

SB046\_L.009

## SENATE COMMITTEE OF REFERENCE REPORT

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 Chairman of Committee

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 Date
Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB09-046 be amended as follows:

1 Amend printed bill, page 2, strike lines 4 through 23 and substitute the  
2 following:

3 "22-32-134.7. **Healthy snack foods policy required - rules.**

4 (1) (a) ON OR BEFORE JULY 1, 2011, EACH SCHOOL DISTRICT BOARD OF  
5 EDUCATION SHALL ADOPT AND IMPLEMENT A POLICY THAT PROHIBITS,  
6 EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE SALE OF  
7 SNACK FOODS TO STUDENTS FROM ANY SOURCE, INCLUDING BUT NOT  
8 LIMITED TO:";

9 line 24, strike "(a)" and substitute "(I)";

10 line 25, strike "(b)" and substitute "(II)";

11 line 26, strike "(c)" and substitute "(III)";

12 line 27, strike "(d)" and substitute "(IV)".

13 Strike pages 3 and 4 and substitute the following:

14 "(b) FOR THE PURPOSES OF THIS SECTION, "SNACK FOOD" MEANS  
15 ANY FOOD EXCEPT BEVERAGES AND FOOD THAT IS AVAILABLE TO  
16 STUDENTS AS PART OF A REGULARLY SCHEDULED SCHOOL MEAL PROGRAM.

17 (2) ON OR BEFORE NOVEMBER 15, 2010, THE STATE BOARD OF  
18 EDUCATION SHALL PROMULGATE RULES DESCRIBING SNACK FOODS THAT



1 SCHOOL DISTRICTS AND SCHOOLS MAY PERMIT TO BE SOLD TO STUDENTS.  
2 EACH SNACK FOOD DESCRIBED BY THE RULES SHALL SATISFY MINIMUM  
3 NUTRITIONAL STANDARDS FOR SNACK FOODS, WHICH STANDARDS ARE  
4 SCIENCE-BASED AND ESTABLISHED BY A NATIONAL ORGANIZATION THAT:

5 (a) ESTABLISHES AND PROMOTES MINIMUM NUTRITIONAL  
6 STANDARDS FOR SNACK FOODS SERVED TO STUDENTS IN SCHOOLS; AND

7 (b) HAS SET FORTH A MEMORANDUM OF UNDERSTANDING  
8 BETWEEN VARIOUS INTERESTED ENTITIES, INCLUDING BUT NOT LIMITED TO  
9 REPRESENTATIVES OF THE SNACK FOOD INDUSTRY, WHICH MEMORANDUM  
10 OF UNDERSTANDING SETS FORTH GUIDELINES FOR POLICIES CONCERNING  
11 SNACK FOODS THAT SCHOOL DISTRICTS AND SCHOOLS MAY PERMIT TO BE  
12 SOLD TO STUDENTS.

13 (3)(a) THE POLICY ADOPTED BY A SCHOOL DISTRICT PURSUANT TO  
14 SUBSECTION (1) OF THIS SECTION SHALL APPLY TO ALL SNACK FOODS SOLD  
15 ON SCHOOL CAMPUSES DURING THE REGULAR AND EXTENDED SCHOOL  
16 DAY.

17 (b) FOR THE PURPOSES OF THIS SECTION, "EXTENDED SCHOOL DAY"  
18 MEANS THE REGULAR HOURS OF OPERATION FOR A SCHOOL PLUS ANY TIME  
19 SPENT BY STUDENTS AFTER THE REGULAR HOURS OF OPERATION FOR ANY  
20 PURPOSE, INCLUDING BUT NOT LIMITED TO PARTICIPATION IN  
21 EXTRACURRICULAR ACTIVITIES OR CHILDCARE PROGRAMS; EXCEPT THAT  
22 "EXTENDED SCHOOL DAY" DOES NOT INCLUDE EVENTS WHERE PARENTS  
23 AND OTHER ADULTS ARE A SIGNIFICANT PORTION OF AN ATTENDING  
24 AUDIENCE, INCLUDING BUT NOT LIMITED TO INTERSCHOLASTIC SPORTING  
25 EVENTS, SCHOOL PLAYS, MUSICAL CONCERTS, AND BOOSTER EVENTS."

26 Page 5, strike lines 1 through 24;

27 line 25, strike "(5)" and substitute "(4)".

28 Page 7, strike lines 10 through 27 and substitute the following:

29 **"22-30.5-518. Institute charter school healthy snack foods**  
30 **policy.** (1)(a) ON OR BEFORE JULY 1, 2011, THE STATE CHARTER SCHOOL  
31 INSTITUTE SHALL ADOPT AND IMPLEMENT A POLICY THAT PROHIBITS,  
32 EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN INSTITUTE  
33 CHARTER SCHOOL FROM PERMITTING THE SALE OF SNACK FOODS TO



1 STUDENTS FROM ANY SOURCE, INCLUDING BUT NOT LIMITED TO:

2 (I) SCHOOL CAFETERIAS;

3 (II) VENDING MACHINES;

4 (III) SCHOOL STORES; AND

5 (IV) FUND-RAISING ACTIVITIES CONDUCTED ON SCHOOL  
6 CAMPUSES.

7 (b) FOR THE PURPOSES OF THIS SECTION, "SNACK FOOD" MEANS  
8 ANY FOOD EXCEPT BEVERAGES AND FOOD THAT IS AVAILABLE TO  
9 STUDENTS AS PART OF A REGULARLY SCHEDULED SCHOOL MEAL PROGRAM.

10 (2) ON OR BEFORE NOVEMBER 15, 2010, THE INSTITUTE BOARD  
11 SHALL PROMULGATE RULES DESCRIBING SNACK FOODS THAT INSTITUTE  
12 CHARTER SCHOOLS MAY PERMIT TO BE SOLD TO STUDENTS. EACH SNACK  
13 FOOD DESCRIBED BY THE RULES SHALL SATISFY MINIMUM NUTRITIONAL  
14 STANDARDS FOR SNACK FOODS, WHICH STANDARDS ARE SCIENCE-BASED  
15 AND ESTABLISHED BY A NATIONAL ORGANIZATION THAT:

16 (a) ESTABLISHES AND PROMOTES MINIMUM NUTRITIONAL  
17 STANDARDS FOR SNACK FOODS SERVED TO STUDENTS IN SCHOOLS; AND

18 (b) HAS SET FORTH A MEMORANDUM OF UNDERSTANDING  
19 BETWEEN VARIOUS INTERESTED ENTITIES, INCLUDING BUT NOT LIMITED TO  
20 REPRESENTATIVES OF THE SNACK FOOD INDUSTRY, WHICH MEMORANDUM  
21 OF UNDERSTANDING SETS FORTH GUIDELINES FOR POLICIES CONCERNING  
22 SNACK FOODS THAT SCHOOL DISTRICTS AND SCHOOLS MAY PERMIT TO BE  
23 SOLD TO STUDENTS.

24 (3) (a) THE POLICY ADOPTED BY THE STATE CHARTER SCHOOL  
25 INSTITUTE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL APPLY  
26 TO ALL SNACK FOODS SOLD ON INSTITUTE CHARTER SCHOOL CAMPUSES  
27 DURING THE REGULAR AND EXTENDED SCHOOL DAY.

28 (b) FOR THE PURPOSES OF THIS SECTION, "EXTENDED SCHOOL DAY"  
29 MEANS THE REGULAR HOURS OF OPERATION FOR AN INSTITUTE CHARTER  
30 SCHOOL PLUS ANY TIME SPENT BY STUDENTS AFTER THE REGULAR HOURS  
31 OF OPERATION FOR ANY PURPOSE, INCLUDING BUT NOT LIMITED TO



1 PARTICIPATION IN EXTRACURRICULAR ACTIVITIES OR CHILDCARE  
2 PROGRAMS; EXCEPT THAT "EXTENDED SCHOOL DAY" DOES NOT INCLUDE  
3 EVENTS WHERE PARENTS AND OTHER ADULTS ARE A SIGNIFICANT PORTION  
4 OF AN ATTENDING AUDIENCE, INCLUDING BUT NOT LIMITED TO  
5 INTERSCHOLASTIC SPORTING EVENTS, SCHOOL PLAYS, MUSICAL CONCERTS,  
6 AND BOOSTER EVENTS."

7 Strike pages 8 through 10.

8 Page 11, strike lines 1 and 2;

9 line 3, strike "(5)" and substitute "(4)".

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