

SUBJECT: Limiting the types of beverages sold in public schools

COMMITTEE: Public Health — committee substitute recommended

VOTE: 6 ayes — Kolkhorst, Alvarado, S. Davis, Gonzales, Schwertner, Truitt

0 nays

5 absent — Naishtat, Coleman, S. King, Laubenberg, Zerwas

WITNESSES: *(On original bill:)*

For — *(Registered, but did not testify:* Troy Alexander, Texas Medical Association and Texas Public Health Coalition; Jennifer Allmon, Texas Catholic Conference, the Roman Catholic Bishops of Texas; Jay Arnold, Texas PTA; Lauren Dimitry, Texans Care for Children; Carrie Kroll, Texas Pediatric Society; Joel Romo, American Heart Association)

Against — Peggy Visio, Methodist Healthcare Ministries of South Texas

On — Kathy Golson, Texas Department of Agriculture

BACKGROUND: The Texas Department of Agriculture implemented the Texas Public School Nutrition Policy in 2004, establishing specific guidelines to regulate school nutrition programs. The provisions related to allowable beverages differ slightly for elementary versus middle and high school students. For example, drinks with more than 30 grams of sugar per 6 fluid ounces are prohibited for elementary students, while drinks with more than 30 grams of sugar per 8 fluid ounces are prohibited for middle and high school students.

DIGEST: CSHB 127 would limit the types of beverages sold to students in public schools. A public school could not allow the sale of any beverages on campus except:

- milk with a fat content of 1 percent or less;
- fluid milk substitutes (e.g., soy milk);
- water without sweeteners;
- 100-percent vegetable or fruit juices; or

- electrolyte drinks at the discretion of a coach of students engaged in at least one hour of physical activity.

The bill would not apply when school was not in session, before the breakfast period, or after the end of the last instruction period of the day. The Texas Department of Agriculture could adopt rules as necessary to carry out this provision.

The bill would take effect September 1, 2011, and apply beginning with 2012-13 school year.

**SUPPORTERS
SAY:**

CSHB 127 would help combat the state's obesity pandemic. Obesity rates in Texas have tripled in the last 30 years. We can fight this by limiting the sale of minimally nutritious drinks to children during the school day. Americans on average consume up to 300 more calories per day than they did 30 years ago, and roughly half of these extra calories come from sugary drinks. Minimally nutritious drinks can contain about 25 packets of sugar per 32-ounce drink, and our middle and high school students are downing these beverages at alarming rates.

The bill would refine the nutritional requirements in public schools to ensure that children have access to healthier beverages. Currently, 20.4 percent of children in Texas aged 10 to 17 are obese, and 80 percent of obese kids are likely to stay obese as adults. Texas children consume about half of their daily caloric intake during the school day, so it is important that schools play a role in cultivating healthier lifestyles.

CSHB 127 would help save money for Medicaid and the Children's Health Insurance Program (CHIP) while improving health outcomes over the longer term. Many Texas physicians have expressed concerns about higher rates of obesity-related conditions like type II diabetes, high blood pressure, and other chronic illnesses among young people. These disorders, typically seen in older populations, are completely preventable. This bill represents a common-sense approach that could have dramatically positive effects on health outcomes and state coffers.

The bill also would bring Texas schools in line with federal guidelines that will be implemented through the U.S. Department of Agriculture later this year, and would ensure consistency across public elementary, middle, and high schools in Texas.

CSHB 127 would not apply to the sale of drinks at events after school hours, such as football games, dances, or other extracurricular events. The bill would allow flexibility for school districts to set their own policies for beverages purchased off campus. A student could bring in a minimally nutritious beverage from home if permitted by the school policy.

OPPONENTS
SAY:

While the problem of childhood obesity is indeed serious, these concerns demand local and family-based solutions, rather than state mandates. School boards, principals, and parents are in the best position to determine what their children should consume, and the bill would take some of these decisions out of their hands.

OTHER
OPPONENTS
SAY:

CSHB 127 would represent a huge step in the right direction for curbing obesity rates and improving health outcomes for our young people, but the bill could do more to tackle this serious problem. One-percent flavored milk, including chocolate milk, would still be an allowable purchase in schools. While there may be some nutritional value to chocolate milk, the high sugar content makes it an unhealthy option. If we want to empower our young people to make good decisions about food, we cannot send them mixed messages.

NOTES:

The original version of the bill would have permitted the sale of milk with a fat content of 2 percent or less, while the committee substitute would limit the fat content of milk to 1 percent. The original bill also would have permitted the sale of fruit and vegetable juice containing at least 50 percent juice, rather than requiring 100-percent fruit or vegetable juice. The original bill would have listed the types of alternative nondairy milks (e.g., soy milk), while the committee substitute refers to these products more generally as fluid milk substitutes. The committee substitute would allow coaches to permit students engaged in at least one hour of physical activity to drink electrolyte beverages, while the original contained more specific guidance based on the sugar content.

The original bill also would have allowed the bill to take effect immediately if the bill received a two-thirds majority vote in each chamber. The substitute would take effect September 1, 2011.