

Senate Bill 961

Sponsored by Senator CARTER (at the request of The "O" Initiative: Linking Common Sense to Everyday Life)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Specifies minimum standards for food and beverages sold in public schools. Allows school district boards to adopt more restrictive standards.

Declares emergency, effective July 1, 2007.

A BILL FOR AN ACT

1
2 Relating to standards for items sold in schools; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) Except as provided in subsection (5) of this section, all food and beverage**
5 **items sold in a public kindergarten through grade 12 school must at a minimum meet the**
6 **standards required by this section.**

7 **(2) The following apply to all food sold in a school during the times described in sub-**
8 **section (4) of this section:**

9 **(a) A snack item may be sold only in a single-serving size and:**

10 **(A) May not have more than 35 percent of the total calories from fat. This requirement**
11 **does not apply to snack items that are legumes, nuts, nut butters, seeds, eggs, nonfried**
12 **vegetables and cheese.**

13 **(B) May not have more than 10 percent of the total calories from saturated fats. This**
14 **requirement does not apply to snack items that are nuts, eggs and cheese.**

15 **(C) May not have more than 35 percent sugar by weight. This requirement does not apply**
16 **to fruit and vegetables.**

17 **(D) May not contain any trans fat.**

18 **(E) May not contain more than 150 total calories if sold in a kindergarten through grade**
19 **5 school.**

20 **(F) May not contain more than 180 total calories if sold in a grade 6 through 8 school.**

21 **(G) May not contain more than 200 total calories if sold in a grade 9 through 12 school.**

22 **(b) An entree item that is sold individually:**

23 **(A) May not contain more than four grams of fat per 100 calories.**

24 **(B) May not contain more than 450 total calories.**

25 **(3) The following shall apply to all beverages sold in a school during the times described**
26 **in subsection (4) of this section:**

27 **(a) If the beverage is sold in a kindergarten through grade 5 school, the beverage may**
28 **be only:**

29 **(A) Water.**

30 **(B) Fruit or vegetable juice, provided the beverage item is no more than eight ounces, is**
31 **100 percent juice with no added sweeteners, contains not more than 120 calories per eight**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 ounces and contains 10 percent or more of the recommended Daily Values as listed on the
2 food label for three or more vitamins or minerals.

3 (C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not
4 more than eight ounces, is fat free or low fat and, if flavored, contains no more than 150
5 calories per eight ounces.

6 (b) If the beverage is sold in a grade 6 through 8 school, the beverage may be only:

7 (A) Water.

8 (B) Fruit or vegetable juice, provided the beverage item is not more than 10 ounces, is
9 100 percent juice with no added sweeteners, contains no more than 120 calories per eight
10 ounces and contains 10 percent or more of the recommended Daily Values as listed on the
11 food label for three or more vitamins or minerals.

12 (C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not
13 more than 10 ounces, is fat free or low fat and, if flavored, contains no more than 150 calo-
14 ries per eight ounces.

15 (c) If the beverage is sold in a grade 9 through 12 school, the beverage may be only:

16 (A) Water.

17 (B) Fruit or vegetable juice, provided the beverage item is not more than 12 ounces, is
18 100 percent juice with no added sweeteners, contains no more than 120 calories per eight
19 ounces and contains 10 percent or more of the recommended Daily Values as listed on the
20 food label for three or more vitamins or minerals.

21 (C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not
22 more than 12 ounces, is fat free or low fat and, if flavored, contains no more than 150 calo-
23 ries per eight ounces.

24 (D) A no-calorie or low-calorie beverage if the beverage contains no more than 10 calories
25 per eight ounces.

26 (4)(a) The standards required by this section apply to food and beverage items sold in a
27 school during the regular or extended school day at all times when the activities in the
28 school are primarily under the control of the school district board. This includes, but is not
29 limited to, the time before or after classes are in session and the time when the school is
30 being used for activities such as clubs, yearbook, band or choir practice, student govern-
31 ment, drama rehearsals or child care programs.

32 (b) The standards required by this section do not apply to food and beverage items sold
33 in a school at times when the school is being used for school-related events or nonschool-
34 related events for which parents and other adults are a significant part of an audience or
35 are selling food or beverage items before, during or after the event, such as a sporting event
36 or another interscholastic activity, a play or a band or choir concert.

37 (5) The standards required by this section do not apply to food and beverage items sold
38 in a school as part of the United States Department of Agriculture's National School Lunch
39 Program and School Breakfast Program.

40 (6) A school district board may adopt standards that are more restrictive than the
41 standards specified by this section.

42 (7) Each school year, the school district board shall determine whether the school district
43 is in compliance with the standards required by this section and report the results of that
44 determination to the Department of Education. The department shall monitor whether
45 school districts are in compliance with the standards required by this section.

1 **SECTION 2.** (1) Section 1 of this 2007 Act applies to contracts entered into or extended
2 on or after the effective date of this 2007 Act.

3 (2) If a school district is operating under a contract entered into before the effective date
4 of this 2007 Act, the school district board shall comply with the standards required by section
5 1 of this 2007 Act to the greatest extent allowed under that contract.

6 **SECTION 3.** This 2007 Act being necessary for the immediate preservation of the public
7 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
8 July 1, 2007.

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