

Senator Patricia W. Jones proposes the following substitute bill:

VENDING MACHINES IN PUBLIC SCHOOLS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patricia W. Jones

House Sponsor: _____

LONG TITLE

General Description:

This bill provides standards for the contents of vending machines in public schools.

Highlighted Provisions:

This bill:

- requires the State Board of Education to establish rules that set standards related to the beverage and non-beverage items that may be sold in vending machines at public schools;
- allows a local school board to choose different vending machine content standards from those suggested by the state board;
- establishes reporting requirements for local boards in certain situations; and
- requires the state board to provide local boards with certain information.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53A-1-410, Utah Code Annotated 1953



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

Section 1. Section **53A-1-410** is enacted to read:

53A-1-410. Vending machine contents.

(1) The board shall adopt rules establishing standards for beverage and non-beverage contents in a vending machine accessible to students at elementary and secondary schools.

(2) The rules:

(a) shall provide that a local school board shall adopt a vending machine policy establishing standards for the beverage and non-beverage contents in a vending machine accessible to students in its schools; and

(b) may include the provisions listed in Subsections (3) through (7).

(3) For an elementary school, the beverage contents of a vending machine accessible to elementary students shall be limited to the following beverages:

(a) bottled water; or

(b) no more than an eight ounce serving of:

(i) fat-free or low-fat regular or flavored milk, containing no more than 150 calories per eight ounces;

(ii) a nutritionally equivalent milk alternative, as defined by the United States Department of Agriculture in 7 C.F.R. Sec. 246.10, containing no more than 150 calories per eight ounces; or

(iii) 100% juice containing:

(A) no added sweeteners;

(B) no more than 120 calories per eight ounces; and

(C) at least 10% of the recommended daily value for three or more vitamins and minerals.

(4) For a secondary school, the beverage contents of a vending machine accessible to secondary students shall be limited to the following beverages:

(a) bottled water;

(b) a beverage containing no calories;

(c) a beverage containing no more than 10 calories per eight ounces; or

(d) no more than a 12 ounce serving of:

57 (i) fat-free or low-fat regular or flavored milk containing no more than 150 calories per
58 eight ounces;

59 (ii) a nutritionally equivalent milk alternative, as defined by the United States
60 Department of Agriculture in 7 C.F.R. Sec. 246.10, containing no more than 150 calories per
61 eight ounces;

62 (iii) 100% juice containing:

63 (A) no added sweeteners;

64 (B) no more than 120 calories per eight ounces; and

65 (C) at least 10% of the recommended daily value for three or more vitamins and
66 minerals; or

67 (iv) any other drink containing no more than 66 calories per eight ounces.

68 (5) For a vending machine accessible to secondary students, at least 50% of non-milk
69 beverages shall be:

70 (a) water;

71 (b) no-calorie; or

72 (c) low-calorie containing no more than 66 calories per eight ounces.

73 (6) The non-beverage contents of a vending machine accessible to students in a public
74 school shall include only a non-beverage item that contains:

75 (a) no more than:

76 (i) 150 total calories in the entire item for an item available in a vending machine
77 accessible to an elementary school student;

78 (ii) 180 total calories in the entire item for an item available in a vending machine
79 accessible to middle school student; and

80 (iii) 200 total calories in the entire item for an item available in a vending machine
81 accessible to a high school student;

82 (b) no more than 35% of calories from total fat;

83 (c) no more than 10% of calories from saturated fat;

84 (d) zero grams of trans fat; and

85 (e) except for 100% dried fruit with no added sugar, no more than 35% sugar by
86 weight.

87 (7) Subsections (6)(b) and (c) do not apply to the following non-beverage items;

88 (a) nuts;

89 (b) nut butters;

90 (c) seeds; or

91 (d) trail mix with no added sugar, containing only fruit, nuts, or seeds.

92 (8) The board shall provide to a local school board the following information:

93 (a) nutritional information, guidelines, or standards from governmental or other
94 published sources for suggested vending machine contents appropriate for elementary and
95 secondary students;

96 (b) research studies regarding childhood obesity and foods of minimal nutritional
97 value; and

98 (c) any other health-related research or studies the board deems relevant.

99 (9) A local school board may adopt a vending machine policy that establishes standards
100 for beverage and non-beverage contents in a vending machine that are different than those
101 established by the board.

102 (10) If a local school board adopts a vending machine policy described in Subsection
103 (9), the local school board shall:

104 (a) consider the information described in Subsection (8) before adopting the policy;
105 and

106 (b) submit to the board:

107 (i) the policy; and

108 (ii) a letter stating the reasons the local school board adopted the policy.

109 (11) The board shall report to the Education Interim Committee by the November
110 interim meeting each year on the number of local school boards that have adopted a vending
111 machine policy described in Subsection (9).

S.B. 49 2nd Sub. (Salmon) - Vending Machines in Public Schools

Fiscal Note

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
