

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 590

Short Title: Moratorium on Soft Drink Contracts/Schools.

(Public)

Sponsors: Senator Kinnaird.

Referred to: Commerce.

March 31, 2003

A BILL TO BE ENTITLED

1 AN ACT TO PLACE A MORATORIUM ON THE AUTHORITY OF LOCAL
2 BOARDS OF EDUCATION TO ENTER INTO CONTRACTS FOR THE SALE
3 OF SOFT DRINKS TO STUDENTS IN PUBLIC SCHOOLS, AND TO APPOINT
4 AN INDEPENDENT STUDY COMMISSION TO STUDY THE PUBLIC
5 HEALTH ISSUES AND MAKE RECOMMENDATIONS REGARDING
6 WHETHER CERTAIN FOODS, INCLUDING SOFT DRINKS, SHOULD BE
7 MADE AVAILABLE TO STUDENTS IN PUBLIC SCHOOLS.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Notwithstanding G.S. 115C-264, a local board of education
11 shall not enter into a contract, authorize an agent to enter into a contract, or otherwise
12 delegate the board's authority to enter into a contract that allows soft drinks to be sold to
13 students on school property during the school day. A local board may exercise an
14 existing option to renew or extend that is contained in a contract that allows soft drinks
15 to be sold to students on school property during the school day. However, a local board
16 may not amend an existing contract that allows soft drinks to be sold to students on
17 school property during the school day in order to create an option to extend or renew the
18 period of the contract. For purposes of this act, the term "soft drinks" includes foods of
19 minimal nutritional value as defined in 7 C.F.R. § 210.11(a)(2).

20 **SECTION 2.(a)** The Commission on Nutrition and Public School Students
21 is created. The purpose of the Commission is to study the public health issues related to
22 elementary and secondary students consuming foods of minimal nutritional value and
23 whether, and to what extent, those foods should be made available to students in public
24 schools.

25 **SECTION 2.(b)** The Commission shall consist of 10 members as follows:

- 26 (1) Five members appointed by the President Pro Tempore of the Senate.
27 Of these members, at least one each shall be a member of the Senate, a
28 pediatrician, a specialist in child nutrition, and a dentist.

- 1 (2) Five members appointed by the Speaker of the House of
2 Representatives. Of these members, at least one each shall be a
3 member of the House of Representatives, a pediatrician, a specialist in
4 child nutrition, and a dentist.

5 **SECTION 2.(c)** The President Pro Tempore of the Senate shall designate
6 one Senator as cochair and the Speaker of the House of Representatives shall designate
7 one Representative as cochair. Vacancies on the Commission shall be filled by the same
8 appointing officer who made the initial appointment. The Commission shall expire
9 upon delivering its final report.

10 **SECTION 2.(d)** The Commission, while in the discharge of official duties,
11 may exercise all powers provided for under the provisions of G.S. 120-19 and G.S.
12 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint
13 call of the cochairs. The Commission may meet in the Legislative Building or the
14 Legislative Office Building. The Commission may contract for professional, clerical, or
15 consultant services as provided by G.S. 120-32.02.

16 The Legislative Services Commission, through the Legislative Services
17 Officer, shall assign professional staff to assist the Commission in its work. The House
18 of Representatives' and the Senate's Supervisors of Clerks shall assign clerical staff to
19 the Commission, and the expenses relating to the clerical employees shall be borne by
20 the Commission. Members of the Commission shall receive subsistence and travel
21 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

22 **SECTION 2.(e)** The Commission shall have the following powers and
23 duties:

- 24 (1) To review State and federal laws and rules related to the sale of foods
25 of minimal nutritional value to students in public schools.
26 (2) To review research related to the public health issues of childhood
27 diabetes, tooth decay, eating disorders, and other related nutritional
28 issues.
29 (3) To review how local school food services contract to obtain food for
30 school meals and whether the method by which other food items are
31 made available to students in schools is consistent with the National
32 School Lunch Program, the National School Breakfast Program, and
33 sound nutritional policy.
34 (4) To review the impact of the moratorium created in Section 1 of this act
35 on local school administrative units and students.

36 **SECTION 2.(f)** The Commission on Nutrition and Public School Students
37 shall submit an interim report to the General Assembly and the Joint Legislative
38 Education Oversight Committee not later than the convening of the 2004 Regular
39 Session of the General Assembly. The report shall make recommendations regarding
40 whether and under what circumstances foods of minimal nutritional value may be made
41 available to students at public schools. The Commission on Nutrition and Public School
42 Students shall submit a final report to the General Assembly and to the Joint Legislative
43 Education Oversight Committee prior to December 1, 2004.

1 **SECTION 2.(g)** All State departments and agencies and local governments
2 and their subdivisions shall furnish the Commission with any information in their
3 possession or available to them.

4 **SECTION 2.(h)** Of the funds appropriated to the General Assembly, the
5 Legislative Services Commission shall allocate funds to implement the provisions of
6 Section 2 of this act.

7 **SECTION 3.** This act is effective when it becomes law. Section 1 applies to
8 contracts entered into on or after the effective date and expires January 31, 2005.