

State Legislative Status**STATE ASSEMBLY & SENATE****2005****Bill No./Topic**

AB 49/Benoit authorizes school districts and community college districts to enter into contracts for any non-instructional services, personal services, including food preparation and food service, customarily performed by classified employees.

Introduced 12-06-05

AB 105/Cohn requires DHS to establish a voluntary food inspection program requiring a fee for placing the "California Choice Seal" to be "displayed on, or associated with" food products that meet their criteria for evaluation. Those requirements are: a) No more than 35% of calories from fat, excluding nuts, seeds, and nut butters; b) No more than 10% of the calories from saturated fat; and c) No more than 35% of the total weight of the food shall be composed of sugar. Does not apply to fresh fruits and vegetables.

Amended 2-24-05

AB 172/Chan by legislative intent to establish and provide a voluntary preschool-for-all system that conforms to various principles, including connecting families to health and nutrition resources that support children's readiness to learn. The Superintendent will report on types of preschool programs that receive funding by or before January 1, 2007; convene a committee to develop a plan to coordinate the capacity and efficiency of the state system of postsecondary education for the purpose of preparing and training high quality staff in preschool programs, with certain requirements. This bill is operative only if funding is provided for purposes of the bill in a statewide initiative that authorizes universal preschool and is approved by the voters at a statewide election.

Amended 5-26-05

AB 334/Chan-mandates the Department of Education, in consultation with the Department of Food and Agriculture, shall allocate state or federal funds to establish, develop, and implement the instructional school garden program to make competitive grants available for school districts and county offices of education.

Introduced 2-10-05

AB 443/Yee- allows the governing board of any school district or a county superintendent of schools to permit food sales by pupil organizations at elementary, middle, junior high, and high schools if: all food and beverages sold or served do not interfere with optimum participation in the food service programs; the sale takes place off school premises; or at anytime during the schoolday on four days per school year as designated by the principal; or nondesignated days if a partnership is established between the school food authority and the pupil organization to promote full meal participation and to ensure that school food authorities participating in state-funded meal programs/federally funded meal program may claim reimbursement for meals, food, and beverages sold or served in accordance with that program.

This bill requires the department to review for compliance of these provisions as part of its Coordinated Review Effort pursuant to the National School Lunch Program. Amended 6-14-05 Amended in Senate Education Committee on 6/22/05, language unavailable at this time.

AB 444/Yee-requires the department of Education to develop and maintain guidelines for all food and beverages served or sold on public school campuses, including, but need not be limited to, guidelines on saturated fat, sugar, and sodium.

Amended 4-18-05

AB 569/Garcia-requires the governing board of any school district or any office of education to ensure that all foods & beverages sold, or served by any organization at anytime during the schoolday shall be in coordination with the school food service program ensuring that sales do not interfere with the nonprofit food service programs of that school district or county office of education and increase participation in the National School Lunch Program. Effective January 1, 2007, in elementary and middle schools a school district that elects to renew or enter into any contract with a commercial food vendor to prepare or provide food for sale to pupils will make nutritional content information available on all food items sold. A contract may be revoked by the school district if the nutritional information is not provided, but the school district must notify the vendor 30 days prior to revoking the contract. This does not apply to a food vendor that provides meal service in accordance to a state or federal funded meal program. This bill designates the entire campus of each junior high, and middle school as a food service area only during breakfast and lunch periods. Each elementary and junior high school, and middle school required to serve a free meal and that participates in the USDA school meals program may authorize for serving or for sale during a breakfast or lunch period, only a food or beverage item that is a full meal and nutritional equivalent to a free or reduced-cost meal eligible for reimbursement under the requirements of the National School Lunch Program or School Breakfast Program. A food or beverage item served or sold during a breakfast or lunch period includes, but is not limited to, a food or beverage item sold in a cafeteria, vending machine, snack bar, kiosk, or school store. This bill does not prohibit the sale of fruit, water, 100 percent fruit juice, nonfried vegetables, or dairy products, or an electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20 oz serving as individual items. One-time waivers may be granted by the State Board of Education if total revenues from food sales decline by at least 5 percent. At the end of the one-time waiver period a school district or county office of education must provide to the State Board of Education a plan addressing future shortfalls in food sale revenues to ensure the implementation of these requirements.

Amended 6-9-05 Amended in Senate Education Committee on 6/22/05, language unavailable at this time.

AB 586/Negrete McLeod- the Emergency Medical Services Authority within the California Health and Human Services Agency administers the emergency medical services (EMS) system to coordinate and integrate effective and efficient emergency medical services throughout the 58 counties of the state. The EMS system includes the preparedness, response, recovery, and mitigation functions, including assurance of food safety.

Amended 5-26-05

AB 622/Negrete McLeod-provides that at each elementary school, junior high or middle school, and high school, food and beverages sold or served to pupils, meet specified nutrition standards.

Amended 4-21-05

AB 689/Nava-requires, effective March 1, 2008, based on recommendations of the Superintendent, the State Board of Education shall adopt content standards in the curriculum area of health education. This section does not require a school to follow the content standards. The content standards shall only be developed if sufficient funds from any source are made available for that purpose, including state, federal, or private sources.

Amended 6-09-05

AB 826/Nava-establishes the California Farm to School Child Nutrition Improvement Program requiring the departments of Education, Health and Food and Agriculture to collaborate in implementing voluntary farm to school workshops and training to school food service directors and school food service personnel on the purchasing/use of seasonal fruits and vegetables from local farmers for use in school meal programs. The departments of Education and Food and Agriculture and the federal Department of Defense (DoD) Farm to School Program will maximize the purchase of f/v from California farmers by establishing a Farm to School Partnership. The department of Education, CDFR, and DHS may receive and contribute resources to carry out the purposes of the program. It is the intent of the Legislature that the department, CDFR, and DHS execute a memorandum of understanding reflecting the provisions of this section

Amended 5-27-05

AB 831/Assembly Committee on Education-among other items, this bill appropriates one million two hundred thousand (\$1,200,000 from the Donated Food Revolving Fund for support of the State Department of Education, for the purposes of Program 30.50, Donated Food Distribution.

Amended 6-02-05

AB 864/Levine-establishes a 20 volunteer member California Council on Physical Fitness and Sports to promote and develop programs, stimulate research and distribute information relating to physical fitness and sports.

Amended 2-18-05

AB 960/Montanez-this is a "spot bill" (temporary) to enact legislation relating to childhood obesity and nutrition.

Amended 2-18-05

AB 1056/Chu- states Legislature's intent to require school districts to provide professional development training to food service workers. This includes, but is not limited to, food service managers and directors, in order to mitigate the childhood obesity epidemic. Training may include menu planning, recipe development, and food safety.

Amended 2-22-05

AB 1381/Nunez-amends the Instructional School Gardens program by recognizing the educational value realized by the pupils who participate in this program. The legislature also recognizes the program's value in educating pupils with respect to healthy eating habits, healthy activities, and important life skills. It is the Legislature's intent that the State Department of Education continue to work in consultation with the State Department of Health Services and also the Department of Food and Agriculture in developing this program.

Amended 5-23-05

AB 1385/Laird requires the Department of Education to develop and implement a data matching system to directly certify recipients of public assistance programs, including, but not limited to, the National School Lunch and School Breakfast programs. This system must be designed to maximize enrollment in school meals programs and improve program integrity. Pupil privacy safeguards must be retained.

Amended 5-26-05

AB 1392/Umberg specifies criteria for summer school session waivers for one year if any of the following conditions exist: (1) For serving pupils enrolled in elementary if a Summer Food Service Program (SFSP) site is available within one-half mile of the schoolsite; commences and concludes SFSP program operations from one-half hour to one hour after the completion of the summer school session day; (2) For Summer school sessions serving pupils in middle, junior high or high schools they must have a SFSP site available within one mile of the schoolsite and maintain the aforementioned program operation hours; serving meals during the summer school session results in a financial loss equal to one-third of net cash resources, or, if there are no net cash resources, an amount equal to the operating costs of one month as averaged over the previous school year, as specified.

A waiver application must be submitted no later than 30 days prior to the last regular meeting of the state board before the commencement of the specified summer school session.

The Superintendent of Education shall investigate acts of alleged noncompliance with this section. If the Superintendent finds that a school district or county superintendent of schools has failed to comply with this section, the Superintendent shall certify that noncompliance to the Attorney General. The Attorney General shall conduct investigations necessary to document the noncompliance. The Attorney General shall seek injunctive relief to secure compliance with the section, when the Superintendent requests that action.

Amended 4-21-05

SB 12/Escutia-clarifies the definition of "middle school" to include 7 to 9, inclusive, or 7 to 10, inclusive; adds "sweetener" as an additive other than 100 percent fruit juice that enhance the sweetness of a beverage; adds dairy products and whole grain products as food items available for sale at elementary schools; applies nutrition standards, per previous legislation, to food sold outside of the school meal programs but excludes the funding requirements for implementation.

Amended 5-27-05

SB 37/Speier- requires the State Department of Health Services (SDHS) to develop a list of performance-enhancing substances on or before July 1, 2006; the SDHS shall notify the State Department of Education who will notify a school district (grades 9 to 12) of the completion of the list; the SDE shall maintain the list on its Web site; effective July 1, 2007, prohibits schools from accepting sponsorships from manufacturers of substances and prohibits specified school employees from selling, distributing, or promoting those substances.

Amended 4-27-05

SB 144/Runner-this bill, effective January 1, 2007, repeals the statutes of the California Uniform Retail Food Facilities Law (CURFFL) to revise its provision and create the California Retail Food Code.

Amended 5-27-05

SB 162/Ortiz renames the Department of Health Services as the Department of Public Health Services and redefines the scope of authority of the California Conference of Local Health Officers.

Amended 3-30-05

SB 281/Maldonado –repeals the discretionary provision allowing the department of Health to contract with qualified organizations for general or specialized services to implement “5 A Day- For Better Health”. This bill requires DHS and the Department of Food and Agriculture (DFA) to develop a program encouraging schools to provide free fruits and vegetables as a supplement to the school meal programs, as appropriate, but not during regularly scheduled meal periods. The DHS and DFA, in consultation with the State Board of Education, shall establish guidelines for the administration and evaluation of the program.

Amended 5-19-05

SB 284/Maldonado – appropriates two million two hundred thousand from the United States Department of Agriculture Specialty Crop Block Grant funds in the Federal Trust Fund to the California Department of Food and Agriculture for allocation by the Secretary of Agriculture to California’s food banks to support the marketing of specialty crops. Amended 5-31-05

SB 454/Ortiz – declares that research shows that good nutrition reduces the risk of serious health problems and that low-income families have limited access to preventative health counseling. This bill establishes, standards for participating health plans to provide, upon beneficiaries request, information that promotes nutrition education, increased physical activity, and participation in state and federal nutrition programs. These standards shall ensure that materials are culturally/linguistically appropriate.

Amended 4-04-05

SB 479/Lowenthal/Vincent-requires the Department of Health Services to establish the Childhood Obesity Mitigation Fund pilot project (2006-2008) for Medi-Cal eligible children from Long Beach entities, including, but not limited to, the City of Long Beach Department of Health and Human Services, Parks, Recreation and Marine, the Long Beach Unified School District, etc.

Amended 4-14-05

SB 522/Torlakson –requires vending machines in state government property provide public notice that at least 50 percent of the food and beverages offered in the vending machine meet accepted nutritional guidelines as specified in the bill. Urgency bill to take effect immediately, in order to address the growing obesity and diabetes epidemics and the high costs associated with poor nutrition and physical inactivity.

Amended 5-24-05

SB 564/Torlakson-creates the California Healthy Children Trust Fund by adding a cigarette adjustment tax to be appropriated for training, education, nutrition, physical activity, and after-school programs.

Projected surtax revenue \$900 million.

Amended 5-10-05

SB 567/Torlakson- requires each local educational agency to establish and implement a local school wellness policy, including, but not limited to: a) meeting all federal requirements of the child nutrition programs; b) establishing nutrition standards for all foods and beverages sold or served to pupils, including those items that are available outside of the school meal programs, that are no less restrictive than standards imposed by any other state law or any state or federal regulation; c) involve parents, pupils, representatives of the school food authority, the school district governing board, school administrators, schools nurses, health and physical education teachers, and community members in the development of the wellness policy. Local education agencies are encouraged to: a) address coordinated school health, as described in the Health Framework for California Public Schools; b) establish a school health council; c) support high quality instruction in health and physical education.

Each local educational agency shall designate one or more persons to have operational responsibility for ensuring the compliance of each school with the wellness policy. An urgency clause was added to take effect immediately.

Amended 5-25-05

SB 576/Ortiz-requires certain health care service plan contracts and health insurance policies that provide outpatient prescription drug benefits to also provide coverage for tobacco cessation services, as specified.

Amended 5-03-05

SB 638/Torlakson-adds the development and distribution of voluntary guidelines for physical activity programs to expand the learning opportunities of the schoolday.

Amended 5-02-05

SB 965/Escutia-mandates, at each high school, compliance with the sale of all beverages standards by the school district designee. Commencing July 1, 2007 and July 1, 2009, respectively, from one-half hour before the start of the schoolday until one-half hour after the end of the schoolday no less than 50 percent compliance then total compliance. Beverage standards are: 1) Fruit-based drinks composed of no less than 50 percent fruit juice without sweeteners; 2) Vegetable-based drinks composed of no less than 50 percent vegetable juice without sweeteners (also added to elementary, middle or junior high school beverage allowed); 3) Drinking water without sweeteners; 4) Two percent-fat milk, one percent-fat milk, nonfat milk, soy milk, rice milk, and other similar nondairy milk; and 5) An electrolyte replacement beverage that contains no more than 42 grams of added sweetener per 20 ounce serving. The Legislative intent is that the school district governing board annually review for compliance.

Amended 5-04-05

SCR 4/Torlakson-this resolution encourages various jurisdictions to affect positive environmental and healthy consumption of food changes through initiatives and local action by workplaces, schools and communities.

NOTE: Underlined text reflects the amended version of the bill for the date noted.

For current bill text and status of the above bills go to the website below, insert bill number, select option of either Status or Bill Text through html or PDF. I recommend you read the committee analysis that describes the current law and proposed amendments. Related bills are also listed and described, if any. This year is the first year of a two-year session; therefore, some bills that cannot garner the sufficient votes to pass the particular committee by the mandatory legislative calendar deadline become two-year bills. This legislative calendar is available at this same website under legislative publications, then Daily File which provides the legislative (bills) committee hearing calendar.

<http://www.leginfo.ca.gov>

