

**Senator Howard A. Stephenson** proposes the following substitute bill:

**VENDING MACHINES IN PUBLIC SCHOOLS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patricia W. Jones**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ provides a list of allowed beverages and non-beverage items that may be sold in vending machines at public schools;
- ▶ establishes reporting requirements; and
- ▶ establishes compliance dates.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**53A-1a-110**, Utah Code Annotated 1953

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

Section 1. Section **53A-1a-110** is enacted to read:



**53A-1a-110. Vending machine contents.**

(1) 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.

(2) 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:

(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;

(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; or

- 57 (iv) any other drink containing no more than 66 calories per eight ounces.
- 58 (3) For a vending machine accessible to secondary students, at least 50% of non-milk
- 59 beverages shall be:
- 60 (a) water;
- 61 (b) no-calorie; or
- 62 (c) low-calorie containing no more than 66 calories per eight ounces.
- 63 (4) The non-beverage contents of a vending machine accessible to students in a public
- 64 school shall include only a non-beverage item that contains:
- 65 (a) no more than:
- 66 (i) 150 total calories in the entire item for an item available in a vending machine
- 67 accessible to an elementary school student;
- 68 (ii) 180 total calories in the entire item for an item available in a vending machine
- 69 accessible to middle school student; and
- 70 (iii) 200 total calories in the entire item for an item available in a vending machine
- 71 accessible to a high school student;
- 72 (b) no more than 35% of calories from total fat;
- 73 (c) no more than 10% of calories from saturated fat;
- 74 (d) zero grams of trans fat; and
- 75 (e) except for 100% dried fruit with no added sugar, no more than 35% sugar by
- 76 weight.
- 77 (5) Subsections (4)(b) and (c) do not apply to the following non-beverage items;
- 78 (a) nuts;
- 79 (b) nut butters;
- 80 (c) seeds; or
- 81 (d) trail mix with no added sugar, containing only fruit, nuts, or seeds.
- 82 (6) A local school board, charter school governing board, or school shall comply with
- 83 the vending machine requirements in this section on or before the later of the following:
- 84 (a) the natural expiration or earlier termination of a contract in force on May 11, 2010,
- 85 between the local school board, charter school governing board, or school and a vending
- 86 machine supplier; or
- 87 (b) May 11, 2010.

88        (7) A local school board shall report to the board:  
89        (a) whether the schools in its district are in compliance with this section; and  
90        (b) if there are schools not in compliance, the local board shall report:  
91        (i) how many schools in the district are not in compliance; and  
92        (ii) the reasons why the schools are not in compliance.  
93        (8) The board shall report to the Education Interim Committee by the November  
94 interim meeting each year, the data submitted by local school boards as described in Subsection  
95 (7).