

**HOUSE . . . . . No. 451**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Michael S. Day*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to healthy school lunches.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>1/20/2023</i>

**HOUSE . . . . . No. 451**

By Representative Day of Stoneham, a petition (accompanied by bill, House, No. 451) of Michael S. Day relative to nutrition in public schools. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 564 OF 2021-2022.]

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to healthy school lunches.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Be it enacted by the Senate and House of Representatives in General Court assembled,  
2 and by the authority of the same, as follows:

3 SECTION 1. Chapter 6 of the General Laws is hereby amended by inserting after section  
4 15IIIIII, the following section:-

5 Section 15JJJJJ.The governor shall annually issue a proclamation setting apart March 21  
6 as Massachusetts Child Nutrition Day and recommending that the day be observed in an  
7 appropriate manner by the people.

8 SECTION 2. Chapter 71 is hereby amended by inserting, after section 97, the following  
9 new section:-

10 Section 98. (a) The purpose of this section is to ensure that the students of the  
11 Commonwealth are appropriately nourished in order to support a healthier, livable and more  
12 equitable future for all.

13 (b) For the purposes of this section, the following words shall have the following  
14 meanings:-

15 (i) food service management company is defined as a commercial enterprise or a  
16 nonprofit organization which is or may be contracted with by the school food authority to  
17 manage any aspect of the school food service

18 (ii) entrée is defined as the meat/meat alternate category within the USDA's Federal  
19 Nutrition Standards

20 (iii) Fiber-rich" is defined as an entrée item that contains at least 14 g of fiber per  
21 1000kcal from whole food sources such as whole grains, legumes, beans, pulses, fruits, and  
22 vegetables

23 (iv) "Reimbursable meal" is any meal that meets the United States Department of  
24 Agriculture (USDA) National School Lunch Program nutritional requirements for federal  
25 reimbursement at the annual allotted rate of any of the following: (a) free lunch; (b) reduced-  
26 price lunch; or (c) paid lunch

27 (v) "ultra-processed food" is defined as industrial formulations of food substances  
28 never or rarely used in kitchens (such as high-fructose corn syrup, hydrogenated or interesterified  
29 oils, and hydrolysed proteins), or classes of additives designed to make the final product  
30 palatable, appealing, or preservable (such as flavours, flavour enhancers, colours, emulsifiers,

31 emulsifying salts, sweeteners, thickeners, nitrates, nitrites, preservatives, and anti-foaming,  
32 bulking, carbonating, foaming, gelling and glazing agents)

33 (c) Any food service management company selling food to Massachusetts public schools  
34 for our children to consume shall ensure that at least 50% of the entrées sold and served for lunch  
35 within school hours in schools, school districts, or other entities over the course of each week are  
36 healthy foods containing whole grains, vegetables, fruits, legumes and other fiber-rich proteins  
37 as part of a reimbursable meal offering within the federal National School Lunch Program.

38 (d) No food service provider may sell or serve in Massachusetts public schools, school  
39 districts, or other entities more than 20% of entrée items that meet one or more of the following:  
40 qualify as ultra-processed; have a nutritional composition that includes more than 30 milligrams  
41 of cholesterol more than 5% of the entrées' total calories come from saturated fat as part of a  
42 weekly reimbursable meal offering within the federal National School Lunch

43 (e) Each food service provider selling food to Massachusetts public schools for school  
44 children to consume, shall keep itemized nutrition data that is made publicly available on a  
45 monthly basis to demonstrate compliance with this statute.

46 (f) Each food service management company will have a phase in period of three years  
47 following the initial date of their most recent contract with their respective school food authority  
48 or by the first day of the school calendar year 2033-2034, whichever comes first.