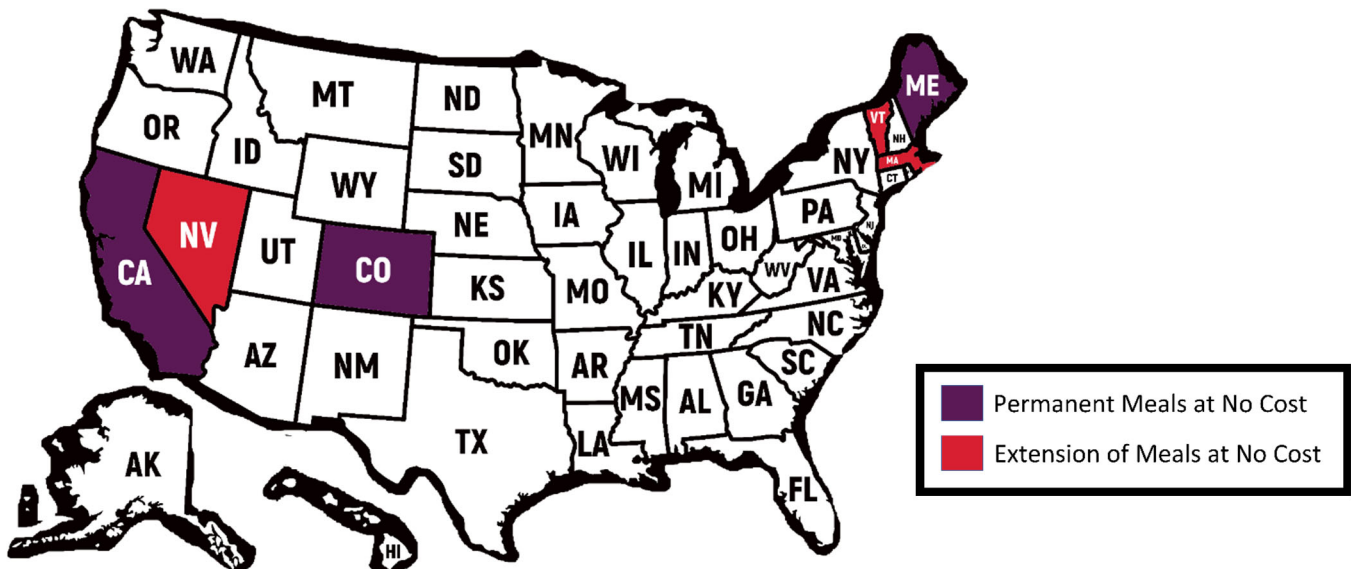




2022 STATE LEGISLATIVE SUMMARY: THIRD QUARTER REPORT

*This report is a summary of key school nutrition state legislation that changed status or was introduced between January 1 and September 30, 2022. The issue of **unpaid meal debt** remains a prominent trend in school nutrition legislation. This quarter:*

- 8 new bills were introduced
- 18 of the bills in this report have been signed into law
- 3 states now offer school meals at no cost to students on a permanent basis.
 - California [AB 130](#)
 - Colorado [HB 1414](#)
 - Maine [LD 1679](#)
- 3 states have expanded access to school meals at no cost to students for SY 2022-2023.
 - Massachusetts [FY2023 Budget](#)
 - Nevada [The Nevada Legislature Interim Finance Committee](#) approved up to [\\$75 million of American Rescue Plan Act funds](#)
 - Vermont [S. 100](#)
- 6 state legislatures (PA, NJ, NY, NC, MN, and TN) have legislation pending that would create free school meal programs. Please note the midterm elections might have an impact on legislative activity.



SNA state advocacy resources are a collaborative effort intended to support grassroots efforts at the local level. We welcome your updates at advocacy@schoolnutrition.org.

STATE LEGISLATIVE UPDATE

California

- [AB 1948](#) makes changes to student category classification for purposes of local control funding formula. The category of students eligible for free or reduced-price meals would be replaced with low-income students and students experiencing homelessness, as defined by this measure, in the categories of students who are unduplicated students. Students who are English learners or are low-income students, or both of these categories, will only be counted once. Students who are homeless, in foster care or both, or who are also English learners or low-income students will be counted twice. The imposition of additional duties on county superintendents of schools, school districts, and charter schools related to unduplicated students would impose a state-mandated local program.
In committee: Hearing postponed by committee 6/16/2022.
- [SB 1481](#) extends the state's Universal Meals Program to state licensed day care providers. This measure states that all meals will be reimbursed if they comply with federal nutrition standards. The Universal Meals Program was approved on July 9, 2021 and will be implemented in school year 2022-23.
August 11 hearing: Held in committee and under submission.
- [SCR 81](#) proclaims March 7 to March 11, 2022, as School Breakfast Week and recognize the importance of school nutrition programs and school nutrition staff in addressing the needs of the students.
Chapered by Secretary of State. Res. Chapter 32, Statutes of 2022, 4/04/2022.

Colorado

- [SB 087](#) reimburses schools for meals provided to students who are not eligible for free or reduced-price meals under federal meals programs. This bill would be effective for budget year 2023-24, subject to Colorado being selected to participate in the federal demonstration project to use Medicaid eligibility to identify students who are eligible for the federal school meals programs.
Senate Committee on Appropriations postpone indefinitely 5/10/2022.
- [HB 1334](#) amends the current statute regarding administrative fees for commodities. Under Colorado law, the department of human services may charge a monthly administrative fee to an agency that receives commodities through a food distribution program. This bill allows the state department to an administrative fee at least once every calendar year or when an agency's account balance reaches \$100 or more.
Signed into law by Governor 4/25/2022.

Connecticut

- [HB 5506](#) allocates 30 million dollars for "Free School Meals for Children." School Meals Assistance Revenue for Transition (SMART) funds will allow school food authorities that participated in the Seamless Sumer Option of the NSLP in SY2021-22 to continue to provide meals at no cost to all students, giving households more time to submit free and reduced-price meals applications for SY2022-23. The SMART funds will reimburse SFAs the difference between the Federal reimbursement rate for free meals and the reduced-price and paid reimbursement rates.
Signed into law by Governor 5/07/2022.

Hawaii

- [SCR 171](#) urges the Department of Education and State Public Charter School Commission to prioritize the hiring of dedicated staff to manage federal school meal programs.
Report adopted. Referred to House Committee on Finance 4/19/2022.
- [SR 163](#) urges the Department of Education and State Public Charter School Commission to prioritize the hiring of dedicated staff to manage federal school meal programs.
Certified copies of resolutions sent 6/06/2022.

Illinois

- [HR 615](#) urges the United States Congress to provide flexibility and accessibility provisions to several nutrition programs, including the summer meals program. It also calls on Congress to expand CEP, among other provisions.
Resolution adopted 3/17/2022.
- [HB 4813](#) exempts from contract bidding requirements contracts for goods, services, or management in the operation of a school's food service, including a school that participates in any USDA child nutrition programs.
Signed into law by Governor 6/29/2022.
- [SB 4147](#) requires schools to offer halal food options by request. This measure also details requirements regarding the provision of halal food in public schools.
Referred to Committee on Assignments 2/07/2022.

Kentucky

- [HB 80](#) requires the Kentucky Department of Education to cover any costs associated with the School Breakfast Program and the National School Lunch Program not reimbursed by federal funds.
Introduced 1/4/2022.
- [HB 435](#) or [SB 151](#) amends the current statute to provide children the opportunity to eat breakfast in the classroom during instructional time and expands decision making authority of this matter.
SB 151 was signed into law by Governor 3/29/2022.
- [House Floor Amendment 5 to HB 9](#) requires public charter schools to provide food programs to free and reduced- price qualifying students similar to the National School Lunch Program.
Delivered to Secretary of State 4/14/2022.

Louisiana

- [HB 986](#) removes the prohibition of disbursement of state appropriated funds for school nutrition programs to any private person or for profit entity.
Recommitted to the Committee on Education 5/10/2022.

Maine

- [HP 1258](#) increases obesity prevention in early care and education. This bill requires the Department of Education to revise its nutrition, physical activity, screen time and sugary drink standards and ensure

they match the standards stipulated by the USDA and other Federal agencies. This measure also requires reasonably scheduled meal periods and minimum mealtimes, in alignment with the standards set by the Healthy, Hunger-Free Kids Act of 2010. Contingent upon state funding, public school students would be eligible for breakfast and lunch free of charge. Students in a public school online learning programs would be eligible as well. The Department of Education will also be required to phase out artificial food dyes that cause adverse behavioral effects in children.

Dead. Died On Adjournment 5/09/2022.

- [HP 1544](#) adds students in private schools that enroll at least 60% publicly funded students and that participate in the National School Lunch Program to the State's school lunch and milk program and requires the State to provide funding to those private schools for the difference in cost not covered by federal reimbursement.

Signed into law by Governor 5/12/2022.

- [HP 156](#) an Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2021, June 30, 2022, and June 30, 2023.

Emergency signed by Governor 7/01/2021.

Maryland

- [HB 857](#) or [SB 971](#) requires eligible schools that receive a per pupil grant under the Concentration of Poverty Grant Program to provide students with free lunch.

HB 857 hearing scheduled 3/03/2022.

SB 971 hearing scheduled 3/15/2022.

Massachusetts

- [S 2781](#) prohibits the advertising of “non-compliant beverages.” The bill defines “non-compliant beverage” as beverages that do not meet the minimum nutrition standards for foods sold or served under school meal programs established by the U.S. Department of Agriculture under the Healthy, Hunger-Free Kids Act of 2010 and federal regulations implementing the Act. The bill also requires the department of elementary and secondary education to implement instruction in media literacy skills from the third grade to the twelfth grade so students can learn to analyze and assess advertising content for food, beverages, drugs and alcohol.

Reported favorably by Committee on Public Health and referred to the Senate Committee on Ways and Means 3/24/2022.

- [H 714](#) extends universal school meals for another year.

Reporting date extended to Sunday July 31, 2022, pending concurrence 6/02/2022.

Minnesota

- [SF 4113](#) or [HF 4300](#) requires schools that participate in the National School Lunch Program to provide free lunches to all enrolled students. Schools with an Identified Student Percentage at or above the federal percentage determined for all meals to be reimbursed at the free rate must participate in the

Community Eligibility Provision. The state would also have to fund the difference between the federal reimbursement and the average cost of a school meal.

SF 4113 Rule 45-amend, substitute. General Orders HF4300 4/28/2022.

HF 4300 Conference Committee created 5/05/2022.

- [SF 4477](#) or [HF 4782](#) requires schools that participate in the U.S. Department of Agriculture (USDA) School Breakfast Program to provide, at no cost, a federally reimbursable breakfast to all enrolled students each school day. The Department of Education would have to provide funding equal to the difference between the federal reimbursement and the average cost of a school breakfast as annually defined by USDA.

SF 4477 Senator Omar Fatheh added as cosponsor 4/19/2022.

HF 4782 Introduced and referred to the Education Finance and Policy Committee 4/07/2022.

- [SF 4547](#) requires schools that participate in the National School Lunch Program (NSLP) to provide a federally reimbursable lunch, at no cost, to all enrolled students each school day. A participating school with an Identified Student Percentage (ISP) at or above the Federal percentage determined for all meals to be reimbursed at the free rate must participate in the Community Eligibility Provision. The Minnesota Department of Education is required to cover the difference between the federal reimbursement and the average cost of a school meal. This measure also indicates that schools must offer meals to all students regardless of any previous outstanding balance in the student's meals account attributable to a la carte purchases or for any other reason.

Motion did not prevail to withdraw and be placed on General Orders 5/02/2022.

Missouri

- [HB 2433](#) requires schools that participate in the National School Lunch Program or School Breakfast Program to serve reimbursable meals to students who request them.

Referred to Committee on Elementary and Secondary Education 5/13/2022.

Nebraska

- [LB117](#) provides free breakfast and lunch to all Nebraska students.

Indefinitely postponed 4/20/2022.

New Hampshire

- [HB 1657](#) establishes a farm to school reimbursement program. This program would reimburse schools the cost of food purchases made from New Hampshire and New England farms. The bill also stipulates the criteria for eligible food categories and administrative processes. Eligibility is exclusive to school districts participating in the National School Lunch Program.

Dead. Inexpedient to legislate 2/16/2022.

- [HB 1058](#) provides public school students a period of 30 minutes to eat lunch.

Dead. Inexpedient to legislate 2/16/2022.

New Jersey

- [S 1343](#) or [A 3249](#) expands school breakfast program to all schools with five percent or more of students eligible for free or reduced-price meals.

S 1343 introduced in the Senate, referred to Senate Education Committee 2/03/2022.

A 3249 introduced, referred to Assembly Agriculture and Food Security Committee 3/07/2022.

- [S 1222](#) or [A811](#) directs the Department of Agriculture to implement online applications for the National School Lunch Program and School Breakfast Program.

S 1222 introduced in the Senate, Referred to Senate Education Committee 2/03/2022.

A 811 introduced, Referred to Assembly Education Committee 1/11/2022.

- [S 1508](#) amends the current statute to require all school districts to provide free meals to all students enrolled in school, regardless of federal eligibility requirements. The bill also states that the State will be responsible for the cost of school lunches for students deemed ineligible.

Transferred to Senate Education Committee from Senate Environment and Energy Committee 3/8/2022.

- [A 2368](#) or [S 1677](#) requires schools to offer free breakfast and lunch to students from working class and middle- income families, regardless of the percentage of students at the school that meet federal eligibility requirements. This bill also requires schools to provide school meals to middle-income students through the Breakfast After the Bell program or an emergency meals distribution program.

Signed into law by Governor 9/09/2022.

S 1677 substituted by A2368 6/29/2022.

- [SCR 121](#) Urges Congress to provide for universal school meals program.

Referred to Senate Education Committee 9/29/2022.

- [S 1661](#) or [A 1822](#) assists students with school meal bills in arrears. This legislation requires school districts to institute a "School Meal Fund."

S 1661 introduced in the Senate, referred to Senate Education Committee 2/14/2022.

A 1822 reported favorably from Assembly Education Committee and referred to Assembly State and Local Government Committee 3/10/2022.

- [A 3528](#) requires school districts with middle schools or high schools to establish a food services advisory committee to consider menu options that reflect students' cultural, traditional, and dietary preferences.

Introduced and referred to Assembly Education Committee 3/08/2022.

- [S 2322](#) requires the U.S. Department of Agriculture to design and implement the "breakfast after the bell" incentive fund. This fund will provide a 10-cent per breakfast supplement to the existing federal reimbursement to a public school district with schools that: participate in the federal school breakfast program; serve "breakfast after the bell;" and have 20 percent or more of its students eligible for free or reduced-price breakfast.

Introduced in the Senate and referred to the Senate Education Committee 3/21/2022.

- [SR 80](#) or [AR 135](#) urges schools to implement share tables to reduce food waste and help alleviate food insecurity.

SR 80 Introduced in the Senate and referred to Senate Environment and Energy Committee 3/24/2022.

AR 135 Introduced, referred to Assembly Agriculture and Food Security Committee 5/09/2022.

- [A 3925](#) or [S 531](#) requires public schools to comply with the school lunch and breakfast nutrition standards adopted by USDA in 2012.

A 3925 Introduced, referred to Assembly Agriculture and Food Security Committee 5/09/2022.

S 531 Introduced, referred to Senate Education Committee 1/11/2022.

- [AR 135](#) or [SR 80](#) requires public schools to comply with the school lunch and breakfast nutrition standards adopted by USDA in 2012.

AR 135 Introduced, referred to Assembly Agriculture and Food Security Committee 5/09/2022.

SR 80 Introduced, referred to Senate Environment and Energy Committee 3/24/2022.

- [S 2417](#) or [A 3233](#) requires the Department of Agriculture to develop and administer a two-year school breakfast kiosk pilot program in three school districts selected by the Commissioner of Education, with the intention of increasing participation of students in school breakfast through increased accessibility to breakfast items in the school.

S 2417 Introduced, referred to Senate Education Committee 5/09/2022.

A 3233 Introduced, referred to Assembly Education Committee 3/07/2022.

- [A 4043](#) requires schools to purchase locally grown or sourced produce, when available. This measure would also require the implementation of a process for farmers to donate surplus produce to schools.

Introduced, referred to Assembly Agriculture and Food Security Committee 5/16/2022.

- [A 4132](#) establishes the New Jersey Agricultural Literacy Week. It would be an annual week-long celebration to teach children, through a book designation and classroom activities, the importance of agricultural products and the role they play in providing the ingredients for meals.

Introduced, referred to Assembly Agriculture and Food Security Committee 6/02/2022.

- [A 4435](#) Provides anti-stigmatization protections to public school student whose school breakfast or school lunch bill is in arrears and requires school district to communicate about arrearages to parent and not to student.

Referred to Assembly Education Committee 9/15/2022.

- [S 2975](#) or [A 4495](#) Transfers jurisdiction over school meals programs from Department of Agriculture to Department of Education.

S 2975 Referred to Senate Education Committee 8/08/2022.

A4495 Referred to Assembly Agriculture and Food Security Committee 9/15/2022.

- [A 2365](#) or [S 1928](#) requires school food authorities to engage in public education campaigns and develop promotional materials to educate parents about existing and expanding school meals program options.

A 2365 signed into law by Governor 9/09/2022.

- [SCR 121](#) Urges Congress to provide for universal school meals program.

Introduced and referred to Senate Education Committee 9/29/2022.

- [A 4580](#) Revises NJ Farm to School Program to require schools to purchase locally grown produce and fruit when available and establishes grant program; appropriates \$2.5 million.

Introduced and referred to Assembly Education Committee 9/22/2022.

- [A 4588](#) Provides gross income tax credit for donations to eligible schools to assist in funding of student meals, medical supplies, and playground equipment.

Introduced and referred to Assembly Commerce and Economic Development Committee 9/22/2022.

New Mexico

- [HB 10](#) appropriates a \$625,000 recurring appropriation (see [HB 2](#) page 128) and eliminates copayments of reduced price school meals for eligible students. Funding is based on a per meal basis at the difference between the federal free meal rate and the reduced-price copayment rate. (Note: due to waivers providing free school meals during the pandemic, funding was not utilized then, and it reverted to the state's General Fund)

Signed into law by Governor 3/02/2020.

New York

- [A301](#) amends the education law to require public schools to offer plant-based food options, upon request by a student or person in a parental relation with a student.

Referred to Education Committee 1/06/2022.

- [A 9518](#) or [S 9144](#) requires schools that participate in the National School Lunch Program or School Breakfast Program to serve breakfast and lunch at no cost to students.

A 9518 Referred to Assembly Committee on Education 3/16/2022.

S 9144 Referred to Senate Committee on Education 5/11/2022.

- [A 10102](#) The "Making Equitable and Alternative Lunches (MEAL) Act" requires public schools to offer plant-based, halal and kosher food options. A student or person in a parental relation to the student would have the option to select an alternative meal or snack at the beginning of the school year and two additional times during the school year, as determined by such public school district.

Referred to Committee on Education 4/29/2022.

North Carolina

- [H 1074](#) or [S 887](#) known as the "Child Care Act." Local boards of education would be required to provide school nutrition services in the schools under their jurisdiction. This bill mandates lunch to be available for free to all students. It would also require an annual report, beginning in 2023, from the Department of Public Instruction detailing the number of students receiving free lunch, the number of free lunches served and the cost of implementing the free lunch program.

H 1074 referred to the House Committee on Finance 5/27/2022.

S 887 referred to the Committee on Rules and Operations of the Senate 5/27/2022.

- [H 1079](#) appropriate \$3.9 million for SY2022-23 to fund the reduced-price lunch copays for students who qualify under the National School Lunch Program. This bill requires the State Board to report annually, beginning in 2023, to the specified NCGA committee on unpaid meal charges in local school

administrative units.

Referred to the Committee on Rules and Operations of the Senate 5/27/2022.

- [S 855](#) mandates public schools to offer breakfast at no cost to students.

Referred to Senate Appropriations/Base Budget 5/27/2022.

- [S 856](#) mandates public schools to offer lunch at no cost to students.

Referred to Senate Appropriations/Base Budget 5/27/2022.

Oklahoma

- [SB 1624](#) designates the Board of Agriculture as the State Educational Agency. This bill assigns it oversight responsibility of the National School Lunch Act, as well as the implementer and administrator of all federal child nutrition programs administered by the State Board of Education. This bill also states that the Board of Agriculture shall apportion appropriations funds to school districts to ensure the provision of meals for children, in compliance with the National School Lunch Act, the Child Nutrition Act of 1966, and Public Law 91-248.

Referred to House Committee on Common Education 3/28/2022.

Pennsylvania

- [HR 185](#) urges the U.S. Congress to reauthorize the U.S. Secretary of Agriculture to issue school food program waivers.

Referred to Agriculture and Rural Affairs Committee 3/22/2022.

- [HB 2397](#) authorizes the provision or sale of Pennsylvania milk in Pennsylvania schools.

Referred to the Senate Committee on Agriculture and Rural Affairs 4/21/2022.

- [SB 1327](#) or [HB 2829](#) provides for the Universal School Meal Program and establishes the Universal School Meal Fund.

SB 1327 referred to the Committee on Education 9/13/2022.

HB 2829 referred to the Committee on Education 9/16/2022.

South Carolina

- [H 5074](#) creates the “Child Food and Nutrition Services Study Committee,” with the intention of making recommendations for transferring some federal child food and nutrition programs in the state to the Department of Agriculture.

Reported favorably from Committee on Agriculture and Natural Resources 5/03/2022. Scrivener's error corrected 5/04/2022.

Tennessee

- [SB 1897](#) or [HB 1744](#) requires school boards to establish a free school lunch and breakfast program in their jurisdiction. Meals would be provided free of cost to students enrolled in a school under the board’s jurisdiction. The state is required to reimburse each local education agency the cost of providing free breakfast and lunch after all has been applied.

SB 1897 passed on Second Consideration, referred to Senate Education Committee 1/27/2022.

HB 1744 referred to Committee on Finance, Ways, and Means Committee 4/06/2022.

Virginia

- [HB 587](#) requires public elementary and secondary schools to process applications for the School Breakfast and National School Lunch Program within five working days.
Signed into law by governor 4/11/2022.
- [HB30](#) Virginia's State Budget [expands eligibility for free school meals](#) through SY 2022-2023. Students with families at or below 185% of the federal poverty level are eligible for free school meals. Students are automatically eligible if anyone in their household receives benefits such as Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), Food Distribution Program on Indian Reservations or Medicaid. Schools will notify families if students are automatically eligible.
Signed by Governor 6/21/2022.

Washington

- [SB 5798](#) or [HB 1878](#) increases public school participation in the community eligibility provision of the United States department of agriculture.
SB 5798 referred to Committee on Ways & Means 1/31/2022.
HB 1878 signed into law by governor 3/04/2022.

Wisconsin

- [AB 805](#) provides additional state aid to public and private schools that provide free meals to all pupils.
Failed to pass pursuant to Senate Joint Resolution 3/15/2022.