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## A BILL FOR AN ACT

RELATING TO PUBLIC SCHOOLS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that section 204 of  
2 Public Law 108-265 requires participants in programs authorized  
3 by the Richard B. Russell National School Lunch Act or the Child  
4 Nutrition Act of 1966 to adopt wellness policies that include  
5 nutrition guidelines for all food available on school campuses  
6 during the school day. The purpose of the nutrition guidelines  
7 is to promote student health and reduce childhood obesity. The  
8 legislature finds that the State of Hawaii wellness guidelines  
9 pursuant to Public Law 108-265 provide that schools neither  
10 provide nor sell foods of minimal nutritional value, as  
11 determined by the United States Department of Agriculture. The  
12 legislature finds that most candy and some ice cream are of  
13 minimal nutritional value and that the current exception for  
14 candy and ice cream to the prohibition on the sale of  
15 merchandise at public schools is therefore inconsistent with the  
16 State of Hawaii wellness guidelines.



1           The purpose of this Act is to disallow the sale of ice  
2 cream and candy by public schools without the written permission  
3 of the department of education.

4           SECTION 2. Section 302A-1146, Hawaii Revised Statutes, is  
5 amended to read as follows:

6           "**§302A-1146 Schools; merchandise.** It shall be unlawful  
7 for any public school, without the written permission of the  
8 department, to operate stores or to sell merchandise, with the  
9 following exceptions: school lunches, milk, [~~ice cream, candy,~~]  
10 and products made or grown at the school as part of the  
11 educational program. The department [~~, with the advice of the~~  
12 ~~comptroller,~~] shall adopt rules in conformance with chapter 91  
13 necessary for the purposes of this section."

14           SECTION 3. Statutory material to be repealed is bracketed  
15 and stricken.

16           SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY:



JAN 13 2010



**Report Title:**

Department of Education; Prohibit Sale of Ice Cream and Candy

**Description:**

Disallows the sale of ice cream and candy by public schools in conformance to the State of Hawaii wellness guidelines.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

