ENGROSSED SENATE
BILL NO. 265

By: Cain of the Senate

and

Winchester and Trebilcock
of the House

An Act relating to schools; prohibiting access to certain foods in certain schools at certain times; providing for certain exceptions; requiring provision of certain food options in certain schools; requiring districts to provide certain incentives; directing State Board of Education to adopt rules; amending Section 1, Chapter 357, O.S.L. 2004 (70 O.S. Supp. 2004, Section 24-100a), which relates to the Healthy and Fit Kids Act of 2004; requiring school principal to consider recommendations of certain committee; requiring State Board of Education to adopt certain rules; authorizing Board to report certain deficiency for noncompliance with certain provisions; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-147 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each district board of education shall ensure that students in elementary schools do not have access to foods of minimal nutritional value except on special occasions.

B. Each district board of education shall ensure that students in middle and junior high schools do not have access to foods of minimal nutritional value except after school, at events which take place in the evening, and on special occasions. The only exception to the minimal nutritional value standard will be diet soda with less than ten (10) calories per bottle or can.

C. Each district board of education shall ensure that students in high schools are provided healthy food options in addition to any foods of minimal nutritional value to which they may have access at

school. Each district shall provide incentives, such as lower prices or other incentives, to encourage healthy food choices for high school students.

D. For purposes of this section, "foods of minimal nutritional value" means any foods so defined in 7 CFR 210.11 and listed in Appendix B of the regulations for the National School Lunch Program.

E. The State Board of Education shall adopt rules to implement the provisions of this section.

SECTION 2. AMENDATORY Section 1, Chapter 357, O.S.L. 2004 (70 O.S. Supp. 2004, Section 24-100a), is amended to read as follows:

Section 24-100a. A. This act shall be known and may be cited as the "Healthy and Fit Kids Act of 2004".

B. Beginning September 1, 2004, each public school shall establish a Healthy and Fit School Advisory Committee, to be composed of at least six members. The Advisory Committee may be composed of teachers, administrators, parents of students, health care professionals and business community representatives.

A public school may combine the Healthy and Fit School Advisory Committee with its Safe School Committee, established pursuant to Section 24-100.5 of ~~Title 70 of the Oklahoma Statutes~~ this title.

C. Each Healthy and Fit School Advisory Committee shall study and make recommendations to the school principal regarding:

1. Health education;

2. Physical education and physical activity; and

3. Nutrition and health services.

D. The principal shall give consideration to recommendations of the committee.

E. The State Board of Education shall adopt rules for monitoring compliance with this section and is authorized to report a school as deficient on the accreditation report for noncompliance with the provisions of this section.

SECTION 3. This act shall become effective July 1, 2007.

Passed the Senate the 8th day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives