

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5436

Chapter 138, Laws of 2004

58th Legislature
2004 Regular Session

SCHOOL FOOD AND BEVERAGE SALES

EFFECTIVE DATE: 6/10/04

Passed by the Senate March 9, 2004
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 4, 2004
YEAS 79 NAYS 16

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SUBSTITUTE SENATE BILL 5436 as
passed by the Senate and the House
of Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

Approved March 26, 2004.

FILED

March 26, 2004 - 3:09 p.m.

GARY F. LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5436

AS AMENDED BY THE HOUSE

Passed Legislature - 2004 Regular Session

State of Washington 58th Legislature 2004 Regular Session

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

READ FIRST TIME 02/05/04.

1 AN ACT Relating to the sales of competitive foods and beverages
2 sold and served on public school campuses; and creating new sections.

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

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

5 (a) Childhood obesity has reached epidemic levels in Washington and
6 throughout the nation. Nearly one in five Washington adolescents in
7 grades nine through twelve were recently found to be either overweight
8 or at risk of being overweight;

9 (b) Overweight and obese children are at higher risk for developing
10 severe long-term health problems, including but not limited to Type 2
11 diabetes, cardiovascular disease, high blood pressure, and certain
12 cancers;

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

15 (d) Obesity and subsequent diseases are largely preventable through
16 diet and regular physical activity;

17 (e) A child who has eaten a well-balanced meal and is healthy is
18 more likely to be prepared to learn in the classroom;

1 (f) Encouraging adolescents to adopt healthy lifelong eating habits
2 can increase their productivity and reduce their risk of dying
3 prematurely;

4 (g) Frequent eating of carbohydrate-rich foods or drinking sweet
5 liquids throughout the day increases a child's risk for dental decay,
6 the most common chronic childhood disease;

7 (h) Schools are a logical place to address the issue of obesity in
8 children and adolescents; and

9 (i) Increased emphasis on physical activity at all grade levels is
10 essential to enhancing the well-being of Washington's youth.

11 (2) While the United States department of agriculture regulates the
12 nutritional content of meals sold in schools under its school breakfast
13 and lunch program, limited standards are in place to regulate
14 "competitive foods," which may be high in added sugars, sodium, and
15 saturated fat content. However, the United States department of
16 agriculture does call for states and local entities to add restrictions
17 on competitive foods, as necessary.

18 NEW SECTION. **Sec. 2.** (1) Consistent with the essential academic
19 learning requirements for health and fitness, including nutrition, the
20 Washington state school directors association, with the assistance of
21 the office of the superintendent of public instruction, the department
22 of health, and the Washington alliance for health, physical education,
23 recreation and dance, shall convene an advisory committee to develop a
24 model policy regarding access to nutritious foods, opportunities for
25 developmentally appropriate exercise, and accurate information related
26 to these topics. The policy shall address the nutritional content of
27 foods and beverages, including fluoridated bottled water, sold or
28 provided throughout the school day or sold in competition with the
29 federal school breakfast and lunch program and the availability and
30 quality of health, nutrition, and physical education and fitness
31 curriculum. The model policy should include the development of a
32 physical education and fitness curriculum for students. For middle
33 school students, physical education and fitness curriculum means a
34 daily period of physical activity, a minimum of twenty minutes of which
35 is aerobic activity in the student's target heart rate zone, which
36 includes instruction and practice in basic movement and fine motor

1 skills, progressive physical fitness, athletic conditioning, and
2 nutrition and wellness instruction through age-appropriate activities.

3 (2) The school directors association shall submit the model policy
4 and recommendations on the related issues, along with a recommendation
5 for local adoption, to the governor and the legislature and shall post
6 the model policy on its web site by January 1, 2005.

7 (3) Each district's board of directors shall establish its own
8 policy by August 1, 2005.

Passed by the Senate March 9, 2004.

Passed by the House March 4, 2004.

Approved by the Governor March 26, 2004.

Filed in Office of Secretary of State March 26, 2004.