

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1419 Session of 2010

INTRODUCED BY MCILHINNEY, STACK, TARTAGLIONE, RAFFERTY,
TOMLINSON, WASHINGTON, MELLOW, BRUBAKER, CORMAN, FARNESE AND
FERLO, JUNE 23, 2010

REFERRED TO EDUCATION, JUNE 23, 2010

AN ACT

1 Amending Title 24 (Education) of the Pennsylvania Consolidated
2 Statutes, further providing for school foods reform; and
3 imposing duties on schools relating to the sale of food and
4 beverages, and on the Department of Education and the
5 Department of Health.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 24 of the Pennsylvania Consolidated
9 Statutes is amended by adding a chapter to read:

CHAPTER 3

SCHOOL FOODS REFORM

§ 301. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "A la carte line." The portion of the school selling
17 individual items, as opposed to a complete meal.

18 "A la carte entrée." A main dish sold outside of the
19 reimbursable school meal program. The term includes, but is not

1 limited to, items such as sandwiches, wraps, pizzas and salads.
2 The term shall not include side dishes, snacks or other
3 individual items.

4 "Individual item." Separately priced food or beverage sold
5 or served outside of reimbursable school meal programs in
6 schools.

7 "Nutritionally equivalent nondairy beverages." A liquid
8 fortified with calcium, protein, vitamin A, vitamin D,
9 riboflavin, vitamin B12, magnesium, phosphorus and potassium to
10 ensure it has the same nutritional value as eight ounces of
11 milk.

12 "School day." The period of time between the arrival of the
13 first student at the school building and the end of the last
14 instructional period. The term shall not include periods of time
15 before or after the school day which are commonly used for
16 extracurricular activities such as clubs, yearbook, band, choir,
17 student government, drama and sports.

18 "Snack items." A food generally regarded as supplementing a
19 meal, including, but not limited to, fruits, vegetables,
20 yogurts, puddings, soups, cheeses, snack chips, pretzels,
21 crackers, popcorn, nuts, seeds, french fries, onion rings,
22 pastries, dried meat snacks, granola bars, energy bars,
23 breakfast bars, cookies, brownies, snack cakes, candy,
24 doughnuts, ice cream, frozen yogurt, frozen fruit bars and other
25 similar foods.

26 "USDA." The United States Department of Agriculture.
27 § 302. Nutritional standards.

28 (a) Sales on school grounds.--The sale of foods and
29 beverages on school grounds during the school day shall meet the
30 standards in sections 303 (relating to beverages) and 304

1 (relating to foods).

2 (b) Foods sold outside of reimbursable school meals.--Food
3 or beverages served or sold through a la carte lines, vending
4 machines, fundraising activities and school stores at elementary
5 and secondary schools on school grounds during the school day
6 shall meet the standards in sections 303 and 304.

7 (c) Elementary schools.--Food and beverages available to
8 students in elementary schools shall meet the standards in
9 sections 303 and 304.

10 (d) Middle, junior high and high schools.--In middle, junior
11 high and high schools, individual items, including, but not
12 limited to, items sold through a la carte lines, vending
13 machines, fundraising activities or school stores, shall meet
14 the nutrition and portion size standards set forth in sections
15 303 and 304.

16 § 303. Beverages.

17 (a) Elementary schools.--The following beverages shall be
18 permitted for sale in elementary schools:

19 (1) Bottled water or bottled seltzer water without added
20 caloric sweeteners.

21 (2) Fruit and vegetable juices and fruit-based drinks
22 which are eight ounces or less, containing 100% fruit juice
23 and no additional caloric sweeteners and up to 120 calories.

24 (3) Unflavored or flavored lowfat or fat-free fluid milk
25 and nutritionally equivalent nondairy beverages, as defined
26 by the USDA, which are eight ounces or less.

27 (b) Middle or junior high schools.--The following beverages
28 shall be permitted for sale in middle or junior high schools:

29 (1) Bottled water or bottled seltzer water without added
30 caloric sweeteners.

1 (2) Fruit and vegetable juices and fruit-based drinks
2 which are ten ounces or less, containing 100% fruit juice
3 with no added sweeteners and up to 120 calories.

4 (3) Unflavored or flavored lowfat or fat-free fluid milk
5 and nutritionally equivalent nondairy beverages, as defined
6 by the USDA, which are ten ounces or less.

7 (c) High schools.--The following beverages shall be
8 permitted for sale in high schools:

9 (1) Bottled water or bottled seltzer water without added
10 caloric sweeteners.

11 (2) Fruit and vegetable juices and fruit-based drinks
12 which are 12 ounces or less, containing 100% fruit juice with
13 no added sweeteners and up to 120 calories.

14 (3) Unflavored or flavored lowfat or fat-free fluid milk
15 and nutritionally equivalent nondairy beverages, as defined
16 by the USDA, which are 12 ounces or less.

17 (4) Noncarbonated beverages with no more than 66
18 calories per eight ounces.

19 (d) Beverages not allowed.--The following beverages shall
20 not be for sale in schools:

21 (1) Soft drinks containing caloric sweeteners.

22 (2) Sports drinks that do not meet the guidelines
23 established in this section.

24 (3) Iced teas that do not meet the guidelines
25 established in this section.

26 (4) Fruit-based drinks that contain less than 100% fruit
27 juice or that contain additional caloric sweeteners.

28 (5) Beverages containing caffeine, excluding lowfat or
29 fat-free chocolate milk.

30 § 304. Foods.

1 (a) Prohibitions.--With the exception of a la carte entrées,
2 a food item sold individually during the school day shall meet
3 the following standards:

4 (1) Contain less than or equal to 150 calories.

5 (2) Contain less than or equal to 30% of its calories
6 from fat, excluding nuts, seeds, peanut butter and other nut
7 butters and 10% of its calories from saturated fats.

8 (3) Contain less than or equal to 35% of its weight from
9 added sugars. If a food manufacturer fails to provide the
10 added sugar content of a food item, schools may use the
11 percentage of weight from total sugars and exempt fruits,
12 vegetables and dairy foods from the total sugar limit.

13 (4) Contain less than or equal to 230 milligrams of
14 sodium per serving for chips, cereals, crackers, french
15 fries, baked goods and other snack items.

16 (5) Contain zero grams of trans fats as labeled.

17 (b) A la carte entrées.--Each a la carte entrée shall meet
18 the following criteria:

19 (1) Contain less than or equal to 450 calories.

20 (2) Contain less than or equal to 35% of its calories
21 from fat.

22 (3) Contain less than or equal to 10% of its calories
23 from saturated fat.

24 (4) Contain less than or equal to 600 milligrams of
25 sodium.

26 (5) Contain less than or equal to 35% of its weight from
27 added sugars. If a food manufacturer fails to provide the
28 added sugar content of a food item, schools may use the
29 percentage of weight from total sugars and exempt fruits,
30 vegetables and dairy foods from the total sugar limit.

1 (6) Contain zero grams of trans fat as labeled.

2 (c) Requirements.--A choice of at least two fruits and
3 nonfried vegetables shall be offered for sale where foods are
4 sold at a school. The items may include, but not be limited to:

5 (1) Fresh fruits and vegetables.

6 (2) Fruit-based drinks that contain 100% fruit juice and
7 that do not contain additional caloric sweeteners.

8 (3) Cooked, dried or canned fruit products whether or
9 not contained in fruit juice or light syrup that contain
10 fewer than 150 calories per serving.

11 (4) Cooked, dried or canned vegetables that contain
12 fewer than 150 calories per serving and that meet the fat and
13 sodium guidelines.

14 (d) Vending machines.--Schools with vending machines are
15 encouraged to include refrigerated snack vending machines which
16 accommodate fruits, vegetables, yogurts and other perishable
17 items.

18 Section 2. This act shall take effect January 30, 2011.