

1 **AN ACT** *to create* 118.55 of the statutes; **relating to:** school nutrition.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill draft was prepared for the Joint Legislative Council’s Special Committee on Performance–Based Disease Management for Large Populations.

The national school lunch and school breakfast programs provide federal funding to schools to serve free and reduced–priced meals and snacks. In exchange for receiving federal funds, schools must serve meals and snacks that adhere to federal nutritional requirements set by the U.S. Department of Agriculture (USDA). USDA requires that school lunches must meet the applicable recommendations of the 1995 Dietary Guidelines for Americans, which recommend that no more than 30% of an individual’s calories come from fat and less than 10% from saturated fat. Federal guidelines do not apply to or limit the sale of a la carte or vending machine foods sold in addition to federally funded meals and snacks.

This draft specifies that, beginning in the 2012–13 school year, all public and charter schools must use the following requirements for foods sold outside of federally reimbursed USDA meal programs (school lunch, school breakfast, school milk, and nutritional improvement for the elderly): no more than 30% of its total calories shall be from fat (except for the sale of nuts or seeds), no more than 10% of its total calories shall be from saturated fat and the consumption of whole grains, fresh fruits, and fresh vegetables is encouraged. Soft drinks may not be sold in vending machines at any time of day on school grounds. Before the start of the school day until the end of the school day, only milk, water, and 100% fruit juice may be sold on school grounds. After the end of the school day, soft drinks that are not sold or dispensed by a vending machine may be sold on school grounds. Candy may not be sold in vending machines at any time of the day on school grounds. Candy that is not sold or dispensed by a vending machine may be sold after the end of the school day. School fundraising which involves the sale of food on or off of school grounds is encouraged to follow these requirements.

2 **SECTION 1.** 118.55 of the statutes is created to read:

3 **118.55 School nutrition.** In this section:

1 (1) "Candy" means any item that has sugar, including brown sugar, corn sweetener, corn
2 syrup, fructose, glucose, high-fructose corn syrup, honey, invert sugar, lactose, maltose,
3 molasses, raw sugar, sucrose, and syrup, listed as one of the first 2 ingredients.

4 (2) "Soft drink" means a flavored nonalcoholic beverage that contains sugar, corn
5 fructose, aspartame, or some other sweetener as an ingredient and includes all of the
6 following:

7 (a) Ginger ale, cola, or any other drink that is commonly referred to as a soft drink.

8 (b) Any fruit or vegetable drink that contains no more than 10 percent natural fruit or
9 vegetable juice.

10 (3) All of the following apply to public schools, and charter schools, including charter
11 schools operated under s. 118.40 (2r), and private schools as defined in s. 115.001 (3r):

12 (a) All food sold outside of programs under ss. 115.34, 115.341, 115.343 and 115.345,
13 before the start of the school day until the end of the school day shall meet all of the following
14 standards:

15 1. No more than 30 percent of its total calories shall be from fat. This subsection does
16 not apply to the sale of nuts or seeds.

17 2. No more than 10 percent of its total calories shall be from saturated fat.

18 3. The consumption of whole grains, fresh fruits, and fresh vegetables shall be
19 encouraged.

20 (b) Soft drinks may not be sold in vending machines on school grounds.

21 (c) Before the start of the school day until the end of the school day, only milk, water,
22 and 100 percent fruit juice may be sold on school grounds.

23 (d) After the end of the school day, in addition to the beverages available under sub. (c),
24 soft drinks that are not sold or dispensed by a vending machine may be sold on school grounds.

1 (e) Candy may not be sold in vending machines on school grounds. Candy that is not
2 sold or dispensed by a vending machine may only be sold after the end of the school day.

3 (f) School fundraising which involves the sale of food is encouraged to follow the
4 requirements in subs. (a) and (e).

5 **SECTION 2. Initial applicability.**

6 (1) The treatment of section 118.55 of the statutes first applies to to the 2012–13 school
7 year or the school year in which a contract with a vending machine company expires,
8 whichever is later.

NOTE: Requires all public schools, charter schools, and private schools beginning in the 2012–13 school year or when a school contract with a vending machine company expires, to use the following requirements for foods sold outside of federally reimbursed USDA meal programs: no more than 30% of its total calories shall be from fat (except for the sale of nuts or seeds), no more than 10% of its total calories shall be from saturated fat and the consumption of whole grains, fresh fruits, and fresh vegetables is encouraged. Soft drinks may not be sold in vending machines at any time of day on school grounds. Before the start of the school day until the end of the school day, only milk, water, and 100% fruit juice may be sold on school grounds. After the end of the school day, soft drinks that are not sold or dispensed by a vending machine may be sold on school grounds. Candy may not be sold in vending machines at any time of the day on school grounds. Candy that is not sold or dispensed by a vending machine may be sold after the end of the school day. School fundraising which involves the sale of food on or off of school grounds is encouraged to follow these requirements.