

SUBJECT: Limiting the types of beverages that can be sold at public schools

COMMITTEE: Public Health — committee substitute recommended

VOTE: 9 ayes — Kolkhorst, Naishtat, Coleman, Collier, Cortez, S. Davis,  
Guerra, S. King, J.D. Sheffield

0 nays

2 absent — Laubenberg, Zedler

WITNESSES: For — Danielle Greenberg, Pepsico; (*Registered, but did not testify*:  
Troy Alexander, Texas Medical Association; Ellen Arnold, Partnership  
for a Healthy Texas; Jaime Capelo, Texas Chapter American College of  
Cardiology; Rodrigo Carreon; Brenda Eschberger, Texas Beverage  
Association; James Finck, Texas Alliance of YMCAs; Courtney  
Hoffman, Texas Food Bank Network; Marshall Kenderdin, Texas  
Pediatric Society; Irene Lugo; Katie Malaspina, Texans Care for  
Children; Margaret McGettrick, Texas Catholic Conference Education  
Department; Mario Munoz; Texas Merchandise and Vending  
Association; Joel Romo, American Heart Association; Josette Saxton,  
Texans Care for Children; Jeff Skelton, San Antonio Mayor's Fitness  
Council; Bryan Sperry, Children's Hospital Association of Texas)

Against — (*Registered, but did not testify*: Brent Connett, Texas  
Conservative Coalition)

On — (*Registered, but did not testify*: Christina Little Manley, 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 and prohibiting schools from selling or  
serving certain types of beverages. These guidelines differ slightly for  
elementary, middle/junior, and high school campuses.

DIGEST: CSHB 217 would allow only certain beverages to be sold on public  
elementary, middle, or junior high school campuses. Campuses could sell

or allow only the sale of:

- water without added sweetener;
- milk with a fat content of 1 percent or less;
- fluid milk substitutions allowed by the U.S. Department of Agriculture; and
- 100 percent vegetable or fruit juice.

These requirements would not apply when the school was not in session, before the beginning of the breakfast period, or after the end of the last class period.

The Department of Agriculture could adopt rules necessary to implement this bill. The bill would apply to contracts entered into or renewed between a school district and a vendor on or after September 1, 2013.

The bill would take effect on September 1, 2013.

**SUPPORTERS  
SAY:**

CSHB 217 would help prevent childhood obesity. In the United States, one out of three children is overweight or obese, and highly caloric drinks are a major contributor to the epidemic. Sugar-sweetened beverages are the largest source of added sugars in an adolescent's diet and can greatly increase their daily caloric consumption. Schools are in a unique position to help children make healthy and nutritious choices. By limiting the sale of minimally nutritious drinks to children throughout the school day, this bill would help curb the rising rates of obesity among Texas children.

CSHB 217 would save state money by reducing Medicaid and the Children's Health Insurance Program (CHIP) expenses, while improving long-term health outcomes. Many 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 diseases can be prevented with a healthy diet and reasonable sugar intake.

To promote uniformity with federal nutrition guidelines, the bill would not allow schools to sell 2 percent or whole milk. The National School Lunch Program – which aims to provide nutritionally balanced lunches – does not reimburse schools for serving these types of milk, so schools should not sell them to students.

OPPONENTS  
SAY:

CSHB 217 would be overly restrictive because it would prohibit schools from selling some beverages that have nutritional value and health benefits. For example, a school could not sell vitamin-infused drinks, or 2 percent and whole milk, which have been shown to lower the risk of heart disease. The bill should not limit these healthy options.

While the problem of childhood obesity is serious, it should be solved with 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 217 should be more restrictive. For example, schools still would be able to sell 1 percent flavored milk, including chocolate milk. While there may be some nutritional value to chocolate milk, the high sugar content makes it an unhealthy option. While the bill would represent a step in the right direction toward curbing obesity rates and improving health outcomes, the bill could do more to tackle this problem.