

2016 -- S 2757

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

Introduced By: Senators Sosnowski, Crowley, Goldin, Conley, and Archambault

Date Introduced: March 10, 2016

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 16-21-7 of the General Laws in Chapter 16-21 entitled "Health and
2 Safety of Pupils" is hereby amended to read as follows:

3 **16-21-7. School health.** -- (a) All schools that are approved for the purpose of §§ 16-19-1
4 and 16-19-2 shall have a school health program which shall be approved by the state director of
5 the department of health and the commissioner of elementary and secondary education or the
6 commissioner of higher education, as appropriate. The program shall provide for the organized
7 direction and supervision of a healthful school environment, health education, and services. The
8 program shall include and provide, within and consistent with existing school facilities, for the
9 administration of nursing care by certified nurse teachers, as defined in § 16-21-8, as shall be
10 requested, in writing, by the attending physician of any student and authorized, in writing, by the
11 parent or legal guardian of the student. No instruction in the characteristics, symptoms, and the
12 treatment of disease shall be given to any child whose parent or guardian shall present a written
13 statement signed by them stating that the instructions should not be given the child because of
14 religious beliefs.

15 (b) ~~All Rhode Island elementary, middle and junior high schools that sell or distribute~~
16 ~~beverages and snacks on their premises, including those sold through vending machines, shall be~~
17 ~~required to offer healthier beverages effective January 1, 2007, and healthier snacks effective~~
18 ~~January 1, 2008 as defined in chapter 21 of this title.~~

19 (c) All Rhode Island elementary, middle, and ~~senior~~ high schools that sell or distribute

1 ~~beverages and snacks on their premises, including those sold through vending machines,~~
2 competitive foods and beverages on the school campus during the school day shall be required to
3 offer only healthier healthy foods and beverages ~~and snacks effective January 1, 2008 as defined~~
4 ~~in chapter 21 of this title.~~ as set forth by the United States Department of Agriculture under the
5 Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, 42 U.S.C. §1758 et seq., and
6 federal regulations implementing the act promulgated pursuant to the provisions of 42 U.S.C.
7 §1779(b). Provided, the Rhode Island board of education or local school committees may adopt
8 more restrictive policies than the ones referenced herein.

9 (d) Schools may permit the sale of beverages and snacks that do not comply with ~~the~~
10 ~~above paragraph~~ subsection (c) of this section as part of school fundraising in any of the
11 following circumstances:

12 (1) The ~~items are sold by pupils of the school and the~~ sale of those items takes place off
13 and away from the ~~premises of the~~ school campus.

14 (2) The ~~items are sold by pupils of the school and the~~ sale of those items takes place ~~one~~
15 ~~hour or more~~ after the end of the school day as defined in subsection (g) of this section.

16 (3) ~~The items sold during a school sponsored pupil activity after the end of the school~~
17 ~~day.~~ Career and technical schools with culinary arts or food service programs may request an
18 exemption from the department of elementary and secondary education to enable the limited
19 sale of non-compliant snacks and beverages which have been prepared by culinary students as
20 part of their curriculum. No specially exempted fundraiser foods or beverages may be sold in
21 competition with school meals during the meal service.

22 (e) The department of elementary and secondary education shall post on its website
23 resources to assist school districts with implementation of this section.

24 (f) The department of elementary and secondary education shall develop a process
25 to monitor compliance with this section.

26 (g) Definitions. As used in this section:

27 (1) "Competitive foods" means all foods and beverages other than meals
28 reimbursed under the Richard B. Russell National School Lunch Act (42 U.S.C.
29 §1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. §1771 et seq.), available for
30 sale to students on the school campus during the school day.

31 (2) "School campus" means all areas of the property under the jurisdiction of the
32 school that are accessible to students during the school day.

33 (3) "School day" means the period from midnight before, to sixty (60) minutes
34 after the end of the official school day.

1 (h) The standards set forth and referenced in this section shall apply throughout the entire
2 school campus, including, but not limited to, a la carte food sale, school stores, vending
3 machines, and fundraisers held during the school day.

4 SECTION 2. Sections 16-21-29 of the General Laws in Chapter 16-21 entitled "Health
5 and Safety of Pupils" is hereby repealed.

6 ~~**16-21-29. Definitions.** --- As used in this chapter:~~

7 ~~(1) "Healthier beverages" shall be defined as:~~

8 ~~(a) Water, including carbonated water, flavored or sweetened with one hundred percent~~
9 ~~(100%) fruit juice and containing no added sweetener.~~

10 ~~(b) Two percent (2%) fat milk, one percent (1%) fat milk, nonfat milk, and dairy~~
11 ~~alternatives, such as fortified soy beverages; plain or flavored, with a sugar content of not more~~
12 ~~than four (4) grams per ounce.~~

13 ~~(c) One hundred percent (100%) fruit juice or fruit based drinks that are composed of no~~
14 ~~less than fifty percent (50%) fruit juice and have no added sweetener.~~

15 ~~(d) Vegetable based drinks that are composed of no less than fifty percent (50%)~~
16 ~~vegetable juice and have no added sweetener.~~

17 ~~(2) "Healthier snacks" shall be defined as:~~

18 ~~(a) Individually sold portions of nuts, nut butters, seeds, eggs, and cheese packaged for~~
19 ~~individual sale, fruit, vegetables that have not been deep fried, and legumes.~~

20 ~~(b) Individually sold portions of low fat yogurt with not more than four (4) grams of total~~
21 ~~carbohydrates (including both naturally occurring and added sugars) per ounce and reduced fat or~~
22 ~~low fat cheese packaged for individual sale.~~

23 ~~(c) Individually sold enriched or fortified grain or grain product; or whole grain food~~
24 ~~items that meet all of the following standards based on manufacturers' nutritional data or nutrient~~
25 ~~facts labels:~~

26 ~~(i) Not more than thirty percent (30%) of its total calories shall be from fat.~~

27 ~~(ii) Not more than ten percent (10%) of its total calories shall be from saturated fat.~~

28 ~~(iii) Not more than seven (7) grams of total sugar (includes both naturally occurring and~~
29 ~~added sugars) per ounce.~~

30 ~~(3) "Added sweetener" shall mean any additive, including natural or artificial additives~~
31 ~~that enhances the sweetness of the beverage, including, added sugar, but does not include, the~~
32 ~~naturally occurring sugar or sugars that are contained within milk or fruit juice.~~

33 ~~(4) "Snack" means a food that is generally regarded as supplementing a meal, including,~~
34 ~~but not limited to: chips, crackers, onion rings, nachos, French fries, donuts, cookies, pastries,~~

1 ~~cinnamon rolls, and candy.~~

2 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO EDUCATION - HEALTH AND SAFETY OF PUPILS

1 This act would modify the types of healthy foods and beverages that could be sold to
2 students in schools during the school day by referencing the Healthy, Hunger-Free Kids Act of
3 2010. Career and technical schools with culinary arts or food service programs would be
4 permitted to request an exemption that would allow the sale of non-compliant snacks and
5 beverages to students in school if such food was prepared by culinary students as part of their
6 curriculum. The act would also repeal the current definitions of healthier beverages and snacks.

7 This act would take effect upon passage.

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