

# SENATE BILL REPORT

## SB 5436

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As Reported By Senate Committee On:  
Education, February 3, 2004

**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:** Senators Kohl-Welles, Rasmussen, Jacobsen, Winsley, Thibaudeau, McAuliffe, Prentice and Kline.

**Brief History:**

**Committee Activity:** Education: 2/28/03; 1/28/04, 2/3/04 [DPS].

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5436 be substituted therefor, and the substitute bill do pass.

Signed by Senators Johnson, Chair; Finkbeiner, Vice Chair; Eide, McAuliffe, Pflug, Rasmussen and Schmidt.

**Staff:** Heather Lewis-Lechner (786-7448)

**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 Substitute 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 regarding student access to nutritious foods, opportunities for developmentally-appropriate exercise and accurate information related to these topics. The model policy must address the nutritional content of foods and beverages 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 curricula.

The model policy and recommendations are submitted to the Governor and Legislature by January 1, 2005. The model policy must be posted on the WSSDA website by January 1, 2005.

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

**Substitute Bill Compared to Original Bill:** Language addressing the importance of an emphasis on physical activity is added to the intent section. The model policy is now developed by Washington State School Directors Association, with the assistance of OSPI, the Department of Health, and the Washington Alliance for Health, Physical Education, Recreation and Dance. The requirement that each local district form a working group to develop their own district policy is removed. Fluoridated bottled waters is included as one of the beverages that must be addressed in the model policy. Dates are adjusted by one year.

**Appropriation:** None.

**Fiscal Note:** Requested on February 21, 2003.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** There is concern with the growing problem of childhood obesity and it needs to be addressed. Each district needs to be developing a policy to address the problem. This bill does not tell school districts what they have to do in their model policy, it just sets up the parameters and then allows them to create their own policy.

Concerns: We are extremely supportive of the concept and the only concern or problem with this version of the bill is the requirement for a local working group to be formed in each district. This would be extremely difficult. Without this requirement, this is a good bill and it does not place too many burdens on districts. Without the local working group requirement, we would be supportive.

**Testimony Against:** None.

**Testified:** PRO: Senator Kohl-Welles, Prime Sponsor; Don Sloma, State Board of Health; PRO W/CONCERNS: Dan Steele, WSSDA; David Michener, WA State Soft Drink Association.

Signed In/Did Not Testify: PRO: Shelley Curtis, Children's Alliance; Chris Cheney, Dairy Industry; Mary Kindfield, Brian Conlin, PTA; Cynthia Shurtleff, WA CH. American Academy of Pediatrics & Health Mothers, Healthy Babies; Rainer Houser, AWSP.