

HOUSE BILL No. 1420

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-9.

Synopsis: School nutrition. Provides that a governing body must ensure that each student has at least: (1) 15 minutes to consume breakfast; and (2) 20 minutes to consume lunch; not including time spent acquiring the meal. Sets forth nutrition guidelines for snacks sold in schools.

Effective: July 1, 2015.

Speedy

January 14, 2015, read first time and referred to Committee on Education.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1420

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-9-9, AS ADDED BY P.L.1-2005, SECTION
2 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2015]: Sec. 9. **(a)** A governing body may:
4 (1) operate or, by the appointment of a sponsoring agency,
5 provide for the operation of school lunch programs in schools
6 under the governing body's jurisdiction;
7 (2) contract with respect to food, services, supplies, equipment,
8 and facilities for the operation of the programs; and
9 (3) use funds disbursed under this chapter and gifts and other
10 funds received from the sale of school lunches under the
11 programs.
12 **(b) A governing body that operates or provides for the operation**
13 **of a school lunch program shall ensure that each student has at**
14 **least twenty (20) minutes to consume the lunch meal. Time spent**
15 **acquiring the lunch meal may not be included in the twenty (20)**



1 **minute period.**

2 SECTION 2. IC 20-26-9-14, AS ADDED BY P.L.1-2005,
3 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2015]: Sec. 14. (a) A governing body shall implement the
5 governing body's breakfast program in compliance with the
6 requirements for participation in the national school breakfast program
7 under 42 U.S.C. 1773 et seq.

8 **(b) A governing body that operates or provides for the operation**
9 **of a school breakfast program shall ensure that each student has at**
10 **least fifteen (15) minutes to consume the breakfast meal. Time**
11 **spent acquiring the breakfast meal may not be included in the**
12 **fifteen (15) minute period.**

13 SECTION 3. IC 20-26-9-19, AS ADDED BY P.L.54-2006,
14 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2015]: Sec. 19. (a) This section does not apply to a food or
16 beverage item that is:

- 17 (1) part of a school lunch program or school breakfast program;
18 (2) sold in an area that is not accessible to students;
19 (3) sold after normal school hours; ~~or~~
20 (4) sold or distributed as part of a fundraiser conducted by
21 students, teachers, school groups, or parent groups, if the food or
22 beverage is not intended for student consumption during the
23 school day; ~~or~~
24 **(5) brought into a school for a special occasion designated by**
25 **the governing body, such as a holiday, observance, or**
26 **birthday party.**

27 However, this section applies to a food or beverage item that is sold in
28 the a la carte line of a school cafeteria and is not part of the federal
29 school lunch program or federal school breakfast program.

30 (b) A vending machine at an elementary school that dispenses food
31 or beverage items may not be accessible to students.

32 (c) ~~At least fifty percent (50%) of the All~~ food items available for
33 sale at a school or on school grounds must qualify as better choice
34 foods and at least fifty percent (50%) of the beverage items available
35 for sale at a school or on school grounds must qualify as better choice
36 beverages. ~~meet the Smart Snacks Nutrition Standards established~~
37 **by the United States Department of Agriculture.** Food and beverage
38 items are subject to the following for purposes of this subsection:

- 39 (1) The following ~~do not qualify as better choice beverages:~~
40 **beverages may not be sold:**
41 (A) Soft drinks, punch, iced tea, and coffee.
42 (B) Fruit or vegetable based drinks that contain less than ~~fifty~~



- 1 ~~percent (50%)~~ **one hundred percent (100%)** real fruit or
 2 vegetable juice or that contain additional caloric sweeteners.
 3 (C) Except for low fat and fat free chocolate milk, drinks that
 4 contain caffeine.
- 5 (2) The following ~~qualify as better choice beverages:~~ **beverages**
 6 **may be sold in any school:**
- 7 (A) Fruit or vegetable based drinks that:
 8 (i) contain ~~at least fifty percent (50%)~~ **one hundred percent**
 9 **(100%)** real fruit or vegetable juice; and
 10 (ii) do not contain additional caloric sweeteners.
- 11 (B) Water and seltzer water that do not contain additional
 12 caloric sweeteners.
- 13 (C) Low fat and fat free milk, including chocolate milk, soy
 14 milk, rice milk, and other similar dairy and nondairy calcium
 15 fortified milks.
- 16 ~~(D) Isotonic beverages:~~
- 17 **A serving for a beverage sold in an elementary school may not**
 18 **exceed eight (8) fluid ounces. A serving for a beverage sold in**
 19 **a middle school or a high school may not exceed twelve (12)**
 20 **fluid ounces. However, plain water may be sold in any**
 21 **amount.**
- 22 (3) **In addition to the beverages set forth in subdivision (2), the**
 23 **following beverages may be sold in a high school:**
- 24 (A) **Not more than twenty (20) fluid ounce portions of:**
 25 (i) **calorie-free, flavored water, either with or without**
 26 **carbonation; and**
 27 (ii) **other flavored or carbonated, or both, beverages that**
 28 **contain fewer than five (5) calories per eight (8) fluid**
 29 **ounces.**
- 30 (B) **Not more than twelve (12) fluid ounce portions of**
 31 **beverages with not more than forty (40) calories per eight**
 32 **(8) fluid ounces.**
- 33 ~~(4) Food items that meet all the following standards are~~
 34 ~~considered better choice foods:~~ **may be sold:**
- 35 (A) Not more than ~~thirty percent (30%)~~ **thirty-five percent**
 36 **(35%)** of their total calories are from fat.
- 37 (B) Not more than ten percent (10%) of their total calories are
 38 from saturated and trans fat.
- 39 (C) Not more than thirty-five percent (35%) of their weight is
 40 from sugars. ~~that do not occur naturally in fruits, vegetables,~~
 41 ~~or dairy products:~~
- 42 (D) **A serving of a snack food that has not more than:**



- 1 (i) two hundred (200) calories; and
 2 (ii) two hundred thirty (230) milligrams sodium, for an
 3 item sold before July 1, 2016, and two hundred (200)
 4 milligrams of sodium, for an item sold after June 30,
 5 2016.
- 6 (E) A serving of an entree food that has not more than
 7 three hundred fifty (350) calories and four hundred eighty
 8 (480) milligrams of sodium.
- 9 (5) A food item sold in a school must meet at least one (1) of
 10 the following requirements:
- 11 (A) Be a whole-grain rich grain product.
 12 (B) Have as the first ingredient a fruit, a vegetable, a dairy
 13 product, or a protein food.
 14 (C) Be a combination food that contains at least
 15 one-quarter (1/4) cup of fruits or vegetables.
 16 (D) For food items sold before July 1, 2016, contain at least
 17 ten percent (10%) of the daily value of one of the following
 18 nutrients:
- 19 (i) Calcium.
 20 (ii) Potassium.
 21 (iii) Vitamin D.
 22 (iv) Dietary fiber.
- 23 (d) A food item available for sale at a school or on school grounds
 24 may not exceed the following portion limits if the food item contains
 25 more than two hundred ten (210) calories:
- 26 (1) In the case of potato chips, crackers, popcorn, cereal, trail
 27 mixes, nuts, seeds, dried fruit, and jerky, one and seventy-five
 28 hundredths (1.75) ounces.
 29 (2) In the case of cookies and cereal bars, two (2) ounces.
 30 (3) In the case of bakery items, including pastries, muffins, and
 31 donuts, three (3) ounces.
 32 (4) In the case of frozen desserts, including ice cream, three (3)
 33 fluid ounces.
 34 (5) In the case of nonfrozen yogurt, eight (8) ounces.
 35 (6) In the case of entree items and side dish items, including
 36 french fries and onion rings, the food item available for sale may
 37 not exceed the portion of the same entree item or side dish item
 38 that is served as part of the school lunch program or school
 39 breakfast program.
- 40 (e) A beverage item available for sale at a school or on school
 41 grounds may not exceed twenty (20) ounces.

