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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** Yes

“Corzine enacts junk-food ban in schools,” Home News Tribune, February 22, 2007, p.A5

RWH 4/10/08

P.L. 2007, CHAPTER 45, *approved February 21, 2007*  
Senate, No. 1218

1 **AN ACT** establishing certain restrictions concerning foods and  
2 beverages sold, served or given away to pupils at public and  
3 certain nonpublic schools and supplementing chapter 33 of Title  
4 18A of the New Jersey Statutes.

5  
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
7 *of New Jersey:*

8  
9 1. The Legislature finds and declares that:

10 a. the federal Centers for Disease Control and Prevention has  
11 declared that obesity, which affects 61% of American adults, and  
12 childhood obesity, which affects up to 15% of American children  
13 between the ages of six and 17, are epidemics in the United States;

14 b. Congress has introduced the Improved Nutrition and Physical  
15 Activity Act (IMPACT Act) to address the overall concern with the  
16 obesity epidemic and, in particular, the need to educate youth about  
17 good nutrition, healthy eating habits, and the importance of physical  
18 activity;

19 c. the United States Surgeon General has issued a report entitled  
20 "The Surgeon General's Call to Action to Prevent and Decrease  
21 Overweight and Obesity," which lists the treatment and prevention  
22 of obesity as a national priority, and the United States Department  
23 of Agriculture issued a report to Congress in which it recognized  
24 that foods without regulated nutrition standards are low in nutrient  
25 density and are higher in fat, added sugar, and calories; and

26 d. health experts agree that one of the most effective ways to  
27 prevent obesity is to establish policies and programs that encourage  
28 children and adolescents to develop healthy eating habits that they  
29 can maintain throughout their lives.

30  
31 2. a. As of September 2007, the following items shall not be  
32 served, sold or given away as a free promotion anywhere on school  
33 property at any time before the end of the school day, including  
34 items served in the reimbursable After School Snack Program:

35 (1) Foods of minimal nutritional value, as defined by the United  
36 States Department of Agriculture;

37 (2) All food and beverage items listing sugar, in any form, as the  
38 first ingredient; and

39 (3) All forms of candy as defined by the New Jersey Department  
40 of Agriculture.

41 b. Schools shall reduce the purchase of any products containing  
42 trans fats beginning September 1, 2007.

43 c. As of September 2007, all snack and beverage items, sold or

1 served anywhere on school property during the school day,  
2 including items sold in a la carte lines, vending machines, snack  
3 bars, school stores and fundraisers, or served in the reimbursable  
4 After School Snack Program, shall meet the following standards:

5 (1) Based on manufacturers' nutritional data or nutrient facts  
6 labels, no more than eight grams of total fat per serving, with the  
7 exception of nuts and seeds, and no more than two grams of  
8 saturated fat per serving;

9 (2) All beverages, other than milk containing two percent or less  
10 fat, or water, shall not exceed a 12-ounce portion size; and whole  
11 milk may not exceed an eight-ounce portion;

12 (3) In elementary schools, beverages shall be limited to milk,  
13 water or 100 percent fruit or vegetable juices;

14 (4) In middle and high schools, at least 60 per cent of all  
15 beverages offered, other than milk or water, must be 100 percent  
16 fruit or vegetable juice; and

17 (5) In middle and high schools, no more than 40 percent of all  
18 ice cream and frozen desserts shall be allowed to exceed the above  
19 standards for sugar, fat and saturated fat.

20 d. Food and beverages served during special school celebrations  
21 or during curriculum-related activities shall be exempt from the  
22 provisions of this section, with the exception of foods of minimal  
23 nutritional value as defined by the United States Department of  
24 Agriculture.

25 e. The provisions of this section shall not apply to:

26 (1) Medically authorized special needs diets as defined by the  
27 United States Department of Agriculture;

28 (2) School nurses using foods of minimal nutritional value  
29 during the course of providing health care to individual students; or

30 (3) Special needs students whose Individual Education Plan  
31 indicates a particular diet.

32

33 3. The provisions of this act shall apply to nonpublic schools  
34 that participate in the Child Nutrition Programs as defined by the  
35 New Jersey Department of Agriculture.

36

37 4. The Secretary of Agriculture shall, pursuant to the  
38 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
39 seq.), promulgate rules and regulations to implement the provisions  
40 of this act and shall monitor compliance with the provisions of this  
41 act.

42

43 5. Nothing in this act shall be construed to prohibit the board of  
44 education of a public school district or the governing board or chief  
45 school administrator of a nonpublic school from establishing more  
46 stringent nutritional policies for students.

47

48 6. This act shall take effect immediately.

## STATEMENT

1  
2  
3 This bill requires that, as of September 2007, the following  
4 items shall not be served, sold or given away as a free promotion  
5 anywhere on public school property or the property of nonpublic  
6 schools that participate in the Child Nutrition Programs at any time  
7 before the end of the school day, including items served in the  
8 reimbursable After School Snack Program:

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10 States Department of Agriculture;

11 (2) All food and beverage items listing sugar, in any form, as  
12 the first ingredient; and

13 (3) All forms of candy as defined by the New Jersey  
14 Department of Agriculture.

15 The bill also requires that schools must reduce the purchase of  
16 any products containing trans fats beginning September 1, 2007.

17 The bill also requires that, as of September 2007, all snack and  
18 beverage items, sold or served anywhere on school property during  
19 the school day, including items sold in a la carte lines, vending  
20 machines, snack bars, school stores and fundraisers, or served in the  
21 reimbursable After School Snack Program, shall meet the following  
22 standards:

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24 labels, no more than eight grams of total fat per serving, with the  
25 exception of nuts and seeds, and no more than two grams of  
26 saturated fat per serving;

27 (2) All beverages, other than milk containing two percent or  
28 less fat, or water, shall not exceed a 12-ounce portion size; and  
29 whole milk may not exceed an eight-ounce portion;

30 (3) In elementary schools, beverages shall be limited to milk,  
31 water or 100 percent fruit or vegetable juices;

32 (4) In middle and high schools, at least 60 per cent of all  
33 beverages offered, other than milk or water, must be 100 percent  
34 fruit or vegetable juice; and

35 (5) In middle and high schools, no more than 40 percent of all  
36 ice cream and frozen desserts shall be allowed to exceed the above  
37 standards for sugar, fat and saturated fat.

38 Food and beverages served during special school celebrations or  
39 during curriculum-related activities shall be exempt from the  
40 requirements of the bill, with the exception of foods of minimal  
41 nutritional value as defined by the United States Department of  
42 Agriculture.

43 These requirements shall not apply to:

44 (1) Medically authorized special needs diets as defined by the  
45 United States Department of Agriculture;

46 (2) School nurses using foods of minimal nutritional value  
47 during the course of providing health care to individual students; or

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1       (3) Special needs students whose Individual Education Plan  
2 indicates a particular diet.

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7       Establishes certain nutritional restrictions on food and beverages  
8 served, sold or given away to pupils in public and certain nonpublic  
9 schools.

**SENATE, No. 1218**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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INTRODUCED JANUARY 30, 2006

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**Assemblyman CRAIG A. STANLEY**

**District 28 (Essex)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

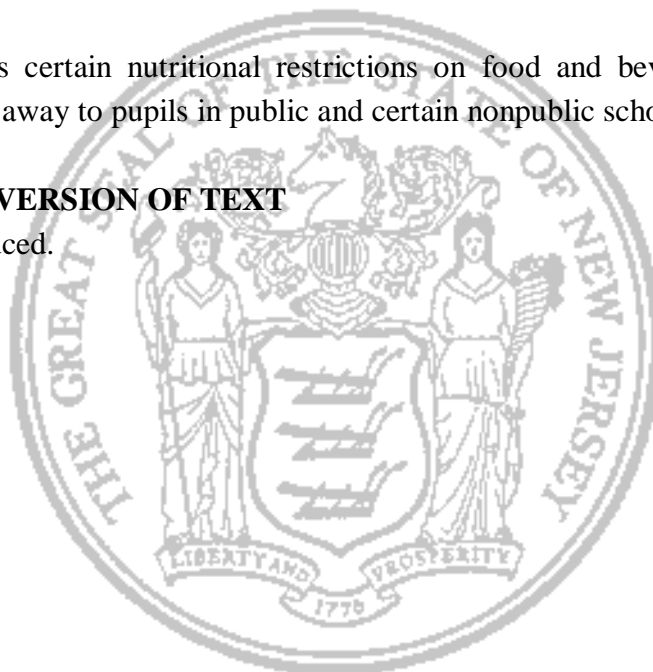
**Assemblymen Gordon, Gusciora, Connors, Chivukula, Assemblywoman  
Greenstein, Assemblymen Epps, Vas, Giblin, Schaer and Baroni**

**SYNOPSIS**

Establishes certain nutritional restrictions on food and beverages served, sold or given away to pupils in public and certain nonpublic schools.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/9/2007)**

1 AN ACT establishing certain restrictions concerning foods and  
2 beverages sold, served or given away to pupils at public and  
3 certain nonpublic schools and supplementing chapter 33 of Title  
4 18A of the New Jersey Statutes.

5  
6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8  
9 1. The Legislature finds and declares that:

10 a. the federal Centers for Disease Control and Prevention has  
11 declared that obesity, which affects 61% of American adults, and  
12 childhood obesity, which affects up to 15% of American children  
13 between the ages of six and 17, are epidemics in the United States;

14 b. Congress has introduced the Improved Nutrition and Physical  
15 Activity Act (IMPACT Act) to address the overall concern with the  
16 obesity epidemic and, in particular, the need to educate youth about  
17 good nutrition, healthy eating habits, and the importance of physical  
18 activity;

19 c. the United States Surgeon General has issued a report entitled  
20 "The Surgeon General's Call to Action to Prevent and Decrease  
21 Overweight and Obesity," which lists the treatment and prevention  
22 of obesity as a national priority, and the United States Department  
23 of Agriculture issued a report to Congress in which it recognized  
24 that foods without regulated nutrition standards are low in nutrient  
25 density and are higher in fat, added sugar, and calories; and

26 d. health experts agree that one of the most effective ways to  
27 prevent obesity is to establish policies and programs that encourage  
28 children and adolescents to develop healthy eating habits that they  
29 can maintain throughout their lives.

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31 2. a. As of September 2007, the following items shall not be  
32 served, sold or given away as a free promotion anywhere on school  
33 property at any time before the end of the school day, including  
34 items served in the reimbursable After School Snack Program:

35 (1) Foods of minimal nutritional value, as defined by the United  
36 States Department of Agriculture;

37 (2) All food and beverage items listing sugar, in any form, as the  
38 first ingredient; and

39 (3) All forms of candy as defined by the New Jersey Department  
40 of Agriculture.

41 b. Schools shall reduce the purchase of any products containing  
42 trans fats beginning September 1, 2007.

43 c. As of September 2007, all snack and beverage items, sold or  
44 served anywhere on school property during the school day,  
45 including items sold in a la carte lines, vending machines, snack  
46 bars, school stores and fundraisers, or served in the reimbursable  
47 After School Snack Program, shall meet the following standards:

48 (1) Based on manufacturers' nutritional data or nutrient facts



**S1218 TURNER**

3

1 labels, no more than eight grams of total fat per serving, with the  
2 exception of nuts and seeds, and no more than two grams of  
3 saturated fat per serving;

4 (2) All beverages, other than milk containing two percent or less  
5 fat, or water, shall not exceed a 12-ounce portion size; and whole  
6 milk may not exceed an eight-ounce portion;

7 (3) In elementary schools, beverages shall be limited to milk,  
8 water or 100 percent fruit or vegetable juices;

9 (4) In middle and high schools, at least 60 per cent of all  
10 beverages offered, other than milk or water, must be 100 percent  
11 fruit or vegetable juice; and

12 (5) In middle and high schools, no more than 40 percent of all  
13 ice cream and frozen desserts shall be allowed to exceed the above  
14 standards for sugar, fat and saturated fat.

15 d. Food and beverages served during special school celebrations  
16 or during curriculum-related activities shall be exempt from the  
17 provisions of this section, with the exception of foods of minimal  
18 nutritional value as defined by the United States Department of  
19 Agriculture.

20 e. The provisions of this section shall not apply to:

21 (1) Medically authorized special needs diets as defined by the  
22 United States Department of Agriculture;

23 (2) School nurses using foods of minimal nutritional value  
24 during the course of providing health care to individual students; or

25 (3) Special needs students whose Individual Education Plan  
26 indicates a particular diet.

27

28 3. The provisions of this act shall apply to nonpublic schools  
29 that participate in the Child Nutrition Programs as defined by the  
30 New Jersey Department of Agriculture.

31

32 4. The Secretary of Agriculture shall, pursuant to the  
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
34 seq.), promulgate rules and regulations to implement the provisions  
35 of this act and shall monitor compliance with the provisions of this  
36 act.

37

38 5. Nothing in this act shall be construed to prohibit the board of  
39 education of a public school district or the governing board or chief  
40 school administrator of a nonpublic school from establishing more  
41 stringent nutritional policies for students.

42

43 6. This act shall take effect immediately.

44

45 **STATEMENT**

46

47 This bill requires that, as of September 2007, the following  
48 items shall not be served, sold or given away as a free promotion

**S1218 TURNER**

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13 The bill also requires that, as of September 2007, all snack and  
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25 whole milk may not exceed an eight-ounce portion;

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29 beverages offered, other than milk or water, must be 100 percent  
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43 during the course of providing health care to individual students; or

44 (3) Special needs students whose Individual Education Plan  
45 indicates a particular diet.

**ASSEMBLY, No. 883**

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**STATE OF NEW JERSEY**

**212th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2006 SESSION

**Sponsored by:**

**Assemblyman CRAIG A. STANLEY**

**District 28 (Essex)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Assemblymen Gordon, Gusciora and Connors**

**SYNOPSIS**

Establishes certain nutritional restrictions on food and beverages served, sold or given away to pupils in public and certain nonpublic schools.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT establishing certain restrictions concerning foods and  
2 beverages sold, served or given away to pupils at public and  
3 certain nonpublic schools and supplementing chapter 33 of Title  
4 18A of the New Jersey Statutes.

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6 BE IT ENACTED *by the Senate and General Assembly of the State*  
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9 1. The Legislature finds and declares that:

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15 Activity Act (IMPACT Act) to address the overall concern with the  
16 obesity epidemic and, in particular, the need to educate youth about  
17 good nutrition, healthy eating habits, and the importance of physical  
18 activity;

19 c. the United States Surgeon General has issued a report entitled  
20 "The Surgeon General's Call to Action to Prevent and Decrease  
21 Overweight and Obesity," which lists the treatment and prevention  
22 of obesity as a national priority, and the United States Department  
23 of Agriculture issued a report to Congress in which it recognized  
24 that foods without regulated nutrition standards are low in nutrient  
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27 prevent obesity is to establish policies and programs that encourage  
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- 1 labels, no more than eight grams of total fat per serving, with the  
2 exception of nuts and seeds, and no more than two grams of  
3 saturated fat per serving;
- 4 (2) All beverages, other than milk containing two percent or less  
5 fat, or water, shall not exceed a 12-ounce portion size; and whole  
6 milk may not exceed an eight-ounce portion;
- 7 (3) In elementary schools, beverages shall be limited to milk,  
8 water or 100 percent fruit or vegetable juices;
- 9 (4) In middle and high schools, at least 60 per cent of all  
10 beverages offered, other than milk or water, must be 100 percent  
11 fruit or vegetable juice; and
- 12 (5) In middle and high schools, no more than 40 percent of all  
13 ice cream and frozen desserts shall be allowed to exceed the above  
14 standards for sugar, fat and saturated fat.
- 15 d. Food and beverages served during special school celebrations  
16 or during curriculum-related activities shall be exempt from the  
17 provisions of this section, with the exception of foods of minimal  
18 nutritional value as defined by the United States Department of  
19 Agriculture.
- 20 e. The provisions of this section shall not apply to:
- 21 (1) Medically authorized special needs diets as defined by the  
22 United States Department of Agriculture;
- 23 (2) School nurses using foods of minimal nutritional value  
24 during the course of providing health care to individual students; or
- 25 (3) Special needs students whose Individual Education Plan  
26 indicates a particular diet.
- 27
- 28 3. The provisions of this act shall apply to nonpublic schools  
29 that participate in the Child Nutrition Programs as defined by the  
30 New Jersey Department of Agriculture.
- 31
- 32 4. The Secretary of Agriculture shall, pursuant to the  
33 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
34 seq.), promulgate rules and regulations to implement the provisions  
35 of this act and shall monitor compliance with the provisions of this  
36 act.
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- 38 5. Nothing in this act shall be construed to prohibit the board of  
39 education of a public school district or the governing board or chief  
40 school administrator of a nonpublic school from establishing more  
41 stringent nutritional policies for students.
- 42
- 43 6. This act shall take effect immediately.

STATEMENT

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This bill requires that, as of September 2007, the following items shall not be served, sold or given away as a free promotion anywhere on public school property or the property of nonpublic schools that participate in the Child Nutrition Programs at any time before the end of the school day, including items served in the reimbursable After School Snack Program:

- (1) Foods of minimal nutritional value, as defined by the United States Department of Agriculture;
- (2) All food and beverage items listing sugar, in any form, as the first ingredient; and
- (3) All forms of candy as defined by the New Jersey Department of Agriculture.

The bill also requires that schools must reduce the purchase of any products containing trans fats beginning September 1, 2007.

The bill also requires that, as of September 2007, all snack and beverage items, sold or served anywhere on school property during the school day, including items sold in a la carte lines, vending machines, snack bars, school stores and fundraisers, or served in the reimbursable After School Snack Program, shall meet the following standards:

- (1) Based on manufacturers' nutritional data or nutrient facts labels, no more than eight grams of total fat per serving, with the exception of nuts and seeds, and no more than two grams of saturated fat per serving;
- (2) All beverages, other than milk containing two percent or less fat, or water, shall not exceed a 12-ounce portion size; and whole milk may not exceed an eight-ounce portion;
- (3) In elementary schools, beverages shall be limited to milk, water or 100 percent fruit or vegetable juices;
- (4) In middle and high schools, at least 60 per cent of all beverages offered, other than milk or water, must be 100 percent fruit or vegetable juice; and
- (5) In middle and high schools, no more than 40 percent of all ice cream and frozen desserts shall be allowed to exceed the above standards for sugar, fat and saturated fat.

Food and beverages served during special school celebrations or during curriculum-related activities shall be exempt from the requirements of the bill, with the exception of foods of minimal nutritional value as defined by the United States Department of Agriculture.

- These requirements section shall not apply to:
- (1) Medically authorized special needs diets as defined by the United States Department of Agriculture;
  - (2) School nurses using foods of minimal nutritional value during the course of providing health care to individual students; or

**A883 STANLEY, STENDER**

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- 1 (3) Special needs students whose Individual Education Plan
- 2 indicates a particular diet.

# SENATE EDUCATION COMMITTEE

## STATEMENT TO

### SENATE, No. 1218

# STATE OF NEW JERSEY

DATED: FEBRUARY 6, 2006

The Senate Education Committee reports favorably Senate Bill No. 1218.

This bill requires that, as of September 2007, the following items shall not be served, sold or given away as a free promotion anywhere on public school property, or the property of nonpublic schools that participate in the Child Nutrition Programs, at any time before the end of the school day, including items served in the reimbursable After School Snack Program:

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- (1) Medically authorized special needs diets as defined by the United States Department of Agriculture;
- (2) School nurses using foods of minimal nutritional value during the course of providing health care to individual students; or
- (3) Special needs students whose Individual Education Plan indicates a particular diet.

# ASSEMBLY EDUCATION COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 883

# STATE OF NEW JERSEY

DATED: JANUARY 26, 2006

The Assembly Education Committee reports favorably Assembly Bill No. 883.

This bill requires that, as of September 2007, the following items shall not be served, sold or given away as a free promotion anywhere on public school property or the property of nonpublic schools that participate in the Child Nutrition Programs at any time before the end of the school day, including items served in the reimbursable After School Snack Program:

- (1) Foods of minimal nutritional value, as defined by the United States Department of Agriculture;
- (2) All food and beverage items listing sugar, in any form, as the first ingredient; and
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The bill also requires that schools must reduce the purchase of any products containing trans fats beginning September 1, 2007.

The bill also requires that, as of September 2007, all snack and beverage items, sold or served anywhere on school property during the school day, including items sold in a la carte lines, vending machines, snack bars, school stores and fundraisers, or served in the reimbursable After School Snack Program, shall meet the following standards:

- (1) Based on manufacturers' nutritional data or nutrient facts labels, no more than eight grams of total fat per serving, with the exception of nuts and seeds, and no more than two grams of saturated fat per serving;
- (2) All beverages, other than milk containing two percent or less fat, or water, shall not exceed a 12-ounce portion size; and whole milk may not exceed an eight-ounce portion;
- (3) In elementary schools, beverages shall be limited to milk, water or 100 percent fruit or vegetable juices;
- (4) In middle and high schools, at least 60 per cent of all beverages offered, other than milk or water, must be 100 percent fruit or vegetable juice; and
- (5) In middle and high schools, no more than 40 percent of all ice cream and frozen desserts shall be allowed to exceed the above standards for sugar, fat and saturated fat.

Food and beverages served during special school celebrations or during curriculum-related activities shall be exempt from the requirements of the bill, with the exception of foods of minimal nutritional value as defined by the United States Department of Agriculture.

The bill's requirements section shall not apply to:

- (1) Medically authorized special needs diets as defined by the United States Department of Agriculture;
- (2) School nurses using foods of minimal nutritional value during the course of providing health care to individual students; or
- (3) Special needs students whose Individual Education Plan indicates a particular diet.

This bill was pre-filed for introduction in the 2006-2007 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.