



Oregon Department of Education

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HB 2404: Aligns Oregon's nutrition standards with USDA standards House Committee on Education February 6, 2015

Chair Doherty, members of the committee, I am Joyce Dougherty, director of the Child Nutrition Program at the Oregon Department of Education and with me is Heidi Dupuis, manager of the School Nutrition Program at the department. I am here today to testify in support of HB 2404 which would align Oregon's nutrition standards for certain foods and beverages sold in schools to students with federal standards recently adopted by the U.S. Department of Agriculture.

Background:

Oregon aligned its nutritional standards with federal requirements when it enacted ORS 336.423 in 2007. Since then, Congress passed the Healthy, Hunger-Free Kids Act (HHFA) in 2010, which established new, stricter nutritional standards for foods and beverages sold in schools, and the USDA promulgated new administrative rules implementing HHFA in 2013 and 2014.

The USDA's rules established, among other things, stricter nutrition standards for foods and beverages that are (1) not part of a reimbursable lunch or breakfast, and (2) sold to in schools during the school day.

Issue:

Because of changes at the federal level, Oregon's nutrition standards are presently not aligned with federal nutrition standards for foods and beverages that are (1) not part of a reimbursable lunch or breakfast, and (2) sold in schools during the school day.

Proposed Legislation:

HB 2404 would amend ORS 336.423 so that it is aligned with federal nutrition standards for foods and beverages that are (1) not part of a reimbursable lunch or breakfast, and (2) sold in schools during the school day.

First, it adopts federal standards regarding beverages that can be sold, based on the student's grade level. They prohibit selling artificially caffeinated beverages to grade and middle schoolers and reduce the calories allowed in beverages like sports drinks and sodas sold to high schoolers.

Second, it clarifies that lunch or breakfast entrees can be sold individually, rather than as part of a reimbursable lunch or breakfast, if they satisfy the applicable nutrition standards for lunch or

breakfast adopted by the USDA.

HB 2404 would also add nut butters and seeds to the short list of foods in ORS 336.423 that are exempt from caps on total calories from saturated fats. These caps apply to foods that are not part of a reimbursable lunch or breakfast, and sold in schools to students during the school day. This reflects changes in the USDA's rules.

Concerns:

At the request of our stakeholders, ODE is working on an amendment which would also exempt seed butters from the caps on total calories from saturated fats applicable to foods that are not part of a reimbursable lunch or breakfast, and sold in schools during the school day. This change would benefit those students who have nut allergies and reflect the addition of seed butters to USDA's rules.

Fiscal:

ODE does not anticipate that HB 2404 will have a discernable fiscal impact on either ODE or Oregon's public schools because ODE already oversees schools' compliance with state and federal nutrition standards; and Oregon's public schools have already taken steps to comply with the new federal standards as a condition of participating in the National School Lunch Program and School Breakfast Program.