

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

BILL FILING TEMPLATE

Be It Enacted, by the Senate and House of Representatives, etc., as follows:

SECTION 1. Chapter 71 of the General Laws as appearing in the 2004 Official Edition is hereby amended by adding at the end thereof, the following sections:—

Section 90.

The following words, as used in this section and in section 91, inclusive, shall have the following meaning, unless the context otherwise requires:—

“Added sweetener”, any additive that enhances the sweetness of the beverage, including but not limited to added sugar, but does not include the natural sugar or sugars that are contained within the fruit juice that is a component of the beverage.

“Full meal”, any combination of food items that meet a United States Department of Agriculture-approved meal pattern.

“Elementary school”, a public school that maintains any grade from pre-kindergarten to grade 6, inclusive, but no grade higher than grade 8.

“Middle school”, a public school that maintains any of grades 6 to 9, inclusive, but no grade higher than grade 9.

“High school”, a public school maintaining any of grades 9 to 12, inclusive.

Section 91.

The following applies to any food or beverages sold in Massachusetts Public schools excluding the National School Lunch and Breakfast Programs.

(a) In elementary, middle and high schools, only the following types of beverages shall be sold:

- a. At least fifty-percent fruit juices or fruit or vegetable-based juices that have no added natural or artificial sweeteners in not more than 12 ounce containers;
- b. Drinking water, in any size container; and
- c. Low fat and non-fat milk, including but not limited to low-fat and non-fat chocolate milk, soymilk and/or rice milk and other similar dairy or nondairy milk, in not more than 16 ounce containers. Soy and rice drinks must be calcium and vitamin fortified, including Vitamin D, and contains no more than 30 grams total sugars.

(b) In elementary, middle and high schools, only the following types of food shall be sold:

- a. Package sizes shall not be greater than:

Grains: 1.25 ounces for chips, crackers, popcorn and similarly packaged items; 2 ounces for cookies, cereal bars and similarly packaged items; 3 ounces for bakery items (e.g., pastries, muffins);

Dairy: 8 ounces for yogurt, 3 ounces for ice cream; 2 ounces for cheese;

Nuts and seeds: 1.25 ounces for trail mix, nuts, seeds and jerky;

Fruits and vegetables: no maximum package size; must meet the requirements stated below.

- b. Each package with not more than 30 per cent of its total calories from fat or 7 grams maximum per package. These provisions shall also apply to non-prepackaged food items sold in a la carte food lines or any place in schools where non-prepackaged food items are sold.

- c. Each package with not more than 10 per cent of its total calories or 2 grams maximum per package from saturated fat and not more than 0.5 grams of trans fats. These

provisions shall also apply to non-prepackaged food items sold in a la carte food lines or any place in schools where non-prepackaged food items are sold.

d. Each package of grains, fruits or vegetables with not more than 30 grams of total carbohydrates (including natural and added sugar); each package of dairy with not more than 5 grams per ounce of total carbohydrate (including added sugar and natural milk sugar).

e. Each package with not more than 230 mg per serving of sodium for packaged items, including and not limited to fruit cups, baked goods, cereal bars, chips, crackers, nuts and seeds. Each package with not more than 480 mg per serving for yogurt, yogurt products, cottage cheese and other such dairy foods.

(c) Food items not prepackaged with nutritional information by the distributor shall be required to have nutritional information (calories, percentage of calories from fat, percentage of calories from saturated fat, cholesterol, protein, carbohydrate, fiber, calcium, iron, vitamin A and vitamin C) available to students, either on a display case, in a binder or within information packets held by food service staff for requests by students. This requirement shall take effect by the second school year following 180 days of the passage of this bill.

(d) The standards in section 91 (a)-(c) shall apply to the sale of all foods on school grounds, including, but not limited to school stores, a la carte lines in cafeterias, vending machines, concession stands and fundraisers. Requirements for the National School Lunch Program and School Breakfast and Child Care and Adult Programs shall follow all federal requirements.

(e) Fresh fruit and non-fried vegetables shall be offered for sale at any location where food is sold with the exception of non-refrigerated vending machines and vending machines which dispense only beverages.

(f) The department of public health shall promulgate rules and regulations to carry out the provisions of this section and shall have the authority to adjust the standards set forth in this section after five years of the inception of this act, and every three years thereafter.

SECTION 2. Chapter 15 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section IE, the following section:—

Section IE¹/₂

(a) The department of public health, in consultation with the department of education, shall annually establish: Regulations and guidelines for the training of all elementary, middle, and high school nurses in behavioral health and appropriate treatment and resources for eating disorders; regulations and guidelines for professional development for school nurses and aid staff to gain the most up-to-date knowledge on eating disorder treatment and identification; and guidelines to establish a referral program where medical resources in the community shall collaborate with schools to identify children in need of services and provide these resources through in-school, outpatient and inpatient settings, where appropriate.

SECTION 3. Chapter 69 section 1D of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out lines 30 through 32 and replacing them with the following sentences:

The standards shall provide for instruction in the issues of nutrition and exercise. The standards may provide for instruction in the issues of physical education, AIDS education, violence prevention, and drug, alcohol, and tobacco abuse prevention.

SECTION 4. Chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 219, the following section:—

Section 220.

The department of public health in collaboration with the department of education shall review and analyze the trend in reported cases of obesity and eating disorders in students.

Such review shall include but not be limited to:

(a) Development and promulgation of data collection and reporting regulations and guidelines associated with the implementation of this section;

(b) Evaluation of the trends of reported cases of obesity and eating disorders across the Commonwealth;

(c) Study of the access to quality health care and whether students are receiving appropriate and adequate care in the treatment of their obesity or eating disorder.

(d) Promulgation of regulations by the department that permit the standards in the above section

SECTION 5. The department of public health shall establish an annual public service campaign to raise awareness on the issue of pediatric overweight, and the state's initiative to reduce the epidemic through available resources and support programs. The campaign shall include, but not be limited to:

- (a) Public service announcements regarding physical activity, nutrition and healthy lifestyles.
- (b) Reducing the number of television viewing hours by children.
- (c) Increasing state and local initiatives for free-time physical activity for children.
- (d) Reducing potential transportation barriers to available free-time physical activities in the community.
- (e) Increasing community areas of green space and indoor facilities for out of school and free-time physical activities as well as addressing concerns about neighborhood safety.
- (f) Distributing a kit of information to schools including brochures and tapes on pediatric overweight.
- (g) Creating an interactive website with information and resources on pediatric overweight.

SECTION 6. There is hereby established a special commission to conduct an analysis of childhood obesity, nutrition, physical activity and education, and wellness in the commonwealth. Said commission shall consist of: the Commissioner of Public Health, or his designee; the Commissioner of Medical Assistance, or his designee; one person to be appointed by the Governor, one person to be appointed by the Speaker of the House and one person to be appointed by the Senate President; a board certified dietician or nutritionist; a board certified pediatrician from the American Academy of Pediatrics; a representative from the Board of Psychology; a representative from the Massachusetts

Public Health Association; a representative from the Massachusetts School Nurse Organization; a representative from Massachusetts Dental Society; a board certified physician from the American Academy of Family Physicians; and one person appointed by the Commissioner of the Department of Education. Said commission shall evaluate the state of childhood obesity in Massachusetts, including but not limited to physical education programs, school lunches, school snack and soda vending machines, adequate amounts of time for school lunch periods, mental health issues related to eating disorders including but not limited to anorexia, bulimia, and obesity, and after school program and national standards.

Said commission shall report its findings, and file any draft legislation with the clerks of the House of Representatives and the Senate, the Joint Committee on Public Health and the house and senate committees on ways and means not later than one year after the passage of this act. Thereafter, the Department of Public Health shall conduct, every two years, analyses to evaluate childhood obesity in Massachusetts. DPH shall report their findings to the Committee on Public Health sixty days after the conclusion of the review.

This Act shall take effect on the first full school year following 180 days of its passage.