

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH90056-LE-104 (03/22)

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

Sponsors: Representatives Insko and LaRoque (Primary Sponsors).

Referred to:

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 2011-2012
8 SCHOOL 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;



- 1 (2) Sugared carbonated soft drinks, including mid-calorie carbonated soft
2 drinks, are not offered for sale in middle schools;
- 3 (3) Not more than fifty percent (50%) of the offerings for sale to students in
4 high schools are sugared carbonated soft drinks;
- 5 (4) Diet carbonated soft drinks are not considered in the same category as
6 sugared carbonated soft drinks; and
- 7 (5) Bottled water products are available in every school that has beverage
8 vending.
- 9 (b) Nothing in subsection (a) of this section prohibits a school from adopting stricter
10 policies with respect to beverage vending.
- 11 (c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient
12 Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack
13 vending is available to students, and in middle and high schools, seventy-five percent (75%) of
14 snack vending products have not more than 200 calories per portion or snack vending package.
- 15 (d) School stores, snack bars, fund-raisers, and other informal food sales to students on
16 the school campus during the instructional day, with the exception of child nutrition programs,
17 culinary programs, fund-raisers for grades 9-12 conducted after the lunch period, and
18 extracurricular events, shall, by the 2011-2012 school year, meet the most current edition of the
19 Dietary Guidelines for Americans, published by the United States Department of Health and
20 Human Services. For purposes of this subsection, the term "instructional day" shall be defined
21 by the local board of education."
- 22 **SECTION 3.** This act is effective when it becomes law.