

CS for SB 265

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**THE STATE SENATE**  
**Monday, February 28, 2005**

**Committee Substitute for**  
**Senate Bill No. 265**

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 265 - By: CAIN of the Senate and WINCHESTER 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

1 to the minimal nutritional value standard will be diet soda with  
2 less than ten (10) calories per bottle or can.

3 C. Each district board of education shall ensure that students  
4 in high schools are provided healthy food options in addition to any  
5 foods of minimal nutritional value to which they may have access at  
6 school. Each district shall provide incentives, such as lower  
7 prices or other incentives, to encourage healthy food choices for  
8 high school students.

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

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

14 SECTION 2. AMENDATORY Section 1, Chapter 357, O.S.L.  
15 2004 (70 O.S. Supp. 2004, Section 24-100a), is amended to read as  
16 follows:

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

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

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

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

- 6 1. Health education;
- 7 2. Physical education and physical activity; and
- 8 3. Nutrition and health services.

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

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

15 SECTION 3. This act shall become effective January 1, 2006.

16 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION, dated 2-21-05 - DO  
17 PASS, As Amended and Coauthored.