



# Senate

General Assembly

**File No. 532**

*January Session, 2003*

Substitute Senate Bill No. 1074

*Senate, April 24, 2003*

The Committee on Public Health reported through SEN. MURPHY of the 16th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING CHILDHOOD NUTRITION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2003*) (a) For the purposes of this  
2 section:

3 (1) "Chewing gum" means a flavored product made from natural or  
4 synthetic gums and other ingredients which forms an insoluble mass  
5 for chewing.

6 (2) "Soda water" means a beverage that does not contain alcohol  
7 and that is made by absorbing carbon dioxide in potable water. Soda  
8 water includes, but is not limited to, a beverage that contains added  
9 natural or artificial sweeteners or discrete nutrients such as vitamins,  
10 minerals or protein.

11 (3) "Water ice" means a food that is prepared from the same  
12 ingredients and in the same manner prescribed in 21 CFR 135.140 for  
13 sherbets, except that the mix need not be pasteurized, and that

14 complies with all the provisions of 21 CFR 135.140, including the  
15 requirements for label statement of ingredients, except that no milk or  
16 milk-derived ingredient and no egg ingredient, other than egg white,  
17 is used.

18 (4) "Candy" means any food item containing more than forty per  
19 cent added sugar by weight.

20 (b) The Department of Education, in consultation with the  
21 Department of Public Health, shall establish a school nutrition pilot  
22 program in (1) an urban, (2) a suburban, and (3) a rural school district.  
23 Such school districts shall agree to participate in such pilot program.  
24 At least one school district in the pilot program shall have a self-  
25 operating school food service program. Said pilot program shall be in  
26 effect for the 2003-2004 school year.

27 (c) No school district participating in the pilot program shall allow  
28 the sale of the following items to students on school premises during  
29 school hours, except in connection with a fund raising activity on  
30 behalf of a charitable organization, student activity fund, or in  
31 connection with the National School Lunch Program or a school  
32 breakfast or lunch program established pursuant to section 10-215 of  
33 the general statutes:

34 (1) Chewing gum, soda water, and water ice;

35 (2) Candy;

36 (3) Any juice product that contains less than thirty-five per cent full-  
37 strength juice by volume; or

38 (4) Any other item, except seeds, nuts, nut butters, cheese, salad  
39 dressings and butter, that contains more than eight grams total fat and  
40 five grams of saturated fat per one ounce serving.

41 (d) The Commissioner of Education, in consultation with the  
42 Commissioner of Public Health, shall report, in accordance with  
43 section 11-4a of the general statutes, a summary of findings of said

44 pilot program to the joint standing committees of the General  
45 Assembly having cognizance of matters relating to education and  
46 public health and to the select committee of the General Assembly  
47 having cognizance of matters relating to children, by October 1, 2004.

48       Sec. 2. (*Effective October 1, 2003*) (a) There is established a task force  
49 for the purpose of adopting a nutrition policy for the state and for  
50 assisting in the reduction and prevention of obesity and non-insulin-  
51 using diabetes in children. The task force shall consist of the following  
52 members: (1) The Commissioner of Public Health or the  
53 commissioner's designee; (2) the Commissioner of Education or the  
54 commissioner's designee; (3) a representative of the Department of  
55 Education who is proficient in the United States Department of  
56 Agriculture guidelines for school nutrition programs; (4) a  
57 representative of a parent-teacher association or a parent-teacher  
58 organization; (5) a representative of the Connecticut Dietetic  
59 Association; (6) a representative of the School Nutrition Directors; (7) a  
60 physical education teacher; (8) a representative of the farming  
61 community; and (9) a representative of the Academy of Pediatrics.

62       (b) The nutrition policy shall:

63       (1) Encourage fundraisers that promote good health habits;

64       (2) Ensure that no student goes hungry;

65       (3) Improve nutritional standards;

66       (4) Increase the availability of fresh fruits and vegetables;

67       (5) Ensure that food is served fresh;

68       (6) Encourage eligible students and school districts to participate in  
69 the school lunch program, the school breakfast program and the after-  
70 school snack program;

71       (7) Ensure that nutrition and physical activity are integrated into  
72 school curricula;



The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
Education, Dept.	GF - Cost	See Below	See Below
Public Health, Dept.	GF - See Below	See Below	See Below

Note: GF=General Fund

**Municipal Impact:**

Municipalities	Effect	FY 04 \$	FY 05 \$
All Municipalities	Revenue Gain	Potential	Potential

**Explanation**

This bill results in a cost to the Department of Education as it establishes a pilot program for child nutrition. However there are no funds contained within the FY 04 or FY 05 budgets as recommended by the governor for this purpose. If any funds were provided there would be a potential revenue gain to local and regional school districts if they applied for participation in the grant program.

The bill also establishes a nutrition policy task force however it does not specify any specific agency to staff the task force. Any agency that was chosen could incur a cost due to holding meetings, providing paperwork to meet the needs of the task force and due to the dissemination of a final report. Any such cost would be minimal but such costs are not currently included in the governor’s recommended budget for the coming biennium. Participation on the task force by non-administering state agencies will result in no fiscal impact.

**OLR Bill Analysis**

sSB 1074

**AN ACT CONCERNING CHILDHOOD NUTRITION****SUMMARY:**

This bill requires the Education Department to establish school nutrition pilot programs in three districts that agree to limit the sales of candy, soda, high fat, and other food items. The programs are to operate during the 2003-04 school year, and a report on them must be submitted to legislative committees by October 1, 2004.

The bill also creates a task force to adopt a state nutrition policy and assist in reducing and preventing obesity and non-insulin-using (Type II) diabetes in children. The task force must report to the Children's, Education, and Public Health committees by January 1, 2005.

EFFECTIVE DATE: July 1, 2003 for the pilot programs; October 1, 2003 for the task force.

**SCHOOL NUTRITION PILOT PROGRAM**

The bill requires the Education Department to establish a pilot program during the 2003-04 school year in an urban, suburban, and rural school district that agree to participate. He must consult with the public health commissioner in doing this. At least one of the districts must have a self-operating food service program.

With certain exceptions, pilot program sites must prohibit the sale to students during school hours of:

1. soda (which includes beverages containing nutrients such as vitamins, mineral, or protein);
2. any juice product that contains less than 35% full-strength juice;
3. candy, chewing gum, and water ice; and
4. any other item, except seeds, nuts and nut butters, cheese, butter,

and salad dressings, that contains more than eight grams of total fat and five grams of saturated fat per one ounce serving.

The bill allows the sale of otherwise prohibited food products during school hours as part of a school breakfast or lunch program or in connection with fund raising for a student activity fund or a charitable organization. But state regulations prohibit the sale of soft drinks, coffee, tea, and candy anywhere in the school for 30 minutes before and after any state or federally subsidized meal is served (*Conn. Agency Regs.*, 10-215b-1).

The commissioners must report a summary of the pilot program's findings to the Education and Public Health committees by October 1, 2004.

### **NUTRITION POLICY CONTENTS**

Under the bill, the nutrition policy must:

1. ensure that no child goes hungry;
2. improve nutrition standards;
3. increase the availability of fresh fruits, vegetables, and school gardens and ensure that fresh food is served;
4. encourage eligible students and school districts to participate in the school breakfast, lunch, and after-school snack programs;
5. ensure students at least 30 minutes for lunch and 20 minutes for breakfast, if it is provided;
6. develop a statewide, K-12 nutrition curriculum that emphasizes health food choices, health issues related to food choices, physical education, and local food production;
7. ensure that nutrition and physical activity are integrated into the curriculum and encourage students to engage in healthful levels of vigorous physical activity;
8. improve the quality of physical education criteria, strengthen and enforce existing physical education requirements, and increase

- training of physical education teachers;
- 9. ensure regular professional development for food service staff;
- 10. collaborate with farmers' markets; and
- 11. encourage fundraisers that promote good health habits.

**TASK FORCE COMPOSITION**

The nine-member task force consists of (1) the education and public health commissioners or their designees; (2) a representative of the State Department of Education who is knowledgeable about U. S. Agricultural Department school nutrition program guidelines; (3) a physical education teacher; and (4) one representative each from a parent-teacher association or organization, the Connecticut Dietetic Association, school nutrition directors, the farming community, and the Academy of Pediatrics.

**COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Substitute Change of Reference  
Yea 13    Nay 0

Public Health Committee

Joint Favorable Substitute  
Yea 18    Nay 4