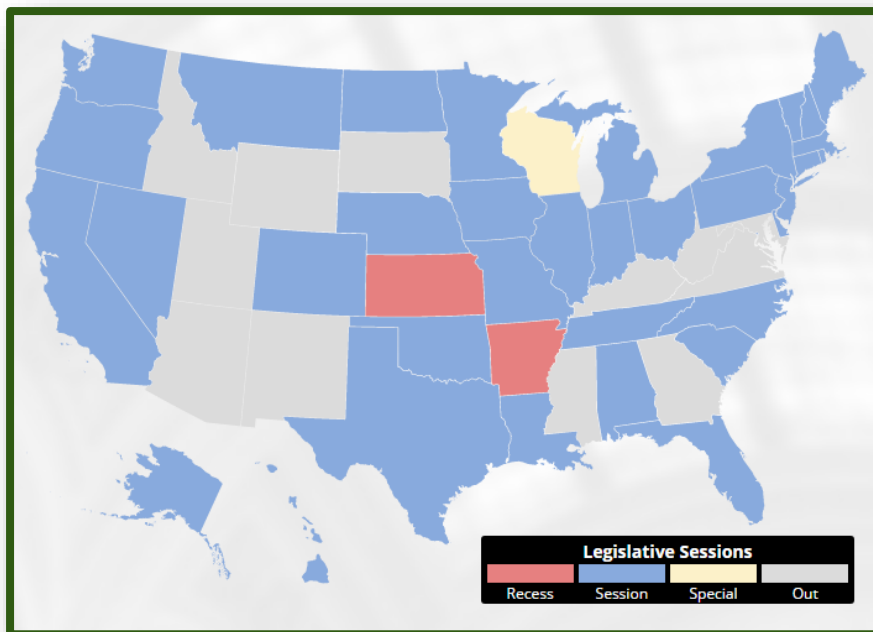




# 2017 STATE LEGISLATIVE SUMMARY: FIRST QUARTER REPORT

LEGISLATIVE SESSIONS (AS OF APRIL 18, 2017)



## ADJOURNED

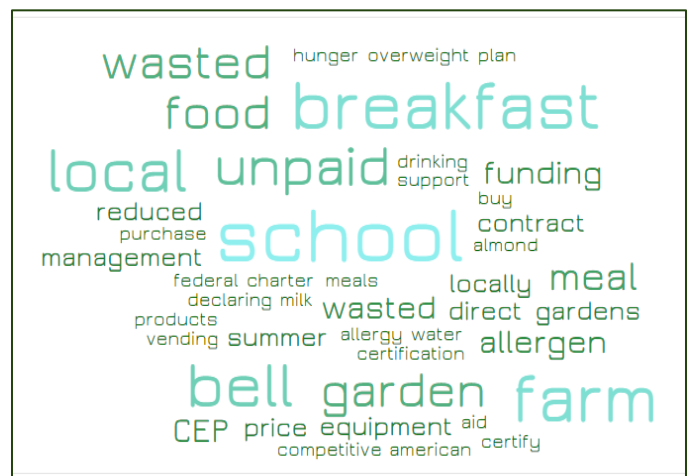
- Idaho
- Utah
- Arizona
- Wyoming
- New Mexico
- South Dakota
- Kentucky
- Mississippi
- Georgia
- West Virginia
- Virginia

## TREND WATCH

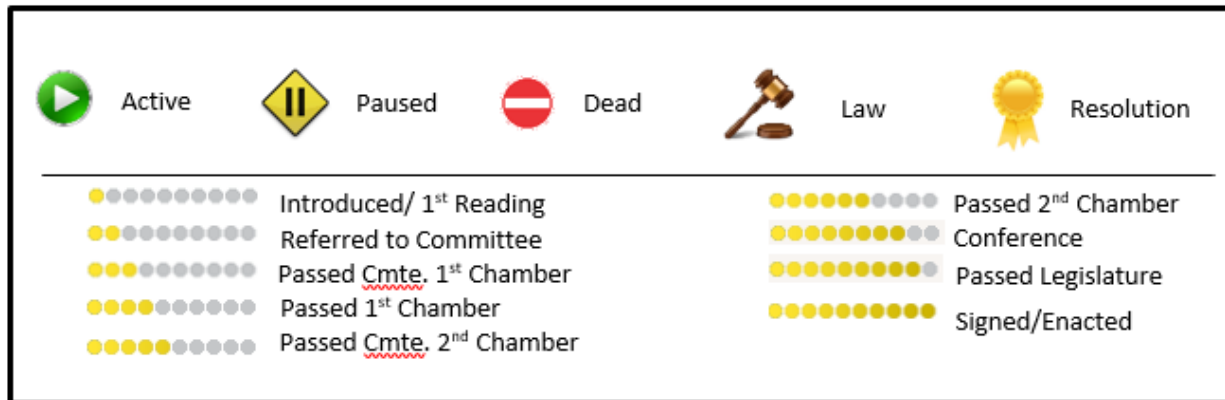
There were **89 school nutrition relevant State bills introduced** (or carried over) into the first quarter of the 2017 legislative year.

Across the country we saw strong trends in expanding breakfast programs, particularly alternative service models such as Breakfast After the Bell.

Equally as prominent were bills addressing unpaid meal balances, encouraging procurement of local foods, and providing liability protection for the donation of food that would otherwise be wasted.



## SUMMARY AND STATUS OF LEGISLATION



### ALABAMA

 [HB 53](#) ●●●●●●●●●●

Introduced 1/23/2017

Specifies that federal funds for school nutrition may be used for the **purchase of farm products** and that the exception to the competitive bid process for local boards of education would be equal to or less than the federal small purchase threshold.

 [SB 99](#) ●●●●●●●●●●

Introduced 2/7/2017

Extending immunity to food service establishments that donate any food that may otherwise be **wasted**. A good faith donor of canned or perishable food, which is fit for human consumption at the time it is donated to a charitable or nonprofit organization for free distribution shall not be subject to criminal or civil liability.

### ARKANSAS

 [HCR 1005](#) ●●●●●●●●●●

Introduced 1/31/2017

Resolution recognizing and **declaring support** for the Healthy Active Arkansas initiative by the Arkansas Department of Health. The initiative includes combating childhood obesity by supporting nutritious school meals.

 [HB 1839](#) ●●●●●●●●●●

Introduced 3/2/2017

Creating the **Local Food, Farms, and Jobs Act** which is intended to strengthen local farm and food economies. The bill also creates a Program Coordinator position with duties that include encouraging and facilitating involvement and participation in the **Farm to School** Program.

 [HB 2264](#) ●●●●●●●●●●

Introduced 3/6/2017

“To amend the requirements related to national school lunch categorical funding.”

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## CALIFORNIA

 [SB 138](#) ●●●●●●●●●●

Introduced 1/13/2017

This bill would, on or before September 1, 2018, require a school district that has a very high poverty school to apply for and operate a universal meal service (**CEP**) to all pupils at the very high poverty school. The bill would authorize a school district to stop providing the universal free meal service if the school ceases to be very high poverty. Because the bill would impose additional duties on school districts and county superintendents of schools, it would impose a state-mandated local program. In addition, requires the State Department of Education to share Medi-Cal program participation data with school districts for purposes of **direct certification**.

 [SB 567](#) ●●●●●●●●●●

Introduced 2/14/2017

Builds on existing law requiring availability of free **drinking water** during meal times in school food service areas. This bill requires a school district to ensure that every drinking water fountain at each school is equipped with both a water fountain and a spigot for filling water bottles.

 [SB 250](#) ●●●●●●●●●●

Introduced 2/7/2017

The Child Hunger Prevention and Fair Treatment Act of 2017 requires local educational agencies to develop an **unpaid meal plan** that includes making all attempts to directly certify a student with an unpaid meal balance totaling more than 5 full priced lunches. If the student is determined eligible, the parent must be reimbursed for school meal fees paid and any debt forgiven. To the extent that these provisions would place additional requirements on local educational agencies, the bill would impose a state-mandated local program. The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

 [SB 557](#) ●●●●●●●●●●

Introduce 2/16/2017

Existing law prohibits unused food previously served to a customer from being offered again for human consumption. This bill would exempt certain specified foods that would otherwise be **wasted food** if a food service staff, student or faculty place it on a sharing table to later donate to a charitable organization.

 [SB 730](#) ●●●●●●●●●●

Introduced 2/17/2017

Requires the State Department of Education to take certain actions to monitor and enforce the **Buy American** provision above federal law by requiring the department to establish a process for school food authorities to request an exception to the provision and require that school food authority to provide notice to the public and to the parents or guardians of the procurement of foreign commodities.

 [AB 691](#) ●●●●●●●●

Introduced 2/15/2017

An act allowing **almond milk** to be considered a milk, as similar to soy or rice milk, for purposes of inclusion in school meal programs.

 [AB 1502](#) ●●●●●●●●

Introduced 2/17/2015

Existing law requires the State Department of Education to create a computerized data matching system using existing databases from the State Department of Education and the State Department of Health Care Services to **directly certify** free and reduced price students. This bill would require the State Department of Health Care Services or the State Department of Education to conduct the data match of the local school records to determine program eligibility.

 [AB 1592](#) ●●●●●●●●

Introduced 2/17/2017

Extending the time frame a school may submit a report of use of Instructional School **Garden** funding to the Superintendent of Public Instruction.

 [AB 1219](#) ●●●●●●●●

Introduced 2/17/2017

Expands existing liability protections for the donation of foods that otherwise be **wasted**.

 [SB 782](#) ●●●●●●●●

Introduced 2/17/2017

This bill would establish the California Grown Fresh School Meals Grant Program. The Program would require the establishment of a grant application process for school districts to apply for and receive funds for the purchase of **local** California grown food.

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## COLORADO

 [HB 1192](#) ●●●●●●●●

Introduced 2/17/2017

Provides for appointment of new members to the Colorado Food Systems Advisory Council. Among other duties, the Council will collaborate with relevant agencies and provide recommendations for the **farm-to-school** program.

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## CONNECTICUT



[HB 5601](#)

Introduced 1/13/2017

To encourage school districts to use **locally** grown foods in their school food programs.

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## FLORIDA



[HB 1247](#)

[SB 1692](#)

Introduced 3/7/2017

Requires the Department of Education in collaboration with the Department of Agriculture and Consumer Services, to annually provide school districts with information regarding school **garden** programs. The bill also allows schools with garden programs to select one day a week to allow students who qualify for free or reduced lunch to select and receive produce from the garden.

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## HAWAII



[HB 255](#)

[SB807](#)

Introduced 1/19/2017

Establishes the **farm to school** grant program to provide grants to farmers participating in the Hawaii farm to school program. Creates the farm to school grant program special fund.



[HB 992](#)

[SB 423](#)

Introduced 1/25/2017

**Unpaid meals** bill that prohibits denying a student a meal for the first 30 days of the first semester of a school year while the student's application for free or for the first week the meal fund balance is zero or negative. Also, authorizes the Hawaii Department of Education to adopt rules or policies on the collection of funds for negative student meal balances.



[HB 1341](#)

[SB 882](#)

Introduced 1/27/2017

Designates the month of October as "**Farm to School** Month in Hawaii".

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## ILLINOIS



[HB 2993](#)

Introduced 2/9/2017

Allows school districts to serve students produce grown and harvested by students in school-owned or community **gardens** if the produce meets requirements adopted by the Department of Public Health.



[HB 2510](#)

Introduced 2/7/2017

Requires all food service organizations to have on the premises at all times a certified food service sanitation manager who has undergone training that follows nationally recognized industry standards for **allergen safety** and allergen awareness.

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## IOWA



[HF 411](#)

Introduced 2/17/2017

Authorizing the school budget review committee to grant supplemental aid or establish a modified supplemental **funding** amount for a school district with an unusual increase in students eligible for free and reduced price meals and including applicability provisions.

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## LOUISIANA



[HB 208](#)

Introduced 3/29/2017

Provides additional restrictions on beverages and **competitive foods** that may be sold on school grounds during the instructional day.

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## MAINE



[LD 809](#)

Introduced 3/2/2017

Requires a school with at least 50% free or reduced eligibility to operate an alternative breakfast delivery service that provides **breakfast after the bell**. Also, establishes a process for a school to opt out of this requirement. Requires the Maine Department of Education to track health and academic outcomes of students and schools that participate in breakfast after the bell.

 [LD 816](#) ●●●●●●●●●●

Introduced 3/2/2017

This bill directs the State to fund the elimination of **reduced-price** category reduced-price in order to provide all children under 185% of the federal poverty level free lunch at school.

 [LD 1113](#) ●●●●●●●●●●

Introduced 3/21/2017

Requiring the Department of Education to develop and make available to public schools an **online application** for eligible students for free or reduced-price meals under the National School Lunch Program. The bill provides that a public school may make available the online application developed by the Department for School Meal Applications. The bill also provides that if a public school implements an online applications process, the public school is also required to maintain paper applications for school meals.

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## MARYLAND - ADJOURNED APRIL 10, 2017

 [HB 257](#) ●●●●●●●●●●

[SB 359](#)

Introduced 1/23/2017

Authorizing participating secondary schools to serve breakfast in any part of the school, including “Grab and Go” carts. Clarifies when **breakfast after the bell** should be served.

 [HB 288](#) ●●●●●●●●●●

[SB 360](#)

Introduced 1/23/2017

The “Maryland Cares for Kids Act” Eliminates the **reduced-price** category for both breakfast and lunch.

 [HB 287](#) ●●●●●●●●●●

[SB 361](#)

Introduced 1/25/17

The “Hunger-Free Schools Act of 2017” renews the “Hunger-Free Schools Act of 2015” and allows school to continue to use the federal funding allowed through **CEP** without fear of losing state education funding.

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## MASSACHUSETTS

 [SB 848](#) ●●●●●●●●●●

Introduced 1/20/2017

Allowing food service entities or retail stores to donate food that would otherwise be **wasted** without liability for civil damages or injury.



[HB 3549](#)



Introduced 1/25/2017

Massachusetts School Building Authority, in collaboration with the Department of Education shall develop a 3-year pilot program for up to 1 school per calendar year with the purpose of updating school kitchen **equipment** for fresh food preparation. The Pilot Program shall include a Farm-to-School Grants Program to award local grants to help Massachusetts schools develop and sustain relationship with local producers. The bill also requires development of a farm-to-school community challenge 4-year pilot program.



[SB 242](#)



Introduced 1/23/2017

Requiring all K-12 schools where at least sixty percent of students are eligible for free or reduced meals to offer all students **breakfast after the bell**. Time spent by students consuming breakfast is considered instructional time when it is consumed in the students' classroom and instruction is being provided. Before September 2018 the State Department of Elementary and Secondary Education shall develop procedures for implementation of this initiative and shall annually collect information about breakfast after the bell at the end of each year of implementation.



[HB 327](#)



Introduced 1/23/2017

Expands the **Breakfast After the Bell** program by requiring all schools with more sixty percent or more free or reduced eligibility to serve breakfast after the instructional day has begun.



[HB 1199](#)



Introduced 1/19/2017

Authorizes food service establishments to donate their edible leftover cooked and nonperishable foods that would otherwise be **wasted food** to charitable organizations and exempts them from liability.

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## MICHIGAN



[SB 99](#)



Introduced 2/2/2017

Encourages a model **Farm to School** field trip program geared towards providing children with hands-on learning experiences on local farms.

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## MINNESOTA



[HF 652](#)



[SB 587](#)

Introduced 1/30/2017

Authorizes a school to renew an annual food service **management contract** up to three additional times.





[HF 1217](#)

Introduced 2/15/17

State reimbursement **funding** for each school lunch served increased by five cents.



[HF 2049](#)

[SF1657](#)

Introduced 3/2/2017

Establishes a **Farm to School** administrative support, technical assistance, training, and grant program to facilitate procurement of Minnesota grown food and increase children’s access to healthy fresh food. The bill also appropriates funds for the program.

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MISSISSIPPI



[HB 103](#)

Introduced 1/3/2017

Requires school districts to serve low-fat meals and snacks to students diagnosed as **overweight** and to those students whose parents have requested it.



[HB 104](#)

Introduced 1/3/2017

Requires school cafeterias to prepare menus in strict compliance with **federal nutrition standards** and to display the nutritional guide chart of the food pyramid.

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NEBRASKA



[LB 235](#)

Introduced 1/11/2017

Clarifies grant requirements for the **Summer** Food Service Program.

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NEVADA



[SB 3](#)

Prefiled 11/15/2016

Revises current **Breakfast After the Bell** Program law removing requirement for a 10% free-reduced participation increase each year. Instead, requires that schools must maintain free-reduced breakfast participation or communicate a plan to address the decline in participation.



[SB 167](#)

Introduced 2/13/2017

Makes an appropriation for the creation and maintenance of **school gardens**.

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## NEW JERSEY



[A 4363](#) ●●●●●●●●●●

Introduced 12/5/2016

Creates “Nourishing Young Minds Initiative Fund” in Department of Agriculture to help **fund** child food and nutrition programs.



[A3056](#) ●●●●●●●●●●

Introduced 2/16/2016

Requires the Department of Education to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle **food waste**; extends the “Food Bank Good Samaritan Act” providing immunity to public and nonpublic schools against civil and criminal actions.

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## NEW MEXICO - ADJOURNED MARCH 18, 2017



[HB 208](#) ●●●●●●●●●●

[SB 379](#)

Introduced 1/23/2017

Provides one million four hundred forty thousand dollars to be used from the public education department general fund for the purpose of providing **local** New Mexico-Grown fresh fruits and vegetables to school meals.



[SB 374](#) ●●●●●●●●●●

Introduced 2/10/2017

Sets specific guidelines for addressing **unpaid meal debt**. Regardless of whether a student has money to pay for a meal or carries an unpaid meal balance, the school must provide a meal that meets USDA standards to any student that requests one. If an unpaid meal balance exceeds the amount of five meals, the school must take certain specified steps to notify the parents.



[SB 346](#) ●●●●●●●●●●

Introduced 2/7/2017

Requiring **Charter Schools** to determine eligibility for and implement Free and Reduced price meal programs.



[HM 54](#) ●●●●●●●●●●

Introduced 2/13/2017

A memorial recognizing the importance of school meal programs and declaring February 20,2017 as “School Nutrition Day” in the New Mexico House of Representatives.

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## NEW YORK



[AB 1081](#) ●●●●●●●●●●

[SB 2768](#)

Introduced 1/10/2017

Allows individuals to make a gift on their personal tax form for the New York **farm to school** and school **garden** fund. The fund will be used to establish school gardens and purchase equipment and educational materials to promote student's consumption of local products.

 [SB 107](#) ●●●●●●●●●●

Introduced 1/3/2017

Outlines specified steps for reducing **food waste** in food service establishments.

 [AB 3456](#) ●●●●●●●●●●

Introduced 1/27/2017

Requires that all **contracts** to provide, maintain and operate a school cafeteria by a private food service **management company** must be awarded through a request for proposal procurement process.

 [AB 262](#) ●●●●●●●●●●

[SB 2030](#)


Introduced 1/4/2017

Requires the creation and posting of a food **allergy** poster in all food service establishments.

 [AB 329](#) ●●●●●●●●●●

Introduced 1/4/2017

Requires managers and employees hired by a food service establishment to complete **allergen** awareness training.

 [AB 3412](#) ●●●●●●●●●●

Introduced 1/26/2017

Requires food service establishments generating over a certain specified amount of food **waste** to take measures to minimize waste.

 [AB 5951](#) ●●●●●●●●●●

Introduced 2/16/2017

Establishes further restrictions for foods that may be sold in **vending machines** on school grounds.

 [SB 1430](#) ●●●●●●●●●●

[AB 7011](#)

Introduced 1/9/2017

Permits school districts to favor **locally** sourced goods.



[SB 1463](#)



[AB 7007](#)

Introduced 1/9/2017

Authorizes the commissioner of Education to create an annual award to recognize school staff involved in a **farm-to-school** program or school garden.



[SB 1471](#)



Introduced 1/9/2017

Authorizes the commissioner of the Department of Agriculture and Markets to conduct a study on Vermont's Food Education Every Day (VT-FEED) program and within one year make recommendations on how a similar program may be implemented in New York.



[SB 1904](#)



[AB 7003](#)

Introduced 1/11/2017

Authorizes the commissioner of Education to create an annual award to recognize students involved in a farm-to-school program or school garden. Students can be nominated by their principal or teacher.



[AB 3299](#)



Introduced 1/26/2017

Authorizes the commissioner of education to establish the school **breakfast** incentive program to provide grants to eligible school buildings or programs that increase participation in the school breakfast program by removing barriers to participation.



[SB 4980](#)



Introduced 3/3/2017

Directs the Office of General Services to implement a pilot program that provides warehouse space and technical assistance for the aggregation, storage and distribution of **locally** grown foods to regional school services through the NSLP.



[SB 3035](#)



Introduced 1/18/2017

Creates the school-to-pantry donation credit which allows schools to receive a credit for donating food cultivated in the school **garden**.



[SB 4486](#)



[AB 6132](#)

Requires school districts to purchase **local** food products grown, produced, harvested, or processed in New York state.

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## NORTH CAROLINA



[H 603](#)

Introduced 4/5/2017

Appropriating funds for the Small Farms to Healthier Schools Initiative, a partnership between school nutrition programs and **local** farmers.

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## OHIO



[SB 54](#)

Introduced 2/22/2017

Requires all schools with at least 50% free/reduced eligibility to allow an approved **summer food** service program sponsor to use school facilities to provide meals. The Department of Education must post a list of approved summer food service program sponsors that may use school facilities.

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## OKLAHOMA



[HB 1875](#)

Introduced 1/19/2017

Addresses **food waste** by authorizing a school to donate surplus food.

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## OREGON



[HB 2652](#)

Introduced 1/9/2017

The Department of Education may enter into a written agreement with a school district that qualifies under **CEP** to reimburse the school district for the portion of the cost of providing meals to students that is not reimbursed by the USDA.



[HB 2038](#)

Introduced 1/9/2017

Appropriates funds to the Department of Education for grant programs that allow school districts to purchase **local** Oregon food products and pay for costs related to food-based, agriculture-based and **garden**-based educational activities.

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## PENNSYLVANIA



[HR 140](#)

Introduced 3/9/2016

Designates the week of March 6 through March 10, 2017 as “National School Breakfast Week” in Pennsylvania.



[HB 872](#)

Introduced 3/16/2017

Requires food service employees to obtain emergency **first aid training** and certification. Provides for waivers of the training and certification under certain conditions.

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## SOUTH CAROLINA



[H 3047](#)

Introduced 1/10/2017

Requires schools to offer the same milk and meal choice to free/reduced price eligible students and students paying full price



[S 41](#)

Introduced 1/10/2017

Provides that by SY2018-19 each school district shall provide a nutritional, well-balanced school breakfast and lunch program at no cost to the student. Repeals requirement that a school must have at least 40% free/reduced eligibility to offer breakfast. Repeals assessment of continuation of providing a school meal to a student with an **unpaid meal** balance. Repeals state law allowing the State Board of Education to grant a hardship waiver. Schools that lack facilities or equipment to offer a school breakfast and lunch program shall receive the costs necessary from the State.

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## TEXAS



[SB 1696](#)

Introduced 3/9/2017

Requiring the Texas Department of Agriculture to conduct a study to determine the school districts eligible to implement **CEP**. The schools will be notified and in turn must conduct an economic analysis of cost savings that would result from participation in CEP. After receiving these analysis from the schools, The Department of Agriculture will submit a report on the number of school districts eligible and potential of cost savings it to the Governor and State legislature.



[HB 2159](#)

Introduced 2/21/2017

Requires schools to allow a grace period for students with **unpaid meal debt** of at least two weeks during which time the student will receive a regular meal. The school is directed follow certain specified steps in contacting and making arrangements with the student’s parent or guardian.



[HB 3743](#) ●●●●●●●●●●  
[SB 1683](#)

Introduced 3/9/2017

Requires a food **allergen awareness** poster to be displayed in food service establishments.



[HB 4206](#) ●●●●●●●●●●  
[SB 1310](#)

Introduced 3/10/2017

**Eliminates** the requirement that a school district must establish a local school health advisory **council**.



[SB 1308](#) ●●●●●●●●●●

Introduced 3/3/2017

**Eliminating** requirement that schools with at least 10% free or reduced price eligibility must enroll in **CEP**.

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## VERMONT



[HCR 34](#) ●●●●●●●●●●

Introduced 2/10/2017

A House resolution designating February 8, 2017 as **Farm to School** Awareness Day at the State House.



[S 33](#) ●●●●●●●●●●

Introduced 1/17/2017

Establishing a grant process for the Farm to School program.

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## WASHINGTON



[HB1068](#) ●●●●●●●●●●  
[S 5047](#)

Introduced 1/9/2017

Supplemental appropriations bill providing funding for the **elimination of reduced price** meals and expansion of breakfast and summer foods programs among other things.



[HB 1551](#) ●●●●●●●●●●  
[S 5708](#)

Introduced 1/23/2017

The “Apple a Day Act of 2017” establishes a competitive **equipment assistance** grant program. The superintendent must establish a competitive process that includes consultation with a Washing School Nutrition Association representative. Use of proposed equipment will enhance nutrition and improve student access to healthier foods. Funding priority is given to schools with at least fifty percent free or reduced-price eligibility.



[HB 1508](#) ●●●●●●●●●●

Introduced 1/23/2017

Requiring all schools with seventy percent or free and reduced eligibility must provide **breakfast after the bell**.



[SB 5696](#) ●●●●●●●●●●

Introduced 2/3/2017

Designating **breakfast after the bell** as instructional time in the classroom.



[HR 4065](#) ●●●●●●●●●●

Introduced 1/23/2017

House resolution recognizing the importance of combating **childhood hunger** and commending those that contribute effort.

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WEST VIRGINIA - ADJOURNED APRIL 9, 2017

[HB 2172](#) ●●●●●●●●●●

Introduced 2/8/2017

Requiring that school nutrition plans include take home meals for low income students.