
HOUSE BILL 2760

State of Washington

58th Legislature

2004 Regular Session

By Representatives Schual-Berke, McDonald, Cody, Morrell, Tom, Darneille, Santos, Kagi, Benson, Simpson, G., Dickerson, Romero, Chase and Rockefeller

Read first time 01/20/2004. Referred to Committee on Health Care.

1 AN ACT Relating to the sale of foods and beverages sold outside the
2 federally funded school meal programs on public school campuses; adding
3 a new section to chapter 28A.235 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds:

6 (a) Childhood obesity has reached epidemic levels. Nearly fifteen
7 percent of youth are overweight;

8 (b) Overweight and obese children are at higher risk for developing
9 severe and costly long-term health problems, including but not limited
10 to, type 2 diabetes, cardiovascular disease, high blood pressure, and
11 asthma. Seventy percent of overweight adolescents become overweight
12 adults;

13 (c) Overweight youth also are often affected by discrimination,
14 psychological stress, low self-esteem, and depression;

15 (d) Poor diet negatively affects the ability to learn and decreases
16 motivation and attentiveness. In addition, poor diet contributes to
17 poor oral health which also negatively affects school performance;

18 (e) Obesity-related illness costs our United States health care
19 system close to seventy-five billion dollars a year;

1 (f) There are many factors that contribute to childhood obesity,
2 including increased access to high-calorie, high-fat foods and
3 sugar-sweetened beverages; increased portion sizes; decreased
4 opportunities for physical activity; and aggressive marketing by the
5 food industry;

6 (g) Schools play a highly influential role in the formation of
7 children's eating and physical activity habits;

8 (h) Schools providing nonnutritious food and beverages in vending
9 machines, school stores, a la carte lines, and as fundraisers are
10 contributing to the problem of childhood obesity and are sending a
11 message to youth that good nutrition is not important to their health
12 or education.

13 (2) While the United States department of agriculture requires that
14 meals sold in schools as part of the national school lunch and school
15 breakfast programs be consistent with the dietary guidelines for
16 Americans, limited effective standards are in place to regulate
17 competitive foods, which are often high in calories, fat, sodium, and
18 added sugars. However, the United States department of agriculture
19 does call for states and local entities to add restrictions on
20 competitive foods, as necessary. Schools are encouraged to develop
21 policies to encourage children to purchase and consume healthful food
22 and beverages.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.235
24 RCW to read as follows:

25 (1) In elementary and middle/junior high schools:

26 (a) Any food sold in competition with the federally funded school
27 meal programs, must meet the following standards:

28 (i) No more than thirty percent of its total calories are from fat,
29 unless the food is nuts or seeds;

30 (ii) No more than ten percent of its total calories are from
31 saturated fat;

32 (iii) No more than thirty-five percent of its total weight is
33 composed of sugar, unless the food is unsweetened fruit and/or
34 vegetables;

35 (b) During regular school hours, and during federally funded school
36 meal programs, water, nonfat or low-fat plain or flavored milk, nonfat
37 or low-fat plain or flavored soy milk or rice milk, and one hundred

1 percent fruit juices that have no added sweeteners are the only
2 beverages that may be sold to pupils. Beverages that contain more than
3 ten milligrams of caffeine per serving are prohibited. Serving sizes
4 may not exceed twelve ounces.

5 (c) No foods defined by the United States department of agriculture
6 as foods of minimal nutrition value may be served on school campuses
7 during regular school hours.

8 (2) This section does not apply to holiday events, special
9 celebrations, or class parties for which food and beverages are brought
10 into the school.

11 (3) Teachers are encouraged not to use food as a reward or
12 incentive for student behavior or academic performance.

13 (4) Beginning September 1, 2004, the office of superintendent of
14 public instruction shall review and test compliance with this section
15 as required by federal law. If a district is found not in compliance,
16 it must submit a corrective plan to the office of superintendent of
17 public instruction and implement the plan within six months from the
18 finding of noncompliance.

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