

**HOUSE 4459:**

**AN ACT RELATIVE TO SCHOOL NUTRITION**

(Summary reflects text as redrafted.)

**SPONSORS:**

Senators R. Moore, Joyce, Timilty, Fargo, Candaras, Eldridge, Flanagan; Representatives Alicea, Ross, Smizik and other members of the House of Representatives

**LEGISLATIVE HISTORY:**

- 01/25/10 House reported the bill from the Joint Committee on Public Health; new draft of S861, H2063, H2075 and H2092; referred to the House Committee on Ways and Means.
- 01/28/10 Committee recommended ought to pass with an amendment, see H4441; referred to the House Committee on Steering, Policy and Scheduling with an amendment pending; Committee reported that the matter be placed in the Orders of the Day for the next sitting with an amendment pending; rules suspended; read second, amended; new draft substituted, see H4441.
- 01/28/10 House read third and passed to be engrossed; published as amended, H4459.
- 02/01/10 Read and referred to the Senate Committee on Ways and Means

**EXISTING LAWS AFFECTED:**

- G.L. c. 7, § 23B; c. 30B, § 4; c. 69, §§ 1D, 1I; c. 111

**PROPOSED LEGISLATION:**

- This legislation regulates nutrition in our public schools to address the increasing prevalence of childhood obesity in the Commonwealth.
- The legislation amends Chapter 69 of the General Laws to require instruction on nutrition and exercise in public schools, rather than merely permitting same.
- The legislation further establishes a new section on school nutrition in Chapter 111 of the General Laws.
- This new section requires the Department of Public Health, in consultation with the Department of Elementary and Secondary Education and the Department of Mental Health, to establish guidelines to better assist school nurses in screening and referring children suffering from childhood obesity, type 2 diabetes, and eating disorders.

- This new section further requires the Department of Public Health, in consultation with the Department of Elementary and Secondary Education, to develop nutritional standards for all public schools to implement by the 2012-2013 academic school year.
- The nutritional standards will apply to all competitive foods or beverages sold in public schools during the school day, with the exception of such foods or beverages sold in vending machines, for which the standards will always apply.
- The departments, however, may carve out exceptions for the application of the nutritional standards to school-sponsored or school-related fundraisers, bake sales, and other similar events.
- The nutritional standards will reflect the departments' review of published nutritional and dietary recommendations by local and national governmental and advisory authorities, and will include, but not be limited to, requirements that schools make available (1) drinking water to students at no cost, (2) fresh fruits and vegetables wherever food is sold, and (3) nutritional information for non-prepackaged foods sold or provided during the day outside of school-sponsored or school-related fundraisers, bake sales, and other similar events. Moreover, the nutritional standards will ban the use of fryolators in the preparation of food at schools.
- The departments, finally, will report on, and update accordingly, the nutritional standards and their successful implementation in the Commonwealth's public schools to the General Court every 5 years.
- In addition to establishing nutritional standards for the Commonwealth's public schools, this legislation further establishes a commission on school nutrition and childhood obesity to review and make recommendations related to any programs effectively promoting proper nutrition and exercise as well as management of childhood obesity, type 2 diabetes, and eating disorders.
- This legislation further requires the Department of Elementary and Secondary Education to review the Boston public school system's Chefs in Schools program to determine whether and to what extent other public schools could institute similar programs.
- Finally, this legislation encourages public schools, colleges and universities to purchase locally grown foods from local farms

by clarifying and expanding existing laws to facilitate such purchases, and by requiring the Department of Agricultural Resources and the Department of Elementary and Secondary Education to collect and exchange data about schools that might be interested in purchasing from local farms.

**AGENCY**  
**COMMENTS:**

The Executive Office of Health and Human Services, the Department of Public Health, the Department of Mental Health, and the Department of Agricultural Resources support this legislation.

**ESTIMATED**  
**COST:**

This legislation will have no cost for the Commonwealth.

(AH)