A BILL TO BE ENTITLED
AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ANNUALLY REVIEW
NUTRITION STANDARDS FOR FOODS AND BEVERAGES ADMINISTERED BY
THE DEPARTMENT OF PUBLIC INSTRUCTION AND CHILD NUTRITION
PROGRAMS OF LOCAL SCHOOL ADMINISTRATIVE UNITS AND TO REQUIRE
OTHER FOOD SALE OPERATIONS ON THE SCHOOL CAMPUS DURING THE
INSTRUCTIONAL DAY TO MEET CERTAIN STANDARDS BY THE 2011-2012
SCHOOL YEAR.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 115C-264.3 reads as rewritten:
"§ 115C-264.3. Child Nutrition Program standards.
(a) The State Board of Education, in direct consultation with a cross section of local
directors of child nutrition services, shall establish statewide nutrition standards for school
meals, a la carte foods and beverages, and items served in the After School Snack Program
administered by the Department of Public Instruction and child nutrition programs of local
school administrative units. The nutrition standards will promote gradual changes to increase
fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans
fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education
shall be implemented initially in elementary schools. All elementary schools shall achieve a
basic level by the end of the 2009-2010 school year, followed by middle schools and then high
schools.
(b) The State Board of Education shall examine the standards on an annual basis and
make modifications that reflect current products in the marketplace, best practices in the
industry, and science-based evidence as reflected in the most current edition of the Dietary
Guidelines for Americans, published by the United States Department of Health and Human
Services."

SECTION 2. G.S. 115C-264.2 reads as rewritten:
"§ 115C-264.2. Vending machine sales. Other foods and beverages sold on campus during
the instructional day.
(a) Each school may, with the approval of the local board of education, sell to students
beverages in vending machines during the school day so long as:
(1) Soft drinks are not sold (i) during the breakfast and lunch periods, (ii) at
elementary schools, or (iii) contrary to the requirements of the National
School Lunch Program;
(2) Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, are not offered for sale in middle schools;
(3) Not more than fifty percent (50%) of the offerings for sale to students in high schools are sugared carbonated soft drinks;
(4) Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks; and
(5) Bottled water products are available in every school that has beverage vending.

(b) Nothing in subsection (a) of this section prohibits a school from adopting stricter policies with respect to beverage vending.
(c) Snack vending in all schools shall, by school year 2006-2007, meet the Proficient Level of the NC Eat Smart Nutrition Standards, such that in elementary schools, no snack vending is available to students, and in middle and high schools, seventy-five percent (75%) of snack vending products have not more than 200 calories per portion or snack vending package.
(d) School stores, snack bars, fund-raisers, and other informal food sales to students on the school campus during the instructional day, with the exception of child nutrition programs, culinary programs, fund-raisers for grades 9-12 conducted after the lunch period, and extracurricular events, shall, by the 2011-2012 school year, meet the most current edition of the Dietary Guidelines for Americans, published by the United States Department of Health and Human Services. For purposes of this subsection, the term "instructional day" shall be defined by the local board of education."

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