

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 632

By: Crain

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6 AS INTRODUCED

7 An Act relating to school nutrition; prohibiting the
8 sale of beverages in schools that do not meet certain
9 criteria; permitting modification of standards in
10 certain circumstances; providing definitions;
11 requiring the State Department of Education to adopt
12 certain nutrition standards within certain time
13 frame; providing certain criteria for snacks sold in
14 public schools; clarifying the applicability of
15 certain standards to food labels; restricting
16 artificial trans fat in schools; defining artificial
17 trans fat; requiring schools to maintain certain food
18 labels; requiring food establishments to maintain
19 certain documentation; requiring food service
20 establishments to obtain nutritional content for
21 foods that are not labeled; providing for
22 codification; providing an effective date; and
23 declaring an emergency.
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18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 24-100e of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. Each district board of education and the governing body of
23 each charter school, shall permit at elementary schools under its
24 jurisdiction the sale of only the following beverages to students

1 from any source, including, but not limited to, school stores,
2 vending machines, school cafeterias, and any fund-raising activities
3 on school premises, whether or not school sponsored:

4 1. One hundred percent (100%) water;

5 2. Eight (8) ounces, or less, of one percent (1%) fat regular
6 and flavored milk that contains no more than one hundred and fifty
7 (150) kilocalories per eight (8) ounces; This includes nutritionally
8 equivalent milk alternatives as defined by the United States
9 Department of Agriculture (USDA); and

10 3. Eight (8) ounces, or less, of one hundred percent (100%)
11 fruit juice, which contains no added sweeteners and at least ten
12 percent (10%) of the recommended daily value for three (3) or more
13 vitamins and minerals, and contains no more than one hundred and
14 twenty (120) kilocalories per eight (8) ounces.

15 B. Each district board of education and the governing body of
16 each charter school, shall permit at middle schools under its
17 jurisdiction the sale of only the following beverages to students
18 from any source, including, but not limited to, school stores,
19 vending machines, school cafeterias, and any fund-raising activities
20 on school premises, whether or not school sponsored:

21 1. One hundred percent (100%) water;

22 2. Ten (10) ounces, or less, of one percent (1%) fat regular
23 and flavored milk that contains no more than one hundred and fifty
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1 (150) kilocalories per eight (8) ounces, including nutritionally
2 equivalent milk alternatives, as defined by the USDA; and

3 3. Ten (10) ounces, or less, of one hundred percent (100%)
4 fruit juice, which contains no added sweeteners and at least ten
5 percent (10%) of the recommended daily value for three (3) or more
6 vitamins and minerals, and contains no more than one hundred and
7 twenty (120) kilocalories per eight (8) ounces.

8 C. Each district board of education and the governing body of
9 each charter school, shall permit at high schools and junior high
10 schools under its jurisdiction the sale of only the following
11 beverages to students from any source, including, but not limited
12 to, school stores, vending machines, school cafeterias, and any
13 fund-raising activities on school premises, whether or not school
14 sponsored:

15 1. One hundred percent (100%) water;

16 2. Twelve (12) ounces, or less, of one percent (1%) fat regular
17 and flavored milk that contains no more than one hundred and fifty
18 (150) kilocalories per eight (8) ounces, including nutritionally
19 equivalent milk alternatives as defined by the United States
20 Department of Agriculture;

21 3. Twelve (12) ounces, or less, of one hundred percent (100%)
22 fruit juice, which contains no added sweeteners and at least ten
23 percent (10%) of the recommended daily value for three (3) or more
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1 vitamins and minerals, and contains no more than one hundred and
2 twenty (120) kilocalories per eight (8) ounces;

3 4. Beverages that contain no more than ten (10) kilocalories
4 per eight (8) ounces; and

5 5. Twelve (12) ounces, or less, of beverages that contain no
6 more than sixty-six (66) kilocalories per eight (8) ounces.

7 D. If middle school or junior high school and high school
8 students have shared access to areas on a common campus or in common
9 buildings, then the district school board or governing body of a
10 charter school may adopt the high school standard.

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 24-100f of Title 70, unless
13 there is created a duplication in numbering, reads as follows:

14 A. For the purposes of this act:

15 1. "Entree" means a food that is generally regarded as being
16 the primary food in a meal and includes, but is not limited to,
17 sandwiches, burritos, pasta and pizza; and

18 2. "Snack" means a food that is generally regarded as
19 supplementing a meal and includes, but is not limited to, fruits,
20 vegetables, yogurts, including drinkable yogurt and yogurt
21 smoothies, puddings, soups, cheeses, snack chips, pretzels,
22 crackers, popcorn, nuts, seeds, french fries, onion rings, pastries,
23 dried meat snacks, granola bars, energy bars, breakfast bars,

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1 cookies, brownies, snack cakes, candy, doughnuts, cookies, ice
2 cream, frozen yogurt, frozen fruit bars, and other similar foods.

3 B. Within one year of the effective date of this act the State
4 Department of Education shall adopt a set of nutrition standards for
5 food items that would be considered entrees if sold in the
6 reimbursable meal program, but are sold a la carte as competitive
7 foods.

8 C. All snacks, side items, treats, and desserts offered for
9 sale as competitive foods in a public school shall meet one of the
10 following standards:

11 1. Fruits with no added sweeteners or vegetables which are non-
12 fried. Fresh fruits and vegetables shall have no calorie limits.
13 If fruits and vegetables are packaged in their own juice or dried
14 they must be less than one hundred and fifty (150) kilocalories per
15 serving in elementary school, one hundred and eighty (180)
16 kilocalories per serving in middle school, and less than two hundred
17 (200) kilocalories per serving in junior high school and high
18 school;

19 2. One and one-half (1 1/2) ounces of one percent (1%) fat
20 cheese;

21 3. One egg or egg equivalent with no added fat; or

22 4. Any food which contains:
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- 1 a. less than thirty-five percent (35%) of total calories
2 from fat, excluding all nuts, seeds and nut butters
3 which shall be permitted,
- 4 b. less than ten percent (10%) of total calories from
5 saturated fat or one gram of saturated fat,
- 6 c. zero (0) grams of trans fat as labeled,
- 7 d. less than thirty-five percent (35%) sugar by weight,
- 8 e. less than two hundred and thirty (230) milligrams
9 sodium:
- 10 (1) one percent (1%) fat dairy products may have four
11 hundred and eighty (480) milligrams of sodium,
- 12 (2) vegetables with sauce, and soups may have four
13 hundred and eighty (480) milligrams of sodium if
14 they contain one or more of the following:
- 15 (a) two (2) grams of fiber,
- 16 (b) five (5) grams of protein,
- 17 (c) ten percent (10%) daily value of vitamin A,
18 vitamin C, vitamin D, folate, calcium,
19 magnesium, potassium, or iron, or
- 20 (d) one-half (1/2) serving or one fourth (1/4)
21 cup of fruit or vegetables,
- 22 f. dairy products which are one percent (1%) fat,
- 23 g. less than one hundred (100) kilocalories, or
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1 h. vegetables with sauce and soups with less than ten
2 percent (10%) of their total calories from saturated
3 fat, or a total of one gram of saturated fat, may have
4 one hundred and fifty (150) kilocalories if they
5 contain two (2) or more of the following:

6 (1) two (2) grams of fiber,

7 (2) five (5) grams of protein,

8 (3) ten percent (10%) daily value of vitamin A,
9 vitamin C, vitamin E, folate, calcium, magnesium,
10 potassium, or iron, or

11 (4) one-half (1/2) serving or one-fourth (1/4) cup of
12 fruit or vegetables within the following limits:

13 (a) one hundred and fifty (150) kilocalories for
14 elementary schools,

15 (b) one hundred and eighty (180) kilocalories
16 for middle schools,

17 (c) two hundred (200) kilocalories for high
18 schools and junior high schools, and

19 i. for individual serving packages the nutritional
20 guidelines are defined for the whole package as
21 labeled on the package's Nutrition Facts panel. Food
22 that is bought in bulk but served individually shall
23 have the criteria apply to the label serving.
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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24-100g of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Each district and board of education and the governing body
5 of each charter school, shall restrict foods containing artificial
6 trans fat, as defined in this section. Artificial trans fat shall
7 not be stored, distributed, held for service, or used in preparation
8 of any menu item, unless the food is being served to patrons in a
9 manufacturer's original sealed package.

10 B. For the purposes of this act:

11 1. A food shall be deemed to contain artificial trans fat if:

12 a. the food is labeled as including artificial trans fat,
13 or

14 b. the food includes vegetable shortening, margarine or
15 partially hydrogenated vegetable oil; and

16 2. A food whose nutrition facts label or other documentation
17 from the manufacturer lists the trans fat content of the food as
18 less than one-half (1/2) grams per serving shall be deemed not to
19 contain artificial trans fat.

20 C. Food service establishments shall maintain on site the
21 original labels for all food products that are fats or contain fats,
22 oils or shortenings including:

23 1. Food product labels required by applicable federal and state
24 law when food is purchased from the manufacturer; and

1 2. Food products that are stored, distributed, held for
2 service, used in preparation of any menu items, or served by the
3 food service establishment.

4 D. Food service establishments shall maintain documentation
5 from the manufacturer of the food products indicating whether the
6 food products contain vegetable shortening, margarine or partially
7 hydrogenated vegetable oil, and indicating trans fat content, which
8 may be maintained instead of original labels.

9 E. If baked goods or other food products restricted pursuant to
10 subsection B of this section, contain fats, oils or shortenings, and
11 are not required to be labeled when purchased, then food service
12 establishments and mobile food commissaries shall obtain and
13 maintain documentation from the manufacturers of the food products,
14 indicating whether the food products contain vegetable shortening,
15 margarine, partially hydrogenated vegetable oil, or trans fat.

16 SECTION 4. This act shall become effective July 1, 2011.

17 SECTION 5. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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