **SECTION 4.** This act shall take effect and be in force from
87 and after July 1, 2004.