

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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**HOUSE BILL 855**  
**Committee Substitute Favorable 5/31/05**  
**Senate Health Care Committee Substitute Adopted 8/10/05**

Short Title: Child Nutrition Standards.

(Public)

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Sponsors:

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Referred to:

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March 22, 2005

A BILL TO BE ENTITLED

1  
2 AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ESTABLISH  
3 STATEWIDE NUTRITION STANDARDS FOR SCHOOL MEALS, A LA  
4 CARTE FOODS AND BEVERAGES, AND THE AFTER SCHOOL SNACK  
5 PROGRAM ADMINISTERED BY THE DEPARTMENT OF PUBLIC  
6 INSTRUCTION AND CHILD NUTRITION PROGRAMS OF LOCAL SCHOOL  
7 ADMINISTRATIVE UNITS, AS RECOMMENDED BY THE STUDY  
8 COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH  
9 AND WELLNESS TRUST FUND.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Part 2 of Article 17 of Chapter 115C of the General Statutes is  
12 amended by adding the following new section to read:

13 **"§ 115C-264.3. Child Nutrition Program standards.**

14 The State Board of Education, in direct consultation with a cross section of local  
15 directors of child nutrition services, shall establish statewide nutrition standards for  
16 school meals, a la carte foods and beverages, and items served in the After School  
17 Snack Program administered by the Department of Public Instruction and child nutrition  
18 programs of local school administrative units. The nutrition standards will promote  
19 gradual changes to increase fruits and vegetables, increase whole grain products, and  
20 decrease foods high in total fat, trans fat, saturated fat, and sugar. The nutrition  
21 standards adopted by the State Board of Education shall be implemented initially in  
22 elementary schools. All elementary schools shall achieve a basic level by the end of the  
23 2007-2008 school year, followed by middle schools and then high schools."

24 **SECTION 2.** The State Board of Education may use "Eat Smart: North  
25 Carolina's Recommended Standards for All Foods Available in School" and the "United  
26 States Dietary Guidelines" as references for establishing the nutrition standards under  
27 Section 1 of this act. In addition to the elementary school pilots established by Section  
28 7.17 of S.L. 2004-124, the nutrition standards will also be piloted prior to statewide

1 implementation in a minimum of eight middle schools and eight high schools at a time  
2 to be determined by the State Board of Education. The pilots shall be conducted in a  
3 manner that will hold the child nutrition program of a participating local school  
4 administrative unit financially harmless for its participation in the pilot project. It shall  
5 be the responsibility of the Child Nutrition Services Section of the Department of Public  
6 Instruction to oversee the pilot project, collect data from the pilots, interpret the data,  
7 and develop written guidance based on the outcomes of the pilots. The Child Nutrition  
8 Services Section of the Department of Public Instruction shall modify the nutrition  
9 standards as needed based on several criteria, including, but not limited to, the results of  
10 the pilot projects, current science, best practices in the food and beverage industry, and  
11 the availability and affordability of new foods and beverages. The Child Nutrition  
12 Services Section of the Department of Public Instruction shall monitor the progress of  
13 each local school administrative unit toward achieving the nutrition standards and shall  
14 provide technical assistance and training as needed to assist local school administrative  
15 units in implementing the nutrition standards. The Child Nutrition Services Section of  
16 the Department of Public Instruction shall report annually on the progress of each local  
17 school administrative unit to the State Board of Education and to the Joint Legislative  
18 Education Oversight Committee.

19           **SECTION 3.** This act is effective when it becomes law.