

SENATE BILL No. 357

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-24-8-5; IC 20-26-9.

Synopsis: Elimination of trans fat in school food. Provides that a school corporation, including a charter school, may not make available food containing industrially produced trans fat or use food containing industrially produced trans fat in the preparation of a food item served to students from any source during the school day or during any school event. Makes conforming amendments.

Effective: July 1, 2012.

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January 9, 2012, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

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SENATE BILL No. 357



A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 20-24-8-5, AS AMENDED BY P.L.90-2011,
- 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2012]: Sec. 5. The following statutes and rules and guidelines
- 4 adopted under the following statutes apply to a charter school:
- 5 (1) IC 5-11-1-9 (required audits by the state board of accounts).
- 6 (2) IC 20-39-1-1 (unified accounting system).
- 7 (3) IC 20-35 (special education).
- 8 (4) IC 20-26-5-10 (criminal history).
- 9 (5) IC 20-26-5-6 (subject to laws requiring regulation by state
- 10 agencies).
- 11 (6) IC 20-28-10-12 (nondiscrimination for teacher marital status).
- 12 (7) IC 20-28-10-14 (teacher freedom of association).
- 13 (8) IC 20-28-10-17 (school counselor immunity).
- 14 (9) For conversion charter schools only, IC 20-28-6, IC 20-28-7.5,
- 15 IC 20-28-8, IC 20-28-9, and IC 20-28-10.
- 16 (10) IC 20-33-2 (compulsory school attendance).
- 17 (11) IC 20-33-3 (limitations on employment of children).



- 1 (12) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student
 2 due process and judicial review).
 3 (13) IC 20-33-8-16 (firearms and deadly weapons).
 4 (14) IC 20-34-3 (health and safety measures).
 5 (15) IC 20-33-9 (reporting of student violations of law).
 6 (16) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative
 7 observances).
 8 (17) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8,
 9 or any other statute, rule, or guideline related to standardized
 10 testing (assessment programs, including remediation under the
 11 assessment programs).
 12 (18) IC 20-33-7 (parental access to education records).
 13 (19) IC 20-31 (accountability for school performance and
 14 improvement).
 15 (20) IC 20-30-5-19 (personal financial responsibility instruction).
 16 **(21) IC 20-26-9-20 (use of industrially produced trans fat in**
 17 **food).**

18 SECTION 2. IC 20-26-9-19, AS ADDED BY P.L.54-2006,
 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2012]: Sec. 19. (a) This section does not apply to a food or
 21 beverage item that is:

- 22 (1) part of a school lunch program or school breakfast program;
 23 (2) sold in an area that is not accessible to students;
 24 (3) sold after normal school hours; or
 25 (4) sold or distributed as part of a fundraiser conducted by
 26 students, teachers, school groups, or parent groups, if the food or
 27 beverage is not intended for student consumption during the
 28 school day.

29 However, this section applies to a food or beverage item that is sold in
 30 the a la carte line of a school cafeteria and is not part of the federal
 31 school lunch program or federal school breakfast program.

32 (b) A vending machine at an elementary school that dispenses food
 33 or beverage items may not be accessible to students.

34 (c) At least fifty percent (50%) of the food items available for sale
 35 at a school or on school grounds must qualify as better choice foods
 36 and at least fifty percent (50%) of the beverage items available for sale
 37 at a school or on school grounds must qualify as better choice
 38 beverages. Food and beverage items are subject to the following for
 39 purposes of this subsection:

- 40 (1) The following do not qualify as better choice beverages:
 41 (A) Soft drinks, punch, iced tea, and coffee.
 42 (B) Fruit or vegetable based drinks that contain less than fifty

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- 1 percent (50%) real fruit or vegetable juice or that contain
 2 additional caloric sweeteners.
- 3 (C) Except for low fat and fat free chocolate milk, drinks that
 4 contain caffeine.
- 5 (2) The following qualify as better choice beverages:
 6 (A) Fruit or vegetable based drinks that:
 7 (i) contain at least fifty percent (50%) real fruit or vegetable
 8 juice; and
 9 (ii) do not contain additional caloric sweeteners.
- 10 (B) Water and seltzer water that do not contain additional
 11 caloric sweeteners.
- 12 (C) Low fat and fat free milk, including chocolate milk, soy
 13 milk, rice milk, and other similar dairy and nondairy calcium
 14 fortified milks.
- 15 (D) Isotonic beverages.
- 16 (3) Food items that meet all the following standards are
 17 considered better choice foods:
 18 (A) Not more than thirty percent (30%) of their total calories
 19 are from fat.
 20 (B) Not more than ten percent (10%) of their total calories are
 21 from saturated ~~and trans~~ fat.
 22 (C) Not more than thirty-five percent (35%) of their weight is
 23 from sugars that do not occur naturally in fruits, vegetables, or
 24 dairy products.
- 25 (d) A food item available for sale at a school or on school grounds
 26 may not exceed the following portion limits if the food item contains
 27 more than two hundred ten (210) calories:
 28 (1) In the case of potato chips, crackers, popcorn, cereal, trail
 29 mixes, nuts, seeds, dried fruit, and jerky, one and seventy-five
 30 hundredths (1.75) ounces.
 31 (2) In the case of cookies and cereal bars, two (2) ounces.
 32 (3) In the case of bakery items, including pastries, muffins, and
 33 donuts, three (3) ounces.
 34 (4) In the case of frozen desserts, including ice cream, three (3)
 35 fluid ounces.
 36 (5) In the case of nonfrozen yogurt, eight (8) ounces.
 37 (6) In the case of entree items and side dish items, including
 38 french fries and onion rings, the food item available for sale may
 39 not exceed the portion of the same entree item or side dish item
 40 that is served as part of the school lunch program or school
 41 breakfast program.
- 42 (e) A beverage item available for sale at a school or on school

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1 grounds may not exceed twenty (20) ounces.
 2 SECTION 3. IC 20-26-9-20 IS ADDED TO THE INDIANA CODE
 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 4 1, 2012]: **Sec. 20. (a) As used in this section, "food containing**
 5 **industrially produced trans fat" means a food that contains**
 6 **vegetable shortening, margarine, or any kind of partially**
 7 **hydrogenated vegetable oil, unless the manufacturer's**
 8 **documentation or the label required on the food under applicable**
 9 **federal laws and regulations lists the trans fat content as zero (0)**
 10 **grams of trans fat per serving.**
 11 **(b) A school corporation, including a charter school established**
 12 **under IC 20-24, may not:**
 13 **(1) make available food containing industrially produced**
 14 **trans fat; or**
 15 **(2) use food containing industrially produced trans fat in the**
 16 **preparation of a food item served;**
 17 **to students from any source during the school day or during any**
 18 **school event.**
 19 **(c) The department shall establish rules under IC 4-22-2 to**
 20 **establish a procedure for monitoring compliance with this section**
 21 **by school corporations and may establish appropriate penalties for**
 22 **failure to comply with this section.**

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