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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 48 Session of  
2023

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INTRODUCED BY BROOKS, VOGEL, ARGALL, COLEMAN, GEBHARD, AUMENT,  
PENNYCUICK, HUTCHINSON, J. WARD, ROTHMAN, YAW, LAUGHLIN,  
MARTIN, BAKER, ROBINSON, BARTOLOTTA, SCHWANK, PHILLIPS-HILL,  
STEFANO, L. WILLIAMS AND LANGERHOLC, FEBRUARY 24, 2023

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REFERRED TO EDUCATION, FEBRUARY 24, 2023

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A RESOLUTION

1 Urging the United States Department of Agriculture to include 2%  
2 and whole milk in the Nutrition Standards for the National  
3 School Lunch and Breakfast Programs and as a Smart Snacks  
4 option and urging the United States Department of Health and  
5 Human Services to recommend to the Dietary Guidelines  
6 Advisory Committee to modify the milk standard to include 2%  
7 and whole milk.

8 WHEREAS, Congress passed the Healthy, Hunger-Free Kids Act of  
9 2010 which put restrictive regulations on the consumption of  
10 whole milk in schools; and

11 WHEREAS, In the first two years the Healthy, Hunger-Free Kids  
12 Act of 2010 was enacted, 1.2 million fewer students drank milk  
13 with their lunch, yet still had access to sugary drinks that  
14 offer little to no nutritional value; and

15 WHEREAS, Implementation of the Healthy, Hunger-Free Kids Act  
16 of 2010 has had a negative health and nutrition impact on  
17 children and negative economic impacts in Pennsylvania; and

18 WHEREAS, According to the Team Pennsylvania and Pennsylvania  
19 Department of Agriculture Economic Impact of Agriculture in

1 Pennsylvania 2021 Update, agriculture supports 1 out of every 10  
2 jobs in Pennsylvania; and

3 WHEREAS, Pennsylvania's dairy industry represents a total of  
4 \$8.3 billion in direct output with 6,100 dairy farms, which is  
5 second in the nation, and Pennsylvania ranks 6th nationally in  
6 dairy based on sales; and

7 WHEREAS, The United States Department of Agriculture (USDA)  
8 is currently proposing updates to school meal standards to  
9 support healthier meals for kids; and

10 WHEREAS, In addition to addressing nutrition standards, this  
11 rule proposes measures to strengthen the "Buy American"  
12 provision in the school meal programs; and

13 WHEREAS, The USDA expects to issue a final rule in time for  
14 schools to plan for school year 2024-2025; and

15 WHEREAS, The existing milk standard permits flavored and  
16 unflavored for all grades K-12 in only fat-free and low-fat  
17 milks, and requires unflavored milk to be offered at each school  
18 meal service; and

19 WHEREAS, The proposed standard currently being offered  
20 consists of two options, both of which would include the new  
21 added sugars limit for flavored milk and maintain the  
22 requirement that unflavored milk is offered at each meal  
23 service: Option (1) allow only unflavored milk for grades K-8  
24 and allow flavored and unflavored for grades 9-12 or allow only  
25 unflavored milk for grades K-5 and allow flavored and unflavored  
26 for grades 6-12, with both proposals being effective for school  
27 year 2025-2026, or Option (2) continue to allow flavored and  
28 unflavored milks for all grades K-12; and

29 WHEREAS, Now is the time as a state legislature to encourage  
30 an even healthier option to be considered by passing a

1 resolution urging the USDA to also allow 2% and whole milk, both  
2 flavored and unflavored, to be offered in schools (K-12); and

3 WHEREAS, With this change in standards, schools will have the  
4 option of making 2% and whole milk available to students without  
5 jeopardizing Federal funding; and

6 WHEREAS, Testimony offered by Jayne Sebright, Director of the  
7 Center for Dairy Excellence, during a Senate Majority Policy  
8 Committee public hearing in June 2021, stated that about 75% of  
9 the milk sold in schools is in the form of flavored milk, and  
10 only 25% is unflavored, and, milk is the best food source for  
11 calcium, potassium and vitamin D, which many are most lacking in  
12 their diets; and

13 WHEREAS, The health benefits of 2% and whole milk, whether  
14 flavored or unflavored, well exceeds the benefits of fat-free  
15 and low-fat milks; and

16 WHEREAS, We should be encouraging students to consume 2% and  
17 whole milk rather than beverages that provide little-to-no  
18 nutritional value; and

19 WHEREAS, A January 2020 New York Times article stating that  
20 "Kids (between ages 1 and 18) who drink whole milk are 39% less  
21 likely to become overweight than those who drink lower-fat or  
22 skim milk"; and

23 WHEREAS, Whole milk contains no more than 3.5% fat, and one-  
24 third of milk's fatty acids are Omega-3, which have been linked  
25 to many health benefits, including improved heart and brain  
26 health, and a lower risk of cancer. This fat is necessary in the  
27 daily diet and energy to support cell growth. Other health  
28 benefits of milk include improved bone health, lower blood  
29 pressure, and reduced risk of cardiovascular disease and Type 2  
30 diabetes; and

1       WHEREAS, The results of a Union City Area School District  
2 milk choice survey concluded that offering increased milk  
3 options would result in a 50% increase in milk consumption, a  
4 95% reduction in milk waste, that 63.6% of the students would  
5 chose milk more often if they had the option to choose which  
6 milk fits their needs, that 84.7% of the students drink whole  
7 milk at home, which is why they do not choose milk at school,  
8 and that offering two additional milk fat options within school  
9 meals can significantly change the amount of milk chosen,  
10 consumed and not discarded; and

11       WHEREAS, The evidence is overwhelming that both 2% and whole  
12 milk should also be offered to students in schools; and

13       WHEREAS, The United States Department of Health and Human  
14 Services coordinates with the USDA in developing the Dietary  
15 Guidelines for Americans; therefore be it

16       RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
17 urge the United States Department of Agriculture to include 2%  
18 and whole milk in the Nutrition Standards for the National  
19 School Lunch and Breakfast Programs and as a Smart Snacks  
20 option; and be it further

21       RESOLVED, That the Senate of the Commonwealth of Pennsylvania  
22 urge the United States Department of Health and Human Services  
23 to recommend to the Dietary Guidelines Advisory Committee to  
24 permit modifications to the standard for the inclusion of 2% and  
25 whole milk; and be it further

26       RESOLVED, That copies of this resolution be transmitted to  
27 the United States Department of Agriculture and the United  
28 States Department of Health and Human Services.