

HOUSE BILL REPORT

SSB 5436

As Reported by House Committee On:

Education

Title: An act relating to the sales of competitive foods and beverages sold and served on public school campuses.

Brief Description: Regarding foods and beverages sold at public schools.

Sponsors: Senate Committee on Education (originally sponsored by Senators Kohl-Welles, Rasmussen, Jacobsen, Winsley, Thibaudeau, McAuliffe, Prentice and Kline).

Brief History:

Committee Activity:

Education: 2/25/04, 2/26/04 [DPA].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Requires the creation and local adoption of model school district policies on nutritious foods and developmentally appropriate exercise.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 11 members: Representatives Quall, Chair; McDermott, Vice Chair; Talcott, Ranking Minority Member; Tom, Assistant Ranking Minority Member; Anderson, Cox, Haigh, Hunter, McMahan, Rockefeller and Santos.

Staff: Susan Morrissey (786-7111).

Background:

Under current federal law, school meals must meet nutrition standards established in the Dietary Guidelines for Americans in order to obtain cash subsidies and donated commodities from the U.S. Department of Agriculture. As part of this federal regulation, foods and beverages of minimal nutritional value cannot be sold in the school food service area (such as cafeterias, hallways and common areas) during school meal periods. These regulations do not restrict the sale of those foods or beverages at any

other time during the school day. States are authorized to impose additional restrictions on any food or beverage sold at any time throughout their schools.

In Washington, 277 out of a total of 296 public school districts participate in the federal school lunch and school breakfast programs and are therefore subject to the federal regulations.

Summary of Amended Bill:

The Washington State School Directors Association (WSSDA), with the assistance of the Office of the Superintendent of Public Instruction (OSPI), the Department of Health and the Washington Alliance for Health, Physical Education, Recreation, and Dance must form an advisory committee to develop a model policy on:

- Access to nutritious foods;
- Opportunities for developmentally-appropriate exercise; and
- Accurate information related to these topics.

Each of the three elements must be consistent with the Essential Academic Learning Requirements for health and fitness, including nutrition.

The model policy must address the nutritional content of foods and beverages, including fluoridated bottled water, sold or provided throughout the school day or sold in competition with the school lunch and breakfast programs. The policy must also address the availability and quality of health, nutrition and physical education and fitness curricula. The term is defined for middle school students.

By January 1, 2005, the WSSDA will submit the model policy and any recommendations on related issues to the Governor and Legislature. The model policy must be posted on the WSSDA website by January 1, 2005.

Each school district must adopt its own policy by August 1, 2005.

Amended Bill Compared to Substitute Bill:

The model policy will address physical education and fitness curriculum rather than physical education curricula. The term is defined for middle school students. Two elements are removed: the encouragement to districts to place no restriction on milk products and the emergency clause.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) The state has an epidemic of obese children and teens. Research indicates that an obese 4-year-old is 20 percent more likely than his or her peers to become an obese adult. An obese adolescent is 80 percent more likely than his or her peers to become an obese adult. Obesity contributes to 300,000 deaths a year and exacerbates chronic diseases such as diabetes, osteoporosis, and dental and heart diseases. Some of those adult diseases are now showing up among children. Some schools have reduced access to physical education classes. Many make junk foods and heavily sugared drinks available to students through vending machines, bake sales, and the like. Schools can act as agents for social change and can provide an environment for optimal learning by helping children choose nutritious foods and participate in daily physical exercise.

(Concerns) Vending machines help fund student councils, dances, and other student body activities, so reducing access to vending machine foods may not be the best answer to solving this problem. The model policy and local policies need to be carefully thought out so that they do not result in unintended consequences.

Testimony Against: None.

Persons Testifying: (In support) Senator Kohl-Welles, prime sponsor; Shelley Curtis, Children's Alliance; Sean Pickard, Washington Dental Service Association; Amy Belko, M.D., Washington Chapter of the American Association of Pediatrics; Mary Kenfield, Washington State Parent Teacher Association; Rueanne Wirkkala and Jeremy Kaiser, students; Greg Williamson, Office of the Superintendent of Public Instruction; Vic Coleman, Washington State Department of Health; Craig McLaughlin, Washington State Board of Health; and Barbara Mertens, Washington Association of School Administrators.

Persons Signed In To Testify But Not Testifying: None.