

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 199
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY SENATOR ELTON

Introduced: 2/3/06

Referred: Health, Education and Social Services, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to public school funding for a prohibition on the sale of food and**
2 **beverages of minimal nutritional value in schools and for placing restrictions on the use**
3 **of vending machines in public schools; and providing for an effective date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 *** Section 1.** AS 14.17 is amended by adding a new section to read:

6 **Sec. 14.17.485. Public school nutrition support funding.** (a) As a component
7 of public school funding, a district is eligible to receive a nutrition support grant in the
8 amount of \$4 added to the base student allocation under AS 14.17.470 for the district
9 adjusted ADM.

10 (b) In order to qualify for a nutrition support grant, the governing body of a
11 district must adopt and enforce a policy that

12 (1) prohibits the sale on all school premises of a beverage of minimal
13 nutritional value and food of minimal nutritional value during the school day and at
14 least one hour before and after the school day, except for a beverage or food that is

1 funded under the federal school lunch and nutrition programs under 42 U.S.C. 1751 -
2 1770;

3 (2) prohibits the use of vending machines by elementary students; in
4 this paragraph, "elementary student" means a student who is enrolled in a public
5 school in a grade that is grade kindergarten through five; and

6 (3) restricts the use of vending machines in schools to machines that

7 (A) sell only foods and beverages that are not a food of
8 minimal nutritional value or a beverage of minimal nutritional value;

9 (B) depict only physical activity or foods and beverages that
10 are not a food or beverage of minimal nutritional value; and

11 (C) display no message, or display a health promotion message
12 only.

13 (c) If a district that qualified for a nutrition support grant under this section
14 subsequently rescinds or otherwise fails to enforce a policy adopted under (b) of this
15 section, the department shall withhold the amount of the nutrition support grant
16 awarded to the district from state funding for the district for the following school year.

17 (d) Notwithstanding the minimum instructional expenditure required under
18 AS 14.17.520, a district that receives a nutrition support grant shall distribute the grant
19 proceeds to support student activities or the federal school lunch and nutrition program
20 provided under 42 U.S.C. 1751 - 1770.

21 (e) The department shall establish standards for minimal nutritional value, in
22 consultation with the commissioner of health and social services, and adopt other
23 regulations necessary to implement this section.

24 (f) For purposes of the reduction required under AS 14.17.400(b), funding
25 authorized under this section is treated the same as the state share of public school
26 funding under AS 14.17.410.

27 (g) In this section,

28 (1) "beverage of minimal nutritional value" means a drink, other than
29 water or milk if the milk is served in containers of 16 ounces or less, that contains

30 (A) less than 100 percent vegetable or fruit juice unless the
31 drink has no calories without added sweeteners;

1 (B) fruit juice and is sold in a serving container that is more
2 than 12 ounces;

3 (C) added sweeteners;

4 (D) caffeine; or

5 (E) additional ingredients and quantities identified by the
6 department in regulation;

7 (2) "food of minimal nutritional value" means a food intended for
8 human consumption that

9 (A) derives more than 30 percent of the food's calories from
10 fat, except legumes, nuts, subsistence foods, or seeds;

11 (B) contains a combined saturated and trans fat caloric content
12 of more than 10 percent;

13 (C) has a sugar content of more than 35 percent of total weight,
14 except for sugars that occur naturally in a dairy product, fruit, or vegetable;

15 (D) contains more than 250 calories for a serving; or

16 (E) meets additional standards established by the department in
17 regulation.

18 * **Sec. 2.** This Act takes effect July 1, 2006.