

BILL ANALYSIS

Senate Research Center
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S.B. 317
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Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 317 seeks to stop the selling of sugary drinks at public school campuses in Texas in order to combat childhood obesity.

According to the Centers for Disease Control and Prevention (CDC) report entitled *Overweight and Obesity*, in 2010, 29.2 percent of all Texas youths under the age of 18 have weight issues, with 15.6 percent being overweight and an additional 13.6 percent being obese. A 2011 report from the Trust for America's Health and the Robert Wood Johnson Foundation states that Texas is the 12th most obese state in the country.

S.B. 317 lays out what campuses can and cannot sell or allow to be sold during school hours. Drinks that may be sold on school campuses include water without added sweetener, one percent fat-content milk, fluid milk substitutions (those allowed by the United States Department of Agriculture under 7 C.F.R. Section 210.10), 100 percent vegetable juice, 100 percent fruit juice, zero-calorie electrolyte replacement, and zero-calorie vitamin enhanced water. It is important to note that even under this bill a coach is able to provide students with any electrolyte replacement beverage at his or her discretion after vigorous physical activity of one hour.

S.B. 317 seeks to help ensure the health of the children of the State of Texas, not to dictate their eating habits. This bill does not apply when school is not in session, before the breakfast period, or after the last class period, and students will still be able to bring any drinks they choose from home. Additionally, this bill only applies to public schools.

If enacted, this Act will go into effect September 1, 2013, and will be applicable beginning with the 2014-2015 school year.

As proposed, S.B. 317 amends current law relating to the types of beverages that may be sold to students on public school campuses.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of Agriculture in SECTION 1 (Section 12.0021, Agriculture Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 12, Agriculture Code, by adding Section 12.0021, as follows:

Sec. 12.0021. BEVERAGES ALLOWED TO BE SOLD TO STUDENTS ON PUBLIC SCHOOL CAMPUSES. (a) Prohibits a public school, except as provided by Subsection (b), from selling or allowing to be sold to a student on the school campus any type of beverage other than the following:

- (1) water without added sweetener;
- (2) milk with a fat content of one percent or less;

(3) fluid milk substitutions permitted by the United States Department of Agriculture under 7 C.F.R. Section 210.10;

(4) 100 percent vegetable juice;

(5) 100 percent fruit juice;

(6) zero-calorie electrolyte replacement or zero-calorie vitamin enhanced water beverages; or

(7) an electrolyte replacement beverage other than one described by Subdivision (6), but only if the electrolyte replacement beverage is provided at the discretion of a coach to students engaged in vigorous physical activity lasting at least one hour.

(b) Provides that Subsection (a) does not apply on a day that school is not in session, before the beginning of the breakfast period, or after the end of the last instruction period of the day.

(c) Authorizes the Department of Agriculture to adopt rules as necessary to administer this section.

SECTION 2. Provides that this Act applies beginning with the 2014-2015 school year.

SECTION 3. Effective date: September 1, 2013.