

Amendment No. 291

Senate Amendment to Senate Bill No. 230

(BDR 34-666)

Proposed by: Senate Committee on Education**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	☐	Lost	☐ _____	Adopted	☐	Lost	☐ _____
Concurred In	☐	Not	☐ _____	Concurred In	☐	Not	☐ _____
Receded	☐	Not	☐ _____	Receded	☐	Not	☐ _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

CLP/KCR



Date: 4/18/2011

S.B. No. 230—Prohibits the sale or provision of foods containing trans fats at public schools within this State. (BDR 34-666)



SENATE BILL NO. 230—SENATORS DENIS,
WIENER, BREEDEN; AND KIHUEN

MARCH 9, 2011

JOINT SPONSORS: ASSEMBLYMEN BOBZIEN; BENITEZ-THOMPSON, BROOKS,
BUSTAMANTE ADAMS, CARRILLO AND FLORES

Referred to Committee on Education

SUMMARY—~~[Prohibits the sale or provision of foods]~~ Requires the boards of trustees of school districts and the governing bodies of charter schools to adopt a policy governing the use of foods and beverages containing trans fats at public schools within this State. (BDR 34-666)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school to ~~[ensure that]~~ adopt a policy governing the use of foods and beverages containing trans fats ~~[are not sold, made available or used at the school or at a school within the district;]~~ at public schools; setting forth an exception for foods provided through certain programs of the Federal Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions relating to programs of nutrition and allows the board of trustees of each school district and the governing body of each charter school to operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction. (NRS 387.070-387.105) This bill ~~[prohibits]~~ requires the board of trustees of a school district and the governing body of a charter school ~~[from selling or serving at the public schools food or beverages that contain trans fats;]~~ to adopt a policy which: (1) provides that no food or beverage containing trans fats may be purchased by the school district or charter school and provided to pupils; (2) provides that trans fats are not used in food preparation by the school district or charter school; and (3) includes guidelines for parents and guardians who wish to bring food and beverages to school for certain events. The ~~[prohibition set forth in this bill]~~ policy adopted by the board of trustees of the school district or governing body of the charter school does not apply with respect to food made available pursuant to the federal School Breakfast Program or the National School Lunch Program. For the purposes of this bill, a food or beverage is deemed to contain trans fats if an ingredient thereof is vegetable shortening, margarine or partially hydrogenated vegetable oil, unless the manufacturer's label or the required nutrition labeling of the food or

beverage, pursuant to applicable federal laws and regulations, states that the food or beverage contains zero grams of trans fat per serving.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, the board of trustees of each school district and the governing body of each charter school shall ~~ensure that~~ adopt a policy which:

(a) ~~Not Provides that no food or beverage containing industrially produced trans fats is made available, caused to be made available or allowed to be made available~~ may be purchased by the school district or the charter school and provided to pupils of the charter school or school district, as applicable; and

(b) ~~Not Provides that no industrially produced trans fats are used, caused to be used or allowed to be used in the preparation of any item of food by the school district or the charter school which is intended for pupils of the charter school or school district, as applicable~~ ; and

(c) Includes guidelines for parents and guardians and other persons who wish to bring food or beverages to a school for activities authorized by the school including, without limitation, back-to-school events and celebratory events.

2. Except as otherwise provided in subsection 3, the ~~prohibition set forth in~~ policy adopted pursuant to subsection 1 applies with respect to all food and beverages that are:

(a) Sold on school grounds during the regular school day or during an extended school day ~~activities~~ program or athletic event; and

(b) Served to pupils of ~~the~~ a charter school or school district, as applicable, from any source, including, without limitation, food and beverages from any program of nutrition, school store, vending machine, school cafeteria and school food service establishment and fundraising activity, regardless of whether such activity is sponsored by a school.

3. The ~~provisions of this section do~~ policy adopted pursuant to subsection 1 does not apply with respect to food that is made available through:

(a) The School Breakfast Program, 42 U.S.C. §§ 1771 et seq.; or

(b) The National School Lunch Program, 42 U.S.C. §§ 1751 et seq.

4. For the purposes of this section, a food or beverage shall be deemed to contain industrially produced trans fat if one of the ingredients thereof is vegetable shortening, margarine or partially hydrogenated vegetable oil, unless the manufacturer's label or the required nutrition labeling of the food or beverage, pursuant to applicable federal laws and regulations, states that the food or beverage contains zero grams of trans fat per serving.

5. As used in this section:

(a) "Extended school day ~~activity~~ program" means ~~an activity~~ a program that is sponsored by a school or school district and is carried out on school grounds before or after regular school hours ~~for the purpose of providing formal supervision to children, including, without limitation, clubs, yearbook, band and choir practice, student government, drama, programs for child care~~ and programs for the supervision of children before or after school programs.

1 **(b) “School food service establishment” means any establishment or other**
2 **facility that:**

3 **(1) Is located on school grounds; and**

4 **(2) Regularly sells or serves meals or items of food to pupils.**

5 **Sec. 2.** NRS 387.070 is hereby amended to read as follows:

6 387.070 As used in NRS 387.070 to 387.105, inclusive, **and section 1 of this**
7 **act**, “program of nutrition” means a program under which food is served to or
8 nutritional education and assistance are provided for children and adults by any
9 public school, private school or public or private institution on a nonprofit basis,
10 including any such program for which assistance may be made available out of
11 money appropriated by the Congress of the United States. The term includes, but is
12 not limited to, a school lunch program.

13 **Sec. 3.** NRS 387.090 is hereby amended to read as follows:

14 387.090 The board of trustees of each school district and the governing body
15 of each charter school may:

16 1. Operate or provide for the operation of programs of nutrition in the public
17 schools under their jurisdiction.

18 2. Use therefor money disbursed to them pursuant to the provisions of NRS
19 387.070 to 387.105, inclusive, **and section 1 of this act**, gifts, donations and other
20 money received from the sale of food under those programs.

21 3. Deposit the money in one or more accounts in one or more banks or credit
22 unions within the State.

23 4. Contract with respect to food, services, supplies, equipment and facilities
24 for the operation of the programs.

25 **Sec. 4.** This act becomes effective on July 1, 2011.