

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HOUSE BILL 2544

AN ACT

AMENDING TITLE 15, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-242; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 15, chapter 2, article 2, Arizona Revised Statutes,
3 is amended by adding section 15-242, to read:

4 15-242. Nutritional standards

5 A. BY JULY 1, 2006, THE DEPARTMENT SHALL DEVELOP MINIMUM NUTRITION
6 STANDARDS THAT MEET AT LEAST FEDERAL GUIDELINES AND REGULATIONS FOR FOODS AND
7 BEVERAGES SOLD OR SERVED ON THE SCHOOL GROUNDS OF ELEMENTARY SCHOOLS, MIDDLE
8 SCHOOLS AND JUNIOR HIGH SCHOOLS DURING THE NORMAL SCHOOL DAY. THESE NUTRITION
9 STANDARDS MAY INCLUDE PORTION SIZES, MINIMUM NUTRIENT VALUES AND A LISTING OF
10 CONTENTS. THIS SUBSECTION DOES NOT PROHIBIT THE DEPARTMENT FROM DEVELOPING
11 MINIMUM NUTRITION STANDARDS THAT ARE MORE STRINGENT THAN THE FEDERAL
12 GUIDELINES AND REGULATIONS FOR FOODS AND BEVERAGES SOLD OR SERVED ON SCHOOL
13 GROUNDS DURING THE NORMAL SCHOOL DAY.

14 B. ALL ELEMENTARY SCHOOLS, MIDDLE SCHOOLS AND JUNIOR HIGH SCHOOLS
15 SHALL PARTICIPATE IN THE NATIONAL SCHOOL LUNCH PROGRAM AS DEFINED IN PUBLIC
16 LAW 108-265 EXCEPT THAT A SCHOOL DISTRICT WITH FEWER THAN ONE HUNDRED PUPILS
17 THAT IS NOT CURRENTLY PARTICIPATING IN THE NATIONAL SCHOOL LUNCH PROGRAM MAY
18 BE EXEMPT FROM THIS SUBSECTION IF THE SCHOOL DISTRICT GOVERNING BOARD
19 DETERMINES AT A PUBLIC MEETING TO NOT PARTICIPATE IN THE REQUIREMENTS OF THIS
20 SUBSECTION.

21 C. FOOD AND BEVERAGES SOLD OR SERVED ON THE SCHOOL GROUNDS OF
22 ELEMENTARY SCHOOLS, MIDDLE SCHOOLS AND JUNIOR HIGH SCHOOLS OR AT
23 SCHOOL-SPONSORED EVENTS OF ELEMENTARY SCHOOLS, MIDDLE SCHOOLS AND JUNIOR HIGH
24 SCHOOLS DURING THE NORMAL SCHOOL DAY SHALL MEET THE NUTRITION STANDARDS
25 DEVELOPED BY THE DEPARTMENT, INCLUDING FOODS AND BEVERAGES OFFERED AS ANY OF
26 THE FOLLOWING:

27 1. A LA CARTE ITEMS IN THE FOOD SERVICE PROGRAM.

28 2. FOOD AND BEVERAGES SOLD IN VENDING MACHINES, SNACK BARS AND
29 MEAL-PERIOD KIOSKS AND AT SCHOOL STORES.

30 D. FOODS OF MINIMAL NUTRITIONAL VALUE AS DEFINED BY 7 CODE OF FEDERAL
31 REGULATIONS SECTION 210.11(2) SHALL NOT BE SERVED OR SOLD DURING THE NORMAL
32 SCHOOL DAY ON ANY ELEMENTARY SCHOOL, MIDDLE SCHOOL OR JUNIOR HIGH SCHOOL
33 CAMPUS.

34 E. BEGINNING ON JULY 15, 2006, NEW CONTRACTS AND RENEWAL CONTRACTS FOR
35 FOOD OR BEVERAGES, OR BOTH, SHALL EXPRESSLY PROHIBIT THE SALE OF SUGARED,
36 CARBONATED BEVERAGES AND ALL OTHER FOODS OF MINIMAL NUTRITIONAL VALUE AS
37 DEFINED BY 7 CODE OF FEDERAL REGULATIONS SECTION 210.11(2) ON ELEMENTARY
38 SCHOOL, MIDDLE SCHOOL AND JUNIOR HIGH SCHOOL CAMPUSES. THE DEPARTMENT MAY
39 APPROVE, ON OR AFTER THE EFFECTIVE DATE OF THIS ACT, A CARBONATED DRINK THAT
40 IS DETERMINED BY THE DEPARTMENT TO MEET OR EXCEED THE DEPARTMENT'S MINIMUM
41 NUTRITION STANDARDS.

1 F. PARENTS, PUPILS AND COMMUNITY MEMBERS MAY REVIEW FOOD AND BEVERAGE
2 CONTRACTS TO ENSURE THAT FOOD AND BEVERAGES SOLD ON ELEMENTARY SCHOOL, MIDDLE
3 SCHOOL AND JUNIOR HIGH SCHOOL CAMPUSES PROVIDE NUTRITIOUS SUSTENANCE TO
4 PUPILS, PROMOTE GOOD HEALTH, HELP STUDENTS LEARN, PROVIDE ENERGY AND MODEL
5 FIT LIVING FOR LIFE.

6 G. SCHOOL DISTRICTS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH
7 TWELVE MAY ADOPT NUTRITION STANDARDS FOR HIGH SCHOOL CAMPUSES.

8 H. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO:

9 1. PROHIBIT A SCHOOL DISTRICT FROM DEVELOPING AND ADOPTING NUTRITION
10 STANDARDS THAT ARE MORE STRINGENT THAN THOSE DEVELOPED PURSUANT TO THIS
11 SECTION.

12 2. PROHIBIT OR LIMIT THE SALE OR DISTRIBUTION OF ANY FOOD OR BEVERAGE
13 ITEM THROUGH FUNDRAISING ACTIVITIES OF STUDENTS, TEACHERS OR EDUCATIONAL
14 GROUPS WHEN THE ITEMS ARE INTENDED FOR SALE OFF THE SCHOOL GROUNDS.

15 3. PROHIBIT OR LIMIT THE SALE OR DISTRIBUTION OF ANY FOOD OR BEVERAGE
16 ITEMS TO TEACHERS, ADMINISTRATORS OR OTHER ADULTS IN A FACULTY LOUNGE OR
17 UNDER OTHER CIRCUMSTANCES WHERE THE SALE OR DISTRIBUTION IS LIMITED TO
18 TEACHERS, ADMINISTRATORS OR OTHER ADULTS.

19 I. SCHOOL DISTRICTS THAT OFFER INSTRUCTION IN GRADES NINE THROUGH
20 TWELVE MAY ADOPT NUTRITION STANDARDS FOR HIGH SCHOOL CAMPUSES.