

SENATE BILL NO. 146

BY SENATORS BAJOIE AND MCPHERSON AND REPRESENTATIVES BARROW,  
DORSEY, GRAY, MARCHAND, MCDONALD AND ST. GERMAIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16

AN ACT

To enact R.S. 17:197.1, relative to school nutrition programs; to provide for legislative findings; to limit the sale of certain beverages and foods in public elementary and secondary schools during specified time periods; to require certain decisions be made by school principals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:197.1 is hereby enacted to read as follows:

**§197.1. Foods and beverages other than school breakfast or lunch in public elementary and secondary schools; legislative findings; restrictions**

**A. The legislature finds that:**

**(1) The rate of obesity in school children has significantly increased in recent years.**

**(2) The United States Department of Agriculture relates childhood obesity in part to poor nutritional resources with little or no nutritional value available to children.**

1                   **(3) Providing healthier alternatives at school promotes healthier eating**  
2                   **habits and reduces obesity and future health problems.**

3                   **B.(1) Except for beverages sold as part of the school food program**  
4                   **operated pursuant to Subpart B of Part III of Chapter 1 of this Title, only the**  
5                   **following types of beverages which, except for milk and water, may not exceed**  
6                   **sixteen ounces in size, may be sold to students at public elementary and**  
7                   **secondary schools or on the grounds of such schools at any time during a period**  
8                   **beginning one-half hour before the start of the school day and ending one-half**  
9                   **hour after the end of the school day:**

10                   **(a) Fruit juices or drinks that are composed of one hundred percent fruit**  
11                   **juice or vegetable juice and that do not contain added natural or artificial**  
12                   **sweeteners.**

13                   **(b) Unsweetened flavored drinking water or unflavored drinking water.**

14                   **(c) Low-fat milk, skim milk, flavored milk, and non-dairy milk.**

15                   **(2) Beginning the last ten minutes of each lunch period and except for**  
16                   **beverages sold as part of the school food program operated pursuant to Subpart**  
17                   **B of Part III of Chapter 1 of this Title, the selection of beverages offered for sale**  
18                   **to students in public high schools, shall be comprised of no less than fifty**  
19                   **percent from the beverages listed in Paragraph (1) of this Subsection.**

20                   **C.(1) Except for items sold as part of the school food program operated**  
21                   **pursuant to Subpart B of Part III of Chapter 1 of this Title, food items which**  
22                   **meet any of the following criteria shall not be sold to students at public**  
23                   **elementary and secondary schools or on the grounds of public elementary and**  
24                   **secondary schools at any time during a period beginning one-half hour before**  
25                   **the start of the school day and ending one-half hour after the end of the school**  
26                   **day:**

27                   **(a) Food of minimal nutritional value as defined in Section 220.2 of Title**  
28                   **7 of the Code of Federal Regulation.**

29                   **(b) Snacks or desserts that exceed one hundred fifty calories per serving,**  
30                   **have more than thirty-five percent of their calories from fat, or have more than**

1 thirty grams of sugar per serving, except for unsweetened or uncoated seeds or  
2 nuts.

3 (2) Beginning the last ten minutes of each lunch period and except for  
4 food items sold as part of the school food program operated pursuant to  
5 Subpart B of Part III of Chapter 1 of this Title, the selection of food items  
6 offered for sale to students in public high schools shall be comprised of no more  
7 than fifty percent of the food items which meet any of the criteria listed in  
8 Paragraph (1) of this Subsection.

9 D. Except for items sold as part of the school food program operated  
10 pursuant to Subpart B of Part III of Chapter 1 of this Title, fresh pastries shall  
11 not be sold to students at public elementary and secondary schools or on the  
12 grounds of public elementary and secondary schools at any time during a period  
13 beginning one-half hour before the start of the school day and ending one-half  
14 hour after the end of the school day. For purposes of this Section, “fresh  
15 pastries” shall be defined by rules promulgated by the State Board of  
16 Elementary and Secondary Education in accordance with the Administrative  
17 Procedure Act.

18 E. Each public elementary or secondary school principal shall determine  
19 if students shall be allowed to possess drinking water in classrooms during  
20 classes.

21 F. The Pennington Biomedical Research Center is authorized to develop  
22 and provide to interested persons, schools, or school systems publications  
23 relating to foods which can be sold on public elementary and secondary school  
24 grounds in compliance with the provisions of this Section. The Pennington  
25 Biomedical Research Center may provide assessments of nutritional value of  
26 individual food items contemplated for sale on public school grounds.

27 G. If on May 15, 2005, a public school or school system has an existing  
28 contract with a company to provide vending services which would be breached  
29 by compliance with this Section, the provisions of this Section shall be  
30 applicable to the schools in that system on the day following the end of the

1 current term of that contract, or the date on which the contract is terminated,  
2 whichever is earlier.

3 H. The State Board of Elementary and Secondary Education shall  
4 provide by rule for the placement of competitive foods in public elementary and  
5 secondary schools and provide for the enforcement of those rules.

6 I. Nothing in this Section shall be construed to prohibit or limit the sale  
7 or distribution of any food or beverage item through fund-raisers by students,  
8 teachers, or groups when the items are intended for sale off the school campus.

9 J. The provisions of this Section shall be effective for public schools and  
10 school systems, beginning with the 2005-2006 school year and thereafter.

11 K. Beginning in the 2006-2007 school year and thereafter, each public  
12 elementary and secondary school shall comply with all of the following:

13 (1) Encourage and motivate children of all physical abilities to  
14 participate in physical activity for the purpose of allowing all children to reach  
15 their full potential as individuals.

16 (2) Improve physical activity and fitness in schools by encouraging  
17 innovative physical education programs that consist of physical exertion of a  
18 moderate to vigorous intensity level.

19 (3) Improve nutrition in children by making available during the day  
20 snacks with higher nutritional values.

21 (4) Increase the awareness of children about the importance of physical  
22 activity and improved nutrition and the effects of both on improving health.

23 (5) Encourage increased parental awareness of the positive impact on  
24 health and fitness of increasing the activity level of children and of improving  
25 nutrition.

26 (6) Encourage daily physical activity and the development of lifelong  
27 patterns of physical activity.

28 (7) Encourage the enjoyment of physical activity and the improvement  
29 of nutritional and eating habits.

30 L. For purposes of this Section, "public high school" shall mean any

1            school whose grade structure falls within the six through twelve range and  
2            includes grades in the ten to twelve range, or any school that contains only  
3            grade nine.

---

PRESIDENT OF THE SENATE

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_