



Ninety-Ninth Legislature - First Session - 2005
Committee Statement
LB 285

Hearing Date: February 14, 2005
Committee On: Education

Introducer(s): (Stuthman, Combs, Jensen, Johnson, Schimek, Louden)
Title: Adopt the Nutrition in Schools Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - Advanced to General File with Amendments
 - X Indefinitely Postponed
-

Vote Results:

| | | |
|---|---------------------|--|
| 7 | Yes | Senators Bourne, Howard, Kopplin, McDonald, Raikes, Schrock, and Stuhr |
| 0 | No | |
| 0 | Present, not voting | |
| 1 | Absent | Senator Byars |

Proponents:

Senator Arnie Stuthman
 Jill Jank
 Scott Hamilton

Representing:

Introducer
 Nebraska Dietetic Association
 Nebraska Dental Association

Opponents:

James E. Gordon
 John Bonaiuto
 Jerry Sellentin
 Larry Muuksgaard

Representing:

DeHart and Darr / Direct Marketing Association
 Nebraska Association of School Boards
 Nebraska Council of School Administrators
 Nebraska Coaches Association / Nebraska State Interscholastic Athletic Administrators Association / Lincoln Southeast High School
 Nebraska Soft Drink Association
 Nebraska Confectioners Association
 Self
 Pepsi Cola of Lincoln

Paul O’Hara
 James Cavanaugh
 Edith Zumwolt
 Larry Buchmann

Neutral:

Connie Stefkovich

Representing:

Nebraska Department of Education

Summary of purpose and/or changes:

Legislative Bill 285 would create the Nutrition in Schools Act.

Legislative findings would state:

1. 1/3 of Nebraska students are either overweight or at risk of becoming overweight;
2. Physical and emotional health is at great risk due to type 2 diabetes, hypertension, social stigmatization, and discrimination;
3. Overweight children and adults cost taxpayers millions of dollars in preventable medical expenses;
4. Schools have an important role in developing nutrition habits of children;
5. Schools should educate children about good nutrition and foster an environment that encourages good nutrition; and
6. Availability of food and beverages with minimal nutritional value in schools is counterproductive to the development of healthy nutrition habits.

A legislative intent is stated to only permit nutritious foods and beverages to be sold in schools beginning 1/2 hour before the regular school day and ending 1/2 hour after the regular school day.

On or before July 1, 2006, each school district would be required to adopt a policy allowing the sale only of nutritious foods and nutritious beverages through school stores, vending machines, and student organization fundraisers beginning 1/2 hour before the start of the regular school day and ending at the end of the regular school day. The policy would not apply to school lunches or breakfasts. All schools would be required to be in full compliance with the Act by July 1, 2007. The Department of Education would provide guidance and assistance to school districts. The Act would only apply to schools that are under the jurisdiction of a school board.

Nutritious beverages would be defined as water, plain or flavored low-fat or no-fat cow's milk, or low-fat or no-fat soy milk, 100% fruit juice with no added sweeteners, or 100% vegetable juice, sold to students in servings of 12 ounces or less. Nutritious food would mean any food item sold outside a federally funded school lunch or breakfast program in which:

1. 30% or less of calories are from fat, unless the item is exclusively nuts or seeds;
2. 10% or less of calories are from saturated fat; and
3. 35% or less of total weight is sugar, unless the food item is unsweetened fruit or vegetables.

School breakfast and school lunches would include only breakfasts and lunches that meet U.S.D.A. guidelines and that are sold or provided to students by a school. School stores would be defined as places at a school where students may purchase food, beverages, and other personal or consumable items. Student organization fundraiser would mean school-sponsored specific events during the school day having a goal of raising funds for a student organization. Vending machines would be defined as devices that dispenses prepackaged food or beverages for money.

Explanation of amendments, if any:

Senator Ron Raikes, Chairperson