

2007 Regular Legislative Session
FISCAL ANALYSIS OF PROPOSED LEGISLATION
Prepared by the Oregon Legislative Fiscal Office

MEASURE NUMBER: HB 2650 **STATUS:** A-Engrossed
SUBJECT: Minimum standards for food and beverages sold in public schools
GOVERNMENT UNIT AFFECTED: Local Educational Agencies, Department of Education
PREPARED BY: Adrienne Sexton
REVIEWED BY: Daron Hill
DATE: March 27, 2007

	<u>2007-2009</u>	<u>2009-2011</u>
EXPENDITURES: See Comments.		

EFFECTIVE DATE: July 1, 2007

GOVERNOR'S BUDGET: This bill is not anticipated by the Governor's recommended budget.

LOCAL GOVERNMENT MANDATE: This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

COMMENTS: Section 204 of Public Law 108-265 (Child Nutrition and Women, Infants, and Children Reauthorization Act of 2004) required local educational agencies (LEAs) to adopt a local school wellness policy comprised of specific elements beginning with the 2006-07 school year. The Act did not set explicit nutritional standards, but directed that the local policy have nutrition guidelines in place with the objectives of promoting student health and reducing childhood obesity. HB 2650 as A-Engrossed would establish nutritional standards for entrée and snack items and beverages for Oregon school districts. Standards would apply to entrée and snack items prepared on-site and sold individually for school years beginning with 2009-2010. All other such food items would be subject to the standards in the 2008-2009 school year. The standards would not apply to food and beverages sold under the federal school lunch or breakfast programs.

School district boards would be required to report each school year to the Department of Education (ODE) on whether the school district complies with the standards. The measure allows ODE to monitor whether districts are in compliance, but there is no mechanism for action by ODE if districts do not comply with the standards. The Legislative Fiscal Office (LFO) assumes that if ODE were to determine that monitoring would be beneficial, because of the timelines for applying the standards, it would occur in the 2009-11 biennium.

LFO conducted a brief review of a few Oregon district wellness policies. It would appear that some districts have adopted policies with specified nutritional standards that are similar, although not identical, to those contained in HB 2650-A. Other districts have policies that reflect the basic requirement of the federal law, without detail. Due to time constraints, LFO was not able to determine which school districts have the resource capacity to develop and implement the food and beverage nutritional standards, and which may need technical assistance from resources of ODE, the federal government, or other providers.