

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 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 foods containing trans fats
are not sold, made available or used at the school or at a
school within the district; 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:

1 Existing law sets forth provisions relating to programs of nutrition and allows
2 the board of trustees of each school district and the governing body of each charter
3 school to operate or provide for the operation of programs of nutrition in the public
4 schools under their jurisdiction. (NRS 387.070-387.105) This bill prohibits the
5 board of trustees of a school district and the governing body of a charter school
6 from selling or serving at the public schools food or beverages that contain trans
7 fats. The prohibition set forth in this bill does not apply with respect to food made
8 available pursuant to the federal School Breakfast Program or the National School
9 Lunch Program. For the purposes of this bill, a food or beverage is deemed to
10 contain trans fats if an ingredient thereof is vegetable shortening, margarine or
11 partially hydrogenated vegetable oil, unless the manufacturer's label or the required
12 nutrition labeling of the food or beverage, pursuant to applicable federal laws and



13 regulations, states that the food or beverage contains zero grams of trans fat per
14 serving.

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

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

3 **1. Except as otherwise provided in subsection 3, the board of**
4 **trustees of each school district and the governing body of each**
5 **charter school shall ensure that:**

6 **(a) No food or beverage containing industrially produced trans**
7 **fats is made available, caused to be made available or allowed to**
8 **be made available to pupils of the school or school district, as**
9 **applicable; and**

10 **(b) No industrially produced trans fats are used, caused to be**
11 **used or allowed to be used in the preparation of any item of food**
12 **for pupils of the school or school district, as applicable.**

13 **2. Except as otherwise provided in subsection 3, the**
14 **prohibition set forth in subsection 1 applies with respect to all food**
15 **and beverages that are:**

16 **(a) Sold on school grounds during the regular school day or**
17 **during extended school day activities; and**

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

24 **3. The provisions of this section do not apply with respect to**
25 **food that is made available through:**

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

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

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

37 **5. As used in this section:**

38 **(a) "Extended school day activity" means an activity that is**
39 **carried out on school grounds before or after regular school**



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1 *hours, including, without limitation, clubs, yearbook, band and*
2 *choir practice, student government, drama, programs for child*
3 *care, and programs for the supervision of children before or after*
4 *school.*

5 (b) "School food service establishment" means any
6 establishment or other facility that:

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

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

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

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

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

20 387.090 The board of trustees of each school district and the
21 governing body of each charter school may:

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

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

28 3. Deposit the money in one or more accounts in one or more
29 banks or credit unions within the State.

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

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

