

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 900  
Committee Substitute Favorable 4/13/09  
Committee Substitute #2 Favorable 4/28/09

Short Title: Nutrition Stds./All Foods Sold at School.

(Public)

Sponsors:

Referred to:

March 31, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ANNUALLY REVIEW  
3 NUTRITION STANDARDS FOR FOODS AND BEVERAGES ADMINISTERED BY  
4 THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION  
5 PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE  
6 OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS DURING THE  
7 INSTRUCTIONAL DAY TO MEET CERTAIN STANDARDS BY THE 2010 SCHOOL  
8 YEAR.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 115C-264.3 reads as rewritten:

11 "**§ 115C-264.3. Child Nutrition Program standards.**

12 (a) The State Board of Education, in direct consultation with a cross section of local  
13 directors of child nutrition services, shall establish statewide nutrition standards for school  
14 meals, a la carte foods and beverages, and items served in the After School Snack Program  
15 administered by the Department of Public Instruction and child nutrition programs of local  
16 school administrative units. The nutrition standards will promote gradual changes to increase  
17 fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans  
18 fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education  
19 shall be implemented initially in elementary schools. All elementary schools shall achieve a  
20 basic level by the end of the 2009-2010 school year, followed by middle schools and then high  
21 schools.

22 (b) The State Board of Education shall examine the standards on an annual basis and  
23 make modifications that reflect current products in the marketplace, best practices in the  
24 industry, and science-based evidence as reflected in the most current edition of the Dietary  
25 Guidelines for Americans, published by the United States Department of Health and Human  
26 Services."

27 **SECTION 2.** G.S. 115C-264.2 reads as rewritten:

28 "**§ 115C-264.2. ~~Vending machine sales.~~ Other foods and beverages sold on campus during**  
29 **the instructional day.**

30 (a) Each school may, with the approval of the local board of education, sell to students  
31 beverages in vending machines during the school day so long as:

- 32 (1) Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at  
33 elementary schools, or (iii) contrary to the requirements of the National  
34 School Lunch Program;
- 35 (2) Sugared carbonated soft drinks, including mid-calorie carbonated soft  
36 drinks, are not offered for sale in middle schools;



- 1 (3) Not more than fifty percent (50%) of the offerings for sale to students in  
2 high schools are sugared carbonated soft drinks;
- 3 (4) Diet carbonated soft drinks are not considered in the same category as  
4 sugared carbonated soft drinks; and
- 5 (5) Bottled water products are available in every school that has beverage  
6 vending.
- 7 (b) Nothing in subsection (a) of this section prohibits a school from adopting stricter  
8 policies with respect to beverage vending.
- 9 (c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient  
10 Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack  
11 vending is available to students, and in middle and high schools, seventy-five percent (75%) of  
12 snack vending products have not more than 200 calories per portion or snack vending package.
- 13 (d1) School stores, snack bars, fund-raisers, vending machine sales, and other informal  
14 food sales to students on the school campus during the instructional day with the exception of  
15 child nutrition programs, culinary programs, and extracurricular events shall, by school year  
16 2010-2011, meet the most current edition of the Dietary Guidelines for Americans, published  
17 by the United States Department of Health and Human Services. For purposes of this  
18 subsection, the term "instructional day" shall be defined by the local board of education."

19 **SECTION 3.** This act is effective when it becomes law.