



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 707

AMENDMENT NO. 2
(to be filled in by
Principal Clerk)

S707-ATL-32 [v.3]

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Comm. Sub. [NO]
Amends Title [YES]
Third Edition

Date 6-18, 2012

Representative LaRoque

1 moves to amend the bill on page 1, lines 2-3, by rewriting the lines to read:
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4 "AN ACT TO ENACT THE SCHOOL VIOLENCE PREVENTION ACT OF 2012; TO
5 LIMIT PRAYERS FOR JUDGMENT CONTINUED; AND TO REFORM NUTRITION
6 STANDARDS.";
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9 And on page 5, lines 27 and 28, by inserting between the lines the following:
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13 "SCHOOL NUTRITION STANDARDS

14 SECTION 11.1.(a) G.S. 115C-264.4 reads as rewritten:

15 "§ 115C-264.4. Other foods and beverages sold on campus.

16 (a) The State Board of Education shall adopt rules regarding nutritional standards for all
17 competitive foods and beverages sold to students. In promulgating its rules pursuant to this
18 section, the State Board of Education shall adopt either the Alliance for a Healthier
19 Generation's Competitive Foods and Beverage Guidelines or the National Academy of
20 Sciences, Institute of Medicine's Recommended Standards for Competitive Foods and
21 Beverages in Schools as the initial Statewide standards for competitive foods and beverages.
22 The rules shall include, but not be limited to, standards for calorie, fat, sugar, and sodium
23 content.

24 (b) For the purposes of this section, "competitive food" means any food or beverage
25 sold to students on school grounds that is not part of the School Breakfast or School Lunch
26 Programs. This includes, but is not limited to, vending machines, school stores, snack bars,
27 fund-raisers, and other informal food sales to students on the school campus. However, it does
28 not include food or beverages sold to students in culinary and other curriculum programs,
29 fund-raisers conducted after the end of the last lunch period of the day, and extracurricular
30 activities.



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1 (c) The State Board of Education shall periodically review the rules regarding
2 nutritional standards for competitive foods and beverages to ensure that they remain current,
3 science-based, and in compliance with federal law and regulations on competitive foods.

4 (d) Nothing in subsection (a) of this section shall prohibit a school from adopting
5 stricter rules with respect to food and beverage vending.

6 (e) No food vending or soft drinks shall be available to elementary school students."

7 **SECTION 11.1.(b)** The State Board of Education shall report to the Joint
8 Legislative Oversight Committee on Health and Human Services and the Joint Legislative
9 Education Oversight Committee on the status of the final rules required by Section 11.1(a) by
10 April 30, 2013.

11 **SECTION 11.1(c)** The State Board of Education shall adopt the rules required by
12 Section 11.1.(a) by April 30, 2013, and local boards of education shall implement these rules
13 by the beginning of the 2013-2014 school year.

14 **SECTION 11.1.(d)** G.S. 115C-238.29F is amended by adding a new subsection to
15 read:

16 "(h1) **Food and Beverages Sold on Campus.** – A charter school participating in the
17 National School Lunch Program shall comply with the rules regarding nutritional standards for
18 all competitive foods or beverages sold to students, as adopted by the State Board of Education
19 under G.S. 115C-264.4."

20 **SECTION 11.1.(e)** The charter schools shall implement the rules required by this
21 section by the beginning of the 2013-2014 school year.

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23
24 **CHILD CARE NUTRITION STANDARDS**

25 **SECTION 11.2.** G.S.110-91(2) reads as rewritten:

26 "(2) ~~Health Related Activities. – The Commission shall adopt rules for child care~~
27 ~~facilities to ensure that all children receive nutritious food and~~
28 ~~beverages according to their developmental needs. The Commission shall~~
29 ~~consult with the Division of Child Development of the Department of Health~~
30 ~~and Human Services to develop nutrition standards to provide for~~
31 ~~requirements appropriate for children of different ages. In developing~~
32 ~~nutrition standards, the Commission shall consider the following~~
33 ~~recommendations:~~

- 34 a. ~~Limiting or prohibiting the serving of sweetened beverages, other~~
35 ~~than 100% fruit juice, to children of any age.~~
36 b. ~~Limiting or prohibiting the serving of whole milk to children two~~
37 ~~years of age or older or flavored milk to children of any age.~~
38 e. ~~Limiting or prohibiting the serving of more than six ounces of juice~~
39 ~~per day to children of any age.~~
40 d. ~~Limiting or prohibiting the serving of juice from a bottle.~~
41 e. ~~Creating an exception from the rules for parents of children who~~
42 ~~have medical needs, special diets, or food allergies.~~

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- f. ~~Creating an exception from the rules to allow a parent or guardian, or to allow the center upon the request of a parent or guardian, to provide to a child food and beverages that may not meet the nutrition standards.~~
- g. Nutrition standards. – The Commission shall adopt rules for child care facilities to ensure that food and beverages provided by a child care facility are nutritious and align with children's developmental needs. The Commission shall consult with the Division of Child Development and Early Education of the Department of Health and Human Services to develop nutrition standards to provide for requirements appropriate for children of different ages. In developing nutrition standards, the Commission shall consider the following recommendations:
 - 1. Limiting or prohibiting the serving of sweetened beverages, other than one hundred percent (100%) fruit juice to children of any age.
 - 2. Limiting or prohibiting the serving of whole milk to children two years of age or older or flavored milk to children of any age.
 - 3. Limiting or prohibiting the serving of more than six ounces of juice per day to children of any age.
 - 4. Limiting or prohibiting the serving of juice from a bottle.
- h. Parental exceptions. –The Commission shall adopt rules for parental exceptions.
 - 1. Parents or guardians of a child enrolled in a child care facility may (i) provide food and beverages to their child that may not meet the nutrition standards adopted by the Commission and (ii) opt out of any supplemental food program provided by the child care facility. The child care facility shall not provide food or beverages to a child whose parent or guardian has opted out of any supplemental food program provided by the child care facility and whose parent or guardian is providing food and beverages for the child.
 - 2. The Commission, the Division of Child Development and Early Education of the Department of Health and Human Services, or any State agency or contracting entity with a State agency shall not evaluate the nutritional value or adequacy of the components of food and beverages provided by a parent or guardian to his or her child enrolled in a child care facility as an indicator of environmental quality ratings.
- i. Rest time. – Each child care facility shall have a rest period for each child in care after lunch or at some other appropriate time and

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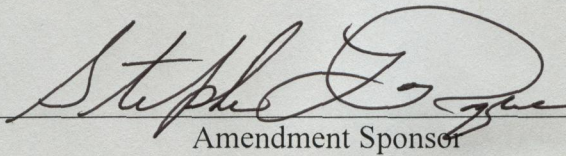
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arrange for each child in care to be out-of-doors each day if weather conditions permit."".

SIGNED


Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

FAILED

TABLED