

AMENDED IN ASSEMBLY FEBRUARY 22, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 86

Introduced by Assembly Member Lieu
(Coauthors: Assembly Members Salas and Solorio)

December 13, 2006

An act to amend Sections 49431, 49431.2, and 49433.9 of the Education Code, relating to pupil nutrition.

LEGISLATIVE COUNSEL'S DIGEST

AB 86, as amended, Lieu. School food nutrition: trans fat.

Existing

(1) *Existing* law prohibits the sale of certain food items at elementary, and at middle and high schools, and commencing July 1, 2007, requires snack and entrée food items sold to pupils to meet certain nutritional standards, as specified.

This bill would additionally prohibit these food items from containing partially hydrogenated or hydrogenated vegetable oils, except to the extent that these oils are naturally occurring in the food item.

Because the bill would require additional duties of school districts, the bill would impose a state-mandated program.

The

(2) *The* California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49431 of the Education Code is amended
 2 to read:
 3 49431. (a) (1) Commencing July 1, 2007, at each elementary
 4 school, the only food that may be sold to a pupil during the
 5 schoolday are full meals and individually sold portions of nuts,
 6 nut butters, seeds, eggs, cheese packaged for individual sale, fruit,
 7 vegetables that have not been deep fried, and legumes.
 8 (2) An individually sold dairy or whole grain food item may be
 9 sold to pupils at an elementary school, except food sold as part of
 10 a USDA meal program, if it meets all of the following standards:
 11 (A) Not more than 35 percent of its total calories shall be from
 12 fat.
 13 (B) Not more than 10 percent of its total calories shall be from
 14 saturated fat.
 15 (C) Not more than 35 percent of its total weight shall be
 16 composed of sugar, including naturally occurring and added sugar.
 17 (D) Not more than 175 calories per individual food item.
 18 ~~(E) It does not contain partially hydrogenated or hydrogenated~~
 19 ~~vegetable oils, except to the extent that these oils occur naturally~~
 20 ~~in the food item.~~
 21 (b) An elementary school may permit the sale of food items that
 22 do not comply with subdivision (a) as part of a school fundraising
 23 event in any of the following circumstances:
 24 (1) The items are sold by pupils of the school and the sale of
 25 those items takes place off of and away from school premises.
 26 (2) The items are sold by pupils of the school and the sale of
 27 those items takes place at least one-half hour after the end of the
 28 schoolday.
 29 *(c) A food item sold pursuant to subdivision (a) or (b) shall not*
 30 *contain partially hydrogenated or hydrogenated vegetable oils,*
 31 *except to the extent that these oils occur naturally in the food item.*
 32 ~~(e)~~
 33 *(d) It is the intent of the Legislature that the governing board*
 34 *of a school district annually review its compliance with the*
 35 *nutrition standards described in this section and Section 49431.5.*

1 SEC. 2. Section 49431.2 of the Education Code is amended to
2 read:

3 49431.2. (a) Commencing July 1, 2007, snacks sold to a pupil
4 in middle, junior, or high school, except food served as part of a
5 USDA meal program, shall meet all of the following standards:

6 (1) Not more than 35 percent of its total calories shall be from
7 fat. This paragraph does not apply to the sale of nuts, nut butters,
8 seeds, eggs, cheese packaged for individual sale, fruits, vegetables
9 that have not been deep fried, or legumes.

10 (2) Not more than 10 percent of its total calories shall be from
11 saturated fat. This subparagraph does not apply to eggs or cheese
12 packaged for individual sale.

13 (3) Not more than 35 percent of its total weight shall be
14 composed of sugar, including naturally occurring and added sugars.
15 This paragraph does not apply to the sale of fruits or vegetables
16 that have not been deep fried.

17 (4) No more than 250 calories per individual food item.

18 (5) It does not contain partially hydrogenated or hydrogenated
19 vegetable oils, except to the extent that these oils occur naturally
20 in the food item.

21 (b) Commencing July 1, 2007, entrée items sold to a pupil in
22 middle, junior, or high school, except food served as part of a
23 USDA meal program, shall contain no more than 400 calories per
24 entrée, shall contain no more than 4 grams of fat per 100 calories
25 contained in each entrée, shall not contain partially hydrogenated
26 or hydrogenated vegetable oils, except to the extent that these oils
27 occur naturally in the food item, and shall be categorized as entrée
28 items in the School Breakfast Program or National School Lunch
29 Program.

30 (c) A middle, junior, or high school may permit the sale of food
31 items that do not comply with subdivision (a) or (b) in any of the
32 following circumstances:

33 (1) The sale of those items takes place off of and away from
34 school premises.

35 (2) The sale of those items takes place on school premises at
36 least one-half hour after the end of the schoolday.

37 (3) The sale of those items occurs during a school-sponsored
38 pupil activity after the end of the schoolday.

1 (d) It is the intent of the Legislature that the governing board
2 of a school district annually review its compliance with the
3 nutrition standards described in this section.

4 SEC. 3. Section 49433.9 of the Education Code is amended to
5 read:

6 49433.9. A school district participating in the pilot program
7 shall adopt the provisions of Section 49433 and shall comply with
8 all of the following requirements:

9 (a) (1) No beverage other than any of the following shall be
10 sold to pupils from one-half hour before the start of the schoolday
11 until one-half hour after the end of the schoolday:

12 (A) Fruit-based drinks that are composed of no less than 50
13 percent fruit juice and that have no added sweeteners.

14 (B) Drinking water.

15 (C) Milk, including, but not limited to, chocolate milk, soy milk,
16 rice milk, and other similar dairy or nondairy milk.

17 (D) Electrolyte replacement beverages that do not contain more
18 than 42 grams of added sweetener per 20 ounce serving.

19 (2) No carbonated beverage shall be sold to pupils from one-half
20 hour before the start of the schoolday until one-half hour after the
21 end of the schoolday.

22 (3) (A) Except as set forth in subparagraph (B), no beverage
23 that exceeds 12 ounces per serving shall be sold to pupils from
24 one-half hour before the start of the schoolday until one-half hour
25 after the end of the schoolday.

26 (B) The 12-ounce maximum serving requirement does not apply
27 to any of the following:

28 (i) Drinking water.

29 (ii) Milk, including, but not limited to, chocolate milk, soy milk,
30 rice milk, and other similar dairy or nondairy milk.

31 (iii) An electrolyte replacement beverage that does not exceed
32 20 ounces per serving.

33 (4) For the purposes of this subdivision, “added sweetener”
34 means any additive that enhances the sweetness of the beverage,
35 including, but not limited to, added sugar, but does not include the
36 natural sugar or sugars that are contained within the fruit juice
37 which is a component of the beverage.

38 (b) No food item shall be sold to pupils from one-half hour
39 before the start of the schoolday until one-half hour after the end
40 of the schoolday unless it meets all of the standards set forth in

1 subparagraphs (A) to (C), inclusive, and (E), of paragraph (2) of
2 subdivision (a) of Section 49431.

3 (c) Entrée items and side dish serving sizes shall be no larger
4 than the portions of those foods served as part of the federal school
5 meal program.

6 (d) Fruit and nonfried vegetables shall be offered for sale at any
7 location where food is sold.

8 SEC. 4. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.

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