

BILL ANALYSIS

C.S.H.B. 217
By: Alvarado
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas continues to have one of the highest rates of childhood obesity in the nation. Sodas, whole milk, and sugary electrolyte drinks are currently allowed to be sold on school campuses. Interested parties assert that these types of drinks may contain high amounts of fat and sugar and, with the exception of whole milk, generally provide minimal nutritional value. C.S.H.B. 217 seeks to prohibit public elementary, middle, and junior high schools from selling these types of beverages during school hours.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 217 amends the Agriculture Code to prohibit a public elementary, middle, or junior high school from selling or allowing to be sold to a student on the school campus any type of beverage other than water without added sweetener, milk with a fat content of one percent or less, certain fluid milk substitutions permitted by the U.S. Department of Agriculture, 100 percent vegetable juice, or 100 percent fruit juice. The bill specifies that the prohibition does not apply on a day that school is not in session, before the beginning of the breakfast period, or after the end of the last instruction period of the day. The bill authorizes the Texas Department of Agriculture to adopt rules to administer the bill's provisions.

EFFECTIVE DATE

September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 217 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.0021 to read as follows: <u>Sec. 12.0021. BEVERAGES ALLOWED TO BE SOLD TO STUDENTS ON PUBLIC SCHOOL CAMPUSES. (a)</u> <u>Except as provided by Subsection (b), a</u>	SECTION 1. Chapter 12, Agriculture Code, is amended by adding Section 12.0021 to read as follows: <u>Sec. 12.0021. BEVERAGES ALLOWED TO BE SOLD TO STUDENTS ON PUBLIC SCHOOL CAMPUSES. (a)</u> <u>Except as provided by Subsection (b), a</u>

public school may not sell or allow to be sold to a student on the school campus any type of beverage other than the following:

- (1) water without added sweetener;
 - (2) milk with a fat content of one percent or less;
 - (3) fluid milk substitutions permitted by the United States Department of Agriculture under 7 C.F.R. Section 210.10;
 - (4) 100 percent vegetable juice;
 - (5) 100 percent fruit juice;
 - (6) zero-calorie electrolyte replacement or zero-calorie vitamin enhanced water beverages; or
 - (7) an electrolyte replacement beverage other than one described by Subdivision (6), but only if the electrolyte replacement beverage is provided at the discretion of a coach to students engaged in vigorous physical activity lasting at least one hour.
- (b) Subsection (a) does not apply:
- (1) on a day that school is not in session;
 - (2) before the beginning of the breakfast period; or
 - (3) after the end of the last instruction period of the day.
- (c) The department may adopt rules as necessary to administer this section.

SECTION 2. This Act applies beginning with the 2014-2015 school year.

No equivalent provision.

SECTION 3. This Act takes effect September 1, 2013.

public elementary, middle, or junior high school may not sell or allow to be sold to a student on the school campus any type of beverage other than the following:

- (1) water without added sweetener;
- (2) milk with a fat content of one percent or less;
- (3) fluid milk substitutions permitted by the United States Department of Agriculture under 7 C.F.R. Section 210.10;
- (4) 100 percent vegetable juice; or
- (5) 100 percent fruit juice.

- (b) Subsection (a) does not apply:
- (1) on a day that school is not in session;
 - (2) before the beginning of the breakfast period; or
 - (3) after the end of the last instruction period of the day.
- (c) The department may adopt rules as necessary to administer this section.

No equivalent provision.

SECTION 2. This Act applies only to a contract entered into or renewed between a school district and a vendor on or after the effective date of this Act. A contract entered into or renewed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. Same as introduced version.