

By: Senator(s) Dawkins

To: Education

SENATE BILL NO. 2419

1 AN ACT TO AMEND SECTION 37-161-7, MISSISSIPPI CODE OF 1972,  
 2 TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE CERTAIN RULES  
 3 THAT DELINEATE A NUTRITION INTEGRITY POLICY FOR PUBLIC SCHOOLS; TO  
 4 SPECIFY THAT COMPETITIVE FOODS SHALL NOT BE AVAILABLE IN  
 5 ELEMENTARY OR MIDDLE SCHOOLS UNTIL ONE-HALF HOUR AFTER THE LAST  
 6 LUNCH PERIOD OF EACH DAY; TO DIRECT THE STATE DEPARTMENT OF  
 7 EDUCATION TO MONITOR SCHOOL COMPLIANCE AND SUBMIT REPORTS TO THE  
 8 LEGISLATURE; TO DIRECT LOCAL SCHOOL BOARDS TO ADOPT NUTRITION  
 9 POLICIES CONSISTENT WITH STATE REGULATIONS; AND FOR RELATED  
 10 PURPOSES.

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

12 **SECTION 1.** Section 37-161-7, Mississippi Code of 1972, is  
 13 amended as follows:

14 37-161-7. (1) The State Board of Education shall develop a  
 15 wellness curriculum for use by each school district and the board  
 16 shall establish rules and regulations to be followed by the  
 17 districts whereby the districts shall implement the curriculum.  
 18 Such wellness curriculum shall include educating students about  
 19 the value of exercise, proper diet and abstinence from use of  
 20 tobacco and alcohol. The state board shall also adopt regulations  
 21 for districts' compliance concerning what products may be sold in  
 22 vending machines on campus and when they can be sold.

23 (2) On or before July 1, 2007, the State Board of Education  
 24 shall promulgate rules that delineate a nutrition integrity policy  
 25 for public schools in the state as part of the wellness curriculum  
 26 prescribed in subsection (1). The rules shall be consistent with  
 27 applicable federal law, but may set forth nutritional standards  
 28 that are higher than the federal standards and may be more  
 29 restrictive than the federal standards concerning the availability  
 30 of competitive foods in a school. The nutrition integrity policy

31 described in subsection (2) of this section shall state, at a  
32 minimum, that, on and after July 1, 2007:

33 (a) Competitive foods shall not be available in  
34 elementary, middle or junior high schools during the period from  
35 11:00 a.m. to one-half (1/2) hour after the last  
36 federally-reimbursed lunch period of each school day; and

37 (b) School districts shall provide to the department a  
38 list of mealtimes designated by school site.

39 (3) The State Department of Education, through its regular  
40 audits of school districts, shall monitor compliance by a school  
41 with the nutrition integrity policy.

42 (4) On or before December 1, 2007, the State Department of  
43 Education shall submit a written report to the House and Senate  
44 Education Committees that summarizes the fiscal and nutritional  
45 impact of competitive foods sold in high schools in the state.  
46 The report may contain recommendations for changes in state law as  
47 a result of the department's findings.

48 (5) Upon request, the department shall provide model policy  
49 language to school districts that reflects current research  
50 supporting the best practices that provide a positive influence on  
51 children's health and nutrition in the school environment.

52 (6) For purposes of this section, "competitive foods" means  
53 any food or beverage sold to students, on school property, that is  
54 separate and apart from the school district's nonprofit food  
55 service program, and that is made available to students by  
56 school-approved organizations or by school-approved outside  
57 vendors.

58 (7) In addition to any other duty required to be performed  
59 by law, each local school board shall have and perform the  
60 following specific duties:

61 (a) To adopt, on or before July 1, 2007, a nutrition  
62 integrity policy consistent with the policy adopted by the State  
63 Board of Education pursuant to subsection (2) of this section.

64 The adoption of the policy shall involve, at a minimum, the  
65 participation of the school district food service personnel,  
66 administrators, principals, teachers and representatives of the  
67 school district accountability committee. The local school board  
68 shall determine what constitutes a school's noncompliance with the  
69 policy and shall impose reasonable penalties for the  
70 noncompliance. The local school board shall report all instances  
71 of noncompliance and the corresponding dates to the State  
72 Department of Education at the end of each fiscal year.

73 (b) The penalty provisions of paragraph (a) shall not  
74 apply to any school until after the expiration of any multiyear  
75 contract related to competitive foods that is entered into prior  
76 to the effective date of paragraph (a) and that is still in effect  
77 on July 1, 2007.

78 **SECTION 2.** This act shall take effect and be in force from  
79 and after July 1, 2007.