

FEDERAL NUTRITION STANDARDS EXEMPTIONS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Aaron Osmond

House Sponsor: _____

LONG TITLE

General Description:

This bill requires the State Board of Education to make rules regarding exemptions to federal nutrition standards.

Highlighted Provisions:

This bill:

- requires the State Board of Education to make rules allowing exemptions to federal nutrition standards for foods sold for a school-sponsored fund-raiser; and
- provides direction for the rules described in this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53A-1-909, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-1-909** is enacted to read:

53A-1-909. Federal nutrition standards exemptions.

(1) As used in this section:



- 28 (a) "Board" means the State Board of Education.
- 29 (b) "Competitive foods" means all food and beverages, other than meals reimbursed
30 under programs authorized by the Richard B. Russell National School Lunch Act, 42 U.S.C.
31 and the Child Nutrition Act of 1966, available for sale to students on the school campus during
32 the school day.
- 33 (c) "Exempt fund-raiser" means a school-sponsored fund-raiser, including a fund-raiser
34 for a career and technical education program, that is not required to meet federal nutrition
35 standards.
- 36 (d) "Federal competitive food regulations" means 7 C.F.R. Sec. 210.11.
- 37 (e) "Federal nutrition standards" means the nutritional requirements for all food sold in
38 a school as defined in 7 C.F.R. Sec. 210.11.
- 39 (f) "LEA" means:
 - 40 (i) a school district;
 - 41 (ii) a charter school; or
 - 42 (iii) the Utah Schools for the Deaf and the Blind.
- 43 (g) "The Healthy, Hunger-Free Kids Act" means The Healthy, Hunger-Free Kids Act
44 of 2010, 42 U.S.C. Sec. 1771 et seq.
- 45 (2) Pursuant to the Healthy, Hunger-Free Kids Act, Sec. 1779, and federal competitive
46 food regulations, the board shall make rules, in accordance with Title 63G, Chapter 3, Utah
47 Administrative Rulemaking Act, that:
 - 48 (a) except as provided by Subsection (2)(d), set a maximum number of allowable
49 exempt fund-raisers of no less than 25 exempt fund-raisers per site per school year;
 - 50 (b) set the maximum duration of each exempt fund-raiser as five consecutive school
51 days;
 - 52 (c) provide that an exempt fund-raiser may include competitive foods sold by:
 - 53 (i) a school-sponsored club or activity; or
 - 54 (ii) a career and technical education program;
 - 55 (d) provide a process to approve exempt fund-raisers for a career and technical
56 education program in excess of the maximum established in Subsection (2)(a) if a career and
57 technical education program requests an additional exempt fund-raiser; and
 - 58 (e) provide for an LEA to allow for a lower maximum number of exempt fund-raisers

59 than provided for in the rules described in Subsection (2).

Legislative Review Note
as of 12-10-14 10:31 AM

Office of Legislative Research and General Counsel