



HOUSE BILL 67: Encourage Healthy NC Food in Schools.

2023-2024 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	March 14, 2023
Introduced by:	Reps. Howard, Setzer, Dixon	Prepared by:	Drupti Chauhan
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: *House Bill 67 would require that 100% muscadine grape juice be made available in every public school in the State as well as each community college and constituent institution of The University of North Carolina in the State. The bill would also direct the Department of Agriculture to include fruit and products derived from fruit to the list of fruits and fruit products made available to school nutrition programs through the Farm to School Program if certain conditions are met.*

CURRENT LAW AND BACKGROUND:

Vending Machine Sales: With the approval of the local board education, each school may sell beverages to students in vending machines during the school day if the following requirements are met:

- Soft drinks are not sold: (i) during the breakfast and lunch periods; (ii) at elementary schools; or (iii) contrary to the requirements of the National School Lunch Program.
- Sugared carbonated soft drinks are not offered for sale until 30 minutes after the end of the school day.
- Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks.
- Bottled water products are available in every school that has beverage vending.

Schools can adopt stricter policies for beverage vending if they so choose.

Snack vending in all schools must meet the standards for competitive foods and beverages established by the Food and Nutrition Service of the United States Department of Agriculture. Snack vending cannot be available in elementary schools. For middle and high schools, snack vending products cannot have more than 200 calories per portion or snack vending package.

Local Preference for Produce in Schools: Local boards may develop and implement policies and procedures to facilitate and maximize purchases of food grown or raised in North Carolina including allowing a percentage price preference for the purpose of procuring food grown or raised within the State. Price percentage preference means the percent by which a responsive bid from a bidder whose product is grown or raised in NC may exceed the lowest responsive bid submitted by a bidder whose product is not grown or raised in the State.

BILL ANALYSIS:

Section 1 of the bill would require that muscadine grape juice be available in public schools, community colleges, and universities throughout the State as follows:

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House Bill 67

Page 2

Public Schools: The State Board of Education must ensure that 100% muscadine grape juice (juice) is available to students in the residential schools for the visually and hearing impaired as a part of the school's nutrition program or through the operation of vending facilities at the schools.

The following entities must ensure that the juice is made available to all students as a part of the nutrition program or through vending facilities at each school under their governance:

- Local boards of education
- Charter schools
- Regional Schools
- Laboratory Schools operated by The University of North Carolina

NC Community Colleges: The board of trustees of each community college must make the juice available as a beverage option in the operation of the community college's vending facilities.

Constituent Institutions of The University of North Carolina: Each constituent institution must make the juice available as a beverage option in the operation of the institution's vending facilities.

Section 2 of the bill would direct the Food Distribution Division (Division) of the Department of Agriculture and Consumer Services (Department) to revise its bidding, procurement, and ordering procedures for the Farm to School Program (Program) by December 1, 2023, to include fruit and products derived from fruit to the list of fruit and fruit products made available to school nutrition programs the Program when the fruit or fruit product meets both of the following requirements:

- The producer of the fruit or fruit product is a participant in the Department's "Got To Be NC" marketing program.
- The fruit or fruit product meets all of the requirements for nutrition and packaging of foods supplied to school nutrition programs.

The Division would have to require in any contract or purchasing agreement for packaged fruit products that the supplier will buy back unopened and unexpired products returned to the Program from school nutrition programs, to be credited back to the school nutrition programs net of reasonable handling costs.

The Department must provide an interim report by September 1, 2023 on the implementation of this act and provide a final report by January 1, 2024, to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division of the General Assembly.

EFFECTIVE DATE: The bill would be effective when it becomes law. The requirements for public schools to make the juice available apply with the beginning of the 2023-2024 school year and the requirements for the community colleges and the constituent institutions to make the juice available apply with the beginning of the 2023-2024 academic year. The requirement for the contracts or purchasing agreements for packaged fruit products would be for contracts or purchasing agreements executed on or after the effective date of the bill.

**Chris Saunders, counsel to the House Agriculture Committee, substantially contributed to this summary.*