

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—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 adopt a policy governing the use of foods and beverages containing trans fats 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 requires the board of trustees of a school district and the governing body of a charter school 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 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



13 Breakfast Program or the National School Lunch Program. For the purposes of this
14 bill, a food or beverage is deemed to contain trans fats if an ingredient thereof is
15 vegetable shortening, margarine or partially hydrogenated vegetable oil, unless the
16 manufacturer's label or the required nutrition labeling of the food or beverage,
17 pursuant to applicable federal laws and regulations, states that the food or beverage
18 contains zero grams of trans fat per 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 adopt a policy which:***

6 ***(a) Provides that no food or beverage containing industrially***
7 ***produced trans fats may be purchased by the school district or the***
8 ***charter school and provided to pupils of the charter school or***
9 ***school district, as applicable;***

10 ***(b) Provides that no industrially produced trans fats are used,***
11 ***caused to be used or allowed to be used in the preparation of any***
12 ***item of food by the school district or the charter school which is***
13 ***intended for pupils of the charter school or school district, as***
14 ***applicable; and***

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

19 ***2. Except as otherwise provided in subsection 3, the policy***
20 ***adopted pursuant to subsection 1 applies with respect to all food***
21 ***and beverages that are:***

22 ***(a) Sold on school grounds during the regular school day or***
23 ***during an extended school day program or athletic event; and***

24 ***(b) Served to pupils of a charter school or school district, as***
25 ***applicable, including, without limitation, food and beverages from***
26 ***any program of nutrition, school store, vending machine, school***
27 ***cafeteria and school food service establishment.***

28 ***3. The policy adopted pursuant to subsection 1 does not apply***
29 ***with respect to food that is made available through:***

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

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

34 ***4. For the purposes of this section, a food or beverage shall***
35 ***be deemed to contain industrially produced trans fat if one of the***



1 *ingredients thereof is vegetable shortening, margarine or partially*
2 *hydrogenated vegetable oil, unless the manufacturer's label or the*
3 *required nutrition labeling of the food or beverage, pursuant to*
4 *applicable federal laws and regulations, states that the food or*
5 *beverage contains zero grams of trans fat per serving.*

6 5. As used in this section:

7 (a) "Extended school day program" means a program that is
8 sponsored by a school or school district and is carried out on
9 school grounds before or after regular school hours for the
10 purpose of providing formal supervision to children, including,
11 without limitation, programs for child care and before or after
12 school programs.

13 (b) "School food service establishment" means any
14 establishment or other facility that:

15 (1) Is located on school grounds; and

16 (2) Regularly sells or serves meals or items of food to
17 pupils.

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

19 387.070 As used in NRS 387.070 to 387.105, inclusive, *and*
20 *section 1 of this act*, "program of nutrition" means a program under
21 which food is served to or nutritional education and assistance are
22 provided for children and adults by any public school, private school
23 or public or private institution on a nonprofit basis, including any
24 such program for which assistance may be made available out of
25 money appropriated by the Congress of the United States. The term
26 includes, but is not limited to, a school lunch program.

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

28 387.090 The board of trustees of each school district and the
29 governing body of each charter school may:

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

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

36 3. Deposit the money in one or more accounts in one or more
37 banks or credit unions within the State.

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

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

