

House Bill 2419

Sponsored by Representative GREENLICK; Representative READ (at the request of Doreen Powers)

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**.

Exempts employee areas from standards for food and beverages sold in schools.
Declares emergency, effective July 1, 2009.

A BILL FOR AN ACT

1
2 Relating to school nutrition standards in employee areas; amending ORS 336.423; and declaring an
3 emergency.

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

5 **SECTION 1.** ORS 336.423 is amended to read:

6 336.423. (1) As used in this section:

7 (a) **“Employee area” means an area of a school that is accessed primarily by the em-**
8 **ployees or contractors of the school and not by the students of the school.**

9 [(a)] (b) “Entree” means a food that is generally regarded as being the primary food in a meal
10 and includes, but is not limited to, sandwiches, burritos, pasta and pizza.

11 [(b)] (c) “Snack” means a food that is generally regarded as supplementing a meal and includes,
12 but is not limited to, chips, crackers, onion rings, nachos, french fries, doughnuts, cookies, pastries,
13 cinnamon rolls and candy.

14 (2) Except as provided in subsection (6) of this section, all food and beverage items sold in a
15 public kindergarten through grade 12 school must at a minimum meet the standards required by this
16 section.

17 (3) The following shall apply to all food sold in a school during the times described in subsection
18 [(5)(a)] (5) of this section:

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

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

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

24 (C) May not contain more than 35 percent sugar by weight. This requirement does not apply
25 to fruit and vegetables.

26 (D) May not contain more than 0.5 grams of trans fat per serving.

27 (E) May not contain more than 150 total calories if sold in a school in which the highest grade
28 level in the school is grade 5 or less.

29 (F) May not contain more than 180 total calories if sold in a school in which the highest grade
30 level in the school is grade 6, 7 or 8.

31 (G) May not contain more than 200 total calories if sold in a school in which the highest grade

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 level in the school is grade 9, 10, 11 or 12.

2 (b) An entree item that is sold individually:

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

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

5 (4) The following shall apply to all beverages sold in a school during the times described in
6 subsection [(5)(a)] (5) of this section:

7 (a) If the beverage is sold in a school in which the highest grade level in the school is grade 5
8 or less, the beverage may be only:

9 (A) Water.

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

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

15 (b) If the beverage is sold in a school in which the highest grade level in the school is grade
16 6, 7 or 8, the beverage may be only:

17 (A) Water.

18 (B) Fruit or vegetable juice, provided the beverage item is not more than 10 ounces, is 100
19 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.

20 (C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more
21 than 10 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight
22 ounces.

23 (c) If the beverage is sold in a school in which the highest grade level in the school is grade
24 9, 10, 11 or 12, the beverage may be only:

25 (A) Water.

26 (B) Fruit or vegetable juice, provided the beverage item is not more than 12 ounces, is 100
27 percent juice with no added sweeteners and contains no more than 120 calories per eight ounces.

28 (C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more
29 than 12 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight
30 ounces.

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

33 (E) A beverage that is not more than 12 ounces and contains no more than 66 calories per eight
34 ounces.

35 (5)[(a)] **Except as provided in subsection (6)(a) of this section**, the standards required by this
36 section apply to food and beverage items sold in a school at all times during the regular or extended
37 school day when the activities in the school are primarily under the control of the school district
38 board. This includes, but is not limited to, the time before or after classes are in session and the
39 time when the school is being used for activities such as clubs, yearbook, band or choir practice,
40 student government, drama rehearsals or child care programs.

41 [(b)] (6) The standards required by this section do not apply to food and beverage items sold in
42 a school:

43 (a) At times when the school is being used for school-related events or nonschool-related events
44 for which parents and other adults are a significant part of an audience or are selling food or
45 beverage items before, during or after the event, such as a sporting event or another interscholastic

1 activity, a play or a band or choir concert.

2 [(6)] (b) [*The standards required by this section do not apply to food and beverage items sold in*
3 *a school*] As part of the United States Department of Agriculture's National School Lunch Program
4 or School Breakfast Program.

5 (c) **In an employee area.**

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

8 (8) Each school year, a school district board shall determine whether the school district is in
9 compliance with the standards required by this section and report the results of that determination
10 to the Department of Education. The department may monitor whether school districts are in com-
11 pliance with the standards required by this section.

12 **SECTION 2. This 2009 Act being necessary for the immediate preservation of the public**
13 **peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect**
14 **July 1, 2009.**

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