

JAN 20 2010

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.



S.B. NO. 2118

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 Statutory material to be repealed is bracketed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.

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INTRODUCED BY:

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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.

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