



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by Mattie Hunter

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.39 new
105 ILCS 5/34-18.30 new

Amends the School Code. Provides that for public elementary schools, any food sold to students in competition with federally funded school meal programs must meet certain healthy food standards. Provides that during regular school hours and during federally funded school meal programs, water, nonfat and low-fat plain and flavored milk, soy milk, and rice milk, and 100% fruit juices that have no added sweeteners are the only beverages that may be sold to elementary school students, and provides that the serving size for a beverage may not exceed 12 ounces unless the beverage being sold is water. Provides that no foods of minimal nutritional value may be served on elementary school campuses during regular school hours. Requires school boards to encourage elementary school teachers not to use food as a reward or incentive for student behavior or academic performance. Requires the State Superintendent of Education to review and test compliance. Effective July 1, 2004.

LRB093 20747 NHT 46638 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning schools.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Sections
5 10-20.39 and 34-18.30 as follows:

6 (105 ILCS 5/10-20.39 new)

7 Sec. 10-20.39. Healthy food standards.

8 (a) The General Assembly finds and declares all of the
9 following:

10 (1) Childhood obesity has reached epidemic levels.
11 Nearly 15% of youths are overweight.

12 (2) Overweight and obese children are at higher risk
13 for developing severe and costly long-term health
14 problems, including without limitation type 2 diabetes,
15 cardiovascular disease, high blood pressure, and asthma.
16 Seventy percent of overweight adolescents become
17 overweight adults.

18 (3) Overweight youths are often affected by
19 discrimination, psychological stress, low self-esteem, and
20 depression.

21 (4) Poor diet negatively affects the ability to learn
22 and decreases motivation and attentiveness. In addition,
23 poor diet contributes to poor oral health, which also
24 negatively affects school performance.

25 (5) Obesity-related illnesses cost the United States
26 health care system close to 75 billion dollars per year.

27 (6) There are many factors that contribute to childhood
28 obesity, including increased access to high-calorie,
29 high-fat foods and sugar-sweetened beverages; increased
30 portion sizes; decreased opportunities for physical
31 activity; and aggressive marketing by the food industry.

32 (7) Schools play a highly influential role in the

1 formation of children's eating and physical activity
2 habits.

3 (8) Schools that provide non-nutritious food and
4 beverages in vending machines, school stores, and a la
5 carte lines and as fundraisers are contributing to the
6 problem of childhood obesity and are sending a message to
7 youths that good nutrition is not important to their health
8 or education.

9 (9) While the United States Department of Agriculture
10 requires that meals sold in schools as part of the national
11 school lunch and school breakfast programs be consistent
12 with dietary guidelines for all Americans, limited
13 effective standards are in place to regulate competitive
14 foods, which are often high in calories, fat, sodium, and
15 added sugars. The United States Department of Agriculture,
16 however, does call for states and local entities to add
17 restrictions on competitive foods, as necessary. Schools
18 are encouraged to develop policies to encourage children to
19 purchase and consume healthful food and beverages.

20 (b) This Section applies only to elementary schools, not
21 high schools. This Section does not apply to holiday events,
22 special celebrations, or class parties for which food and
23 beverages are brought into the school.

24 (c) Any food sold to students in competition with federally
25 funded school meal programs must meet the following standards:

26 (1) No more than 35% of its total calories may be from
27 fat, unless the food is nuts or seeds.

28 (2) No more than 10% of its total calories may be from
29 saturated fat.

30 (3) No more than 35% of its total weight may be
31 composed of sugar, unless the food is unsweetened fruit or
32 vegetables or both.

33 (d) During regular school hours and during federally funded
34 school meal programs, water, nonfat and low-fat plain and
35 flavored milk, soy milk, and rice milk, and 100% fruit juices
36 that have no added sweeteners are the only beverages that may

1 be sold to students. Beverages that contain more than 10
2 milligrams of caffeine per serving are prohibited. The serving
3 size for a beverage may not exceed 12 ounces, unless the
4 beverage being sold is water.

5 (e) No foods defined by the United States Department of
6 Agriculture as foods of minimal nutritional value may be served
7 on school campuses during regular school hours.

8 (f) The school board shall encourage teachers not to use
9 food as a reward or incentive for student behavior or academic
10 performance.

11 (g) Beginning September 1, 2004, the State Superintendent
12 of Education shall review and test compliance with this Section
13 as required by federal law. If a school district is found not
14 to be in compliance, it must submit a corrective plan to the
15 State Superintendent and implement the plan within 6 months
16 after the finding of noncompliance.

17 (105 ILCS 5/34-18.30 new)

18 Sec. 34-18.30. Healthy food standards.

19 (a) The General Assembly finds and declares all of the
20 following:

21 (1) Childhood obesity has reached epidemic levels.
22 Nearly 15% of youths are overweight.

23 (2) Overweight and obese children are at higher risk
24 for developing severe and costly long-term health
25 problems, including without limitation type 2 diabetes,
26 cardiovascular disease, high blood pressure, and asthma.
27 Seventy percent of overweight adolescents become
28 overweight adults.

29 (3) Overweight youths are often affected by
30 discrimination, psychological stress, low self-esteem, and
31 depression.

32 (4) Poor diet negatively affects the ability to learn
33 and decreases motivation and attentiveness. In addition,
34 poor diet contributes to poor oral health, which also
35 negatively affects school performance.

1 (5) Obesity-related illnesses cost the United States
2 health care system close to 75 billion dollars per year.

3 (6) There are many factors that contribute to childhood
4 obesity, including increased access to high-calorie,
5 high-fat foods and sugar-sweetened beverages; increased
6 portion sizes; decreased opportunities for physical
7 activity; and aggressive marketing by the food industry.

8 (7) Schools play a highly influential role in the
9 formation of children's eating and physical activity
10 habits.

11 (8) Schools that provide non-nutritious food and
12 beverages in vending machines, school stores, and a la
13 carte lines and as fundraisers are contributing to the
14 problem of childhood obesity and are sending a message to
15 youths that good nutrition is not important to their health
16 or education.

17 (9) While the United States Department of Agriculture
18 requires that meals sold in schools as part of the national
19 school lunch and school breakfast programs be consistent
20 with dietary guidelines for all Americans, limited
21 effective standards are in place to regulate competitive
22 foods, which are often high in calories, fat, sodium, and
23 added sugars. The United States Department of Agriculture,
24 however, does call for states and local entities to add
25 restrictions on competitive foods, as necessary. Schools
26 are encouraged to develop policies to encourage children to
27 purchase and consume healthful food and beverages.

28 (b) This Section applies only to elementary schools, not
29 high schools. This Section does not apply to holiday events,
30 special celebrations, or class parties for which food and
31 beverages are brought into the school.

32 (c) Any food sold to students in competition with federally
33 funded school meal programs must meet the following standards:

34 (1) No more than 35% of its total calories may be from
35 fat, unless the food is nuts or seeds.

36 (2) No more than 10% of its total calories may be from

1 saturated fat.

2 (3) No more than 35% of its total weight may be
3 composed of sugar, unless the food is unsweetened fruit or
4 vegetables or both.

5 (d) During regular school hours and during federally funded
6 school meal programs, water, nonfat and low-fat plain and
7 flavored milk, soy milk, and rice milk, and 100% fruit juices
8 that have no added sweeteners are the only beverages that may
9 be sold to students. Beverages that contain more than 10
10 milligrams of caffeine per serving are prohibited. The serving
11 size for a beverage may not exceed 12 ounces, unless the
12 beverage being sold is water.

13 (e) No foods defined by the United States Department of
14 Agriculture as foods of minimal nutritional value may be served
15 on school campuses during regular school hours.

16 (f) The board shall encourage teachers not to use food as a
17 reward or incentive for student behavior or academic
18 performance.

19 (g) Beginning September 1, 2004, the State Superintendent
20 of Education shall review and test compliance with this Section
21 as required by federal law. If the school district is found not
22 to be in compliance, it must submit a corrective plan to the
23 State Superintendent and implement the plan within 6 months
24 after the finding of noncompliance.

25 Section 99. Effective date. This Act takes effect July 1,
26 2004.