

1 (3) Providing healthier alternatives at school promotes healthier eating habits
2 and reduces obesity and future health problems.

3 (4) As directed by the United States Congress, the USDA has issued
4 nutrition standards not only for the federally funded school lunch and breakfast
5 programs, but also for all other foods and beverages available to students on the
6 school campus during the school day. In June of 2013, the USDA issued its interim
7 final rule, "Nutrition Standards for All Foods Sold in School" (78 Fed. Reg. 39067
8 (June 28, 2013)), establishing minimum standards for all foods sold outside of the
9 school lunch and breakfast programs, commonly referred to as "competitive foods".
10 As of July 29, 2016, all competitive foods sold at schools during the school day are
11 required to meet the USDA's minimum nutrition standards.

12 (5) It is in the best interest of this state to increase transparency to parents
13 regarding compliance by schools and school districts with best practices relative to
14 student nutrition such as providing information concerning nutritional standards on
15 school and district websites and including all à la carte foods to be listed on school
16 menus.

17 B.(1)(a) Except for beverages sold as part of the school food program
18 operated pursuant to Subpart B of Part III of Chapter 1 of this Title and subject to the
19 limitations on size provided in Subparagraph (b) of this Paragraph, only the
20 following types of beverages ~~which, except for milk and water, may not exceed~~
21 ~~sixteen ounces in size~~, may be sold to students at public elementary and secondary
22 schools or on the grounds of such schools at any time ~~during a period beginning~~
23 ~~one-half hour before the start of the school day and ending one-half hour after the~~
24 ~~end of the school day~~ from 12:01 a.m. until thirty minutes after the end of the
25 instructional day:

26 ~~(a) (i)~~ (i) Fruit or vegetable juices ~~or drinks~~ that are composed of one hundred
27 percent fruit juice or vegetable juice and that do not contain added natural or
28 artificial sweeteners.

1 (ii) Fruit or vegetable juices diluted with carbonated or uncarbonated water
2 that do not contain added natural or artificial sweeteners.

3 ~~(b) (iii)~~ Unsweetened flavored drinking water or unflavored drinking water,
4 whether carbonated or uncarbonated.

5 ~~(c) (iv)~~ Low-fat unflavored milk, ~~skim milk, flavored milk, and non-dairy~~
6 milk plain or flavored nonfat milk, or nutritionally equivalent milk alternatives.

7 (b) Except for the types of drinking water provided for in Item (a)(iii) of this
8 Paragraph, no beverage which is authorized for sale pursuant to this Paragraph shall
9 exceed either of the following size limits:

10 (i) Eight fluid ounces in size for a beverage sold in a public elementary
11 school.

12 (ii) Twelve fluid ounces in size for a beverage sold in a public secondary
13 school.

14 (2) Notwithstanding any provision of law to the contrary, beginning the last
15 ten minutes of each lunch period and except for beverages sold as part of the school
16 food program operated pursuant to Subpart B of Part III of Chapter 1 of this Title,
17 the selection of beverages offered for sale to students in public high schools; shall
18 be comprised of the following:

19 (a) Bottled water.

20 ~~(b) No-calorie or low-calorie beverages that contain up to ten calories per~~
21 ~~eight ounces.~~

22 ~~(c) Up to twelve ounce servings of beverages that contain one hundred~~
23 ~~percent fruit juice with no added sweeteners and up to one hundred twenty calories~~
24 ~~per eight ounces.~~

25 (b) Calorie-free, flavored, or carbonated water and other calorie-free
26 beverages that comply with the USDA requirements of less than five calories per
27 eight fluid ounce serving or no more than ten calories per twenty fluid ounce serving.

1 ~~(d)~~ (c) Up to ~~twelve ounce servings~~ twelve-ounce portions of any other
2 flavored or carbonated beverage that contains no more than ~~sixty-six~~ forty calories
3 per eight ounces or no more than sixty calories per twelve fluid ounce serving.

4 ~~(e) At least fifty percent of non-milk beverages shall be water and no-calorie~~
5 ~~or low-calorie options that contain up to ten calories per eight ounces.~~

6 ~~(f) Low-fat milk, skim milk, and nondairy milk.~~

7 (3) Caffeinated beverages are permitted for public high schools only.

8 C.(1) Except for items sold as part of the school food program operated
9 pursuant to Subpart B of Part III of Chapter 1 of this Title and subject to the
10 nutritional exemptions provided in Paragraph (3) of this Subsection, food items
11 which meet any of the following criteria shall not be sold to students at public
12 elementary and secondary schools or on the grounds of public elementary and
13 secondary schools at any time ~~during a period beginning one-half hour before the~~
14 ~~start of the school day and ending one-half hour after the end of the school day~~ from
15 12:01 a.m. until thirty minutes after the end of the instructional day:

16 (a) Food of minimal nutritional value as defined in Section 220.2 of Title 7
17 of the Code of Federal ~~Regulation~~ Regulations.

18 (b) Snacks or ~~desserts~~ side dishes that exceed one hundred fifty calories per
19 serving, ~~have more than thirty-five percent of their calories from fat, or have more~~
20 ~~than thirty grams of sugar per serving, except for unsweetened or uncoated seeds or~~
21 ~~nuts~~ item as packaged or served.

22 (c) Entrée items that exceed three hundred fifty calories per item as packaged
23 or served.

24 (d) Snack items that exceed two hundred milligrams of sodium per item as
25 packaged or served.

26 (e) Entrée items that exceed four hundred eighty milligrams of sodium per
27 item as packaged or served.

28 (f) Food items that exceed thirty-five percent of their total calories from fat.

29 (g) Food items with saturated fat exceeding ten percent of their total calories.

1 (h) Food items that contain trans fat.

2 (i) Food items that exceed thirty-five percent of weight from total sugars.

3 (2) In addition to the restrictions provided in Paragraph (1) of this
4 Subsection, food items authorized for sale pursuant to this Subsection shall meet at
5 least one of the following general criteria:

6 (a) The food is a whole-grain product containing fifty percent or more whole
7 grains by weight or has whole grains listed as the first ingredient.

8 (b) The food has as its first ingredient one of the following non-grain major
9 food groups:

10 (i) Fruits.

11 (ii) Vegetables.

12 (iii) Dairy products.

13 (iv) Protein foods.

14 (c) The food is a combination food that contains at least one-fourth of a cup
15 of fruits or vegetables. If such food has water as its first ingredient, then the second
16 ingredient shall be one of the food groups listed in Subparagraph (b) of this
17 Paragraph.

18 (3) For the purposes of this Section, the following nutritional exemptions
19 provided in the USDA final rule on competitive foods shall apply:

20 (a) Fresh and frozen fruits and vegetables with no added ingredients except
21 water are exempt from all nutrient standards.

22 (b) Canned fruits with no added ingredients except water and which are
23 packed in one hundred percent juice, extra-light syrup, or light syrup, are exempt
24 from all nutrient standards.

25 (c) Canned vegetables with low sodium or no salt added and which have no
26 added fats are exempt from all nutrient standards.

27 (d) Canned vegetables with no added ingredients or that contain a small
28 amount of sugar for processing purposes to maintain the quality and structure of the
29 vegetable are exempt from all nutrient standards.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 208 Original

2017 Regular Session

Steve Carter

Abstract: Revises authorizations, limitations, and nutritional guidelines relative to foods and beverages other than school breakfast or lunch offered in public elementary and secondary schools.

General Provisions

Present law provides relative to foods and beverages other than school breakfast or lunch offered in public elementary and secondary schools, and for legislative findings concerning such foods and beverages.

Proposed law adds to present law the following legislative findings:

- (1) The United States Department of Agriculture (USDA) has issued nutrition standards for the federally funded school lunch and breakfast programs and for all other foods and beverages available to students on the school campus during the school day. USDA regulations establish minimum standards for all foods sold outside of the school lunch and breakfast programs, commonly referred to as "competitive foods". As of July 29, 2016, all competitive foods sold at schools during the school day are required to meet the USDA's minimum nutrition standards.
- (2) It is in the best interest of this state to increase transparency to parents regarding compliance by schools and school districts with best practices relative to student nutrition such as providing information concerning nutritional standards on school and district websites and including all à la carte foods to be listed on school menus.

Proposed law provides that sugar-free chewing gum is exempt from the food standards established in present law and proposed law, and may be sold to students at the discretion of the local educational agency.

Provisions Relative To Beverages

Present law provides that except for beverages sold as part of the school food program operated pursuant to present law, only the following types of beverages which may not exceed 16 ounces in size (except for milk and water) may be sold to students at public elementary and secondary schools or on the grounds of such schools at any time from one-half hour before the start of the school day to one-half hour after the end of the school day:

- (1) Fruit juices or drinks that are composed of 100% fruit juice or vegetable juice and that do not contain added natural or artificial sweeteners.
- (2) Unsweetened flavored drinking water or unflavored drinking water.
- (3) Low-fat milk, skim milk, flavored milk, and non-dairy milk.

Proposed law revises present law to provide that except for beverages sold as part of the school food program operated pursuant to present law, only the following types of beverages may be sold to students at public elementary and secondary schools or on the grounds of such schools at any time from 12:01 AM to 30 minutes after the end of the instructional day:

- (1) Fruit or vegetable juices that are composed of 100% fruit juice or vegetable juice and that do not contain added natural or artificial sweeteners.
- (2) Fruit or vegetable juices diluted with carbonated or uncarbonated water that do not contain added natural or artificial sweeteners.
- (3) Unsweetened flavored drinking water or unflavored drinking water, whether carbonated or uncarbonated.
- (4) Low-fat unflavored milk, plain or flavored nonfat milk, or nutritionally equivalent milk alternatives.

Present law provides that beginning the last ten minutes of each lunch period, and except for beverages sold as part of the school food program operated pursuant to present law, the selection of beverages offered for sale to students in public high schools shall be comprised of the following:

- (1) Bottled water.
- (2) No-calorie or low-calorie beverages that contain up to 10 calories per eight ounces.
- (3) Up to 12-ounce servings of beverages that contain 100% fruit juice with no added sweeteners and up to 120 calories per eight ounces.
- (4) Up to 12-ounce servings of any other beverage that contains no more than 66 calories per eight ounces.
- (5) At least 50% percent of non-milk beverages shall be water and no-calorie or low-calorie options that contain up to 10 calories per eight ounces.
- (6) Low-fat milk, skim milk, and nondairy milk.

Proposed law revises present law to provide that beginning the last ten minutes of each lunch period, and except for beverages sold as part of the school food program operated pursuant to present law, the selection of beverages offered for sale to students in public high schools shall be comprised of the following:

- (1) Bottled water.
- (2) Calorie-free, flavored, or carbonated water and other calorie-free beverages that comply with the USDA requirements of less than five calories per eight fluid ounce serving or no more than 10 calories per 20 fluid ounce serving.
- (3) Up to 12-ounce portions of any other flavored or carbonated beverage that contains no more than 40 calories per eight ounces or no more than 60 calories per 12 fluid ounce serving.

Proposed law stipulates that caffeinated beverages are permitted for public high schools only.

Provisions Relative To Foods

Present law provides that except for items sold as part of the school food program operated pursuant to present law, food items meeting any of the following criteria shall not be sold to students at public elementary and secondary schools or on the grounds of public elementary and secondary schools at any time from one-half hour before the start of the school day to one-half hour after the end of the school day:

- (1) Food of minimal nutritional value as defined in federal regulations (7 C.F.R. 220.2).
- (2) Snacks or desserts that exceed 150 calories per serving, have more than 35% of their calories from fat, or have more than 30 grams of sugar per serving, except for unsweetened or uncoated seeds or nuts.

Proposed law revises present law to provide that except for items sold as part of the school food program operated pursuant to present law, food items meeting any of the following criteria shall not be sold to students at public elementary and secondary schools or on the grounds of public elementary and secondary schools at any time from 12:01 a.m. to 30 minutes after the end of the instructional day:

- (1) Food of minimal nutritional value as defined in federal regulations (7 C.F.R. 220.2).
- (2) Snacks or side dishes that exceed 150 calories per item as packaged or served.
- (3) Entrée items that exceed 350 calories per item as packaged or served.
- (4) Snack items that exceed 200 milligrams of sodium per item as packaged or served.
- (5) Entrée items that exceed 480 milligrams of sodium per item as packaged or served.
- (6) Food items that exceed 35% of their total calories from fat.
- (7) Food items with saturated fat exceeding 10% of their total calories.
- (8) Food items that contain trans fat.
- (9) Food items that exceed 35% of weight from total sugars.

Proposed law requires further that food items authorized for sale pursuant to proposed law shall meet at least one of the following criteria:

- (1) The food is a whole-grain product containing 50% or more whole grains by weight or has whole grains listed as the first ingredient.
- (2) The food has as its first ingredient one of the following non-grain major food groups:
 - (a) Fruits.
 - (b) Vegetables.
 - (c) Dairy products.
 - (d) Protein foods.
- (3) The food is a combination food that contains at least one-fourth of a cup of fruits or vegetables. If such food has water as its first ingredient, then the second ingredient shall be one of the food groups listed above.

Proposed law provides that for purposes of proposed law, the following nutritional exemptions provided in the USDA final rule on competitive foods shall apply:

- (1) Fresh and frozen fruits and vegetables with no added ingredients except water are exempt from all nutrient standards.
- (2) Canned fruits with no added ingredients except water and which are packed in 100% juice, extra-light syrup, or light syrup, are exempt from all nutrient standards.

- (3) Canned vegetables with low sodium or no salt added and which have no added fats are exempt from all nutrient standards.
- (4) Canned vegetables with no added ingredients or that contain a small amount of sugar for processing purposes are exempt from all nutrient standards.
- (5) Reduced-fat cheese including part-skim mozzarella, nuts and seeds, nut and seed butters, products consisting only of dried fruit with nuts or seeds and no added nutritive sweeteners or fats, whole eggs with no added fat, and seafood with no added fat are exempt from the total fat standard. Combination products other than paired exempt foods are not exempt and shall meet all applicable nutrition standards.
- (6) Reduced-fat cheese, including part-skim mozzarella, nuts and seeds, nut and seed butters, products consisting only of dried fruit with nuts or seeds and no added nutritive sweeteners or fats, and whole eggs with no added fat are exempt from the saturated fat standard. Combination products other than paired exempt foods are not exempt and shall meet all applicable nutrition standards.
- (7) All of the following products are exempt from the sugar standard:
 - (a) Dried whole fruits and vegetables, dried whole fruit or vegetable pieces, and dehydrated fruits and vegetables with no added nutritive sweeteners.
 - (b) Dried whole fruits, or fruit pieces, with nutritive sweeteners that are required for processing or palatability purposes.
 - (c) Products consisting only of dried fruit with nuts or seeds and no added nutritive sweeteners or fats are exempt from the sugar standard.

(Amends R.S. 17:197.1(A)-(C); Adds R.S. 17:197.1(M))