

Legislative Analysis



SALES OF FOOD AND DRINK IN SCHOOL

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House Bill 4441

Sponsor: Rep. Frank Accavitti, Jr.

Committee: Education

Complete to 6-7-04

A REVISED SUMMARY OF HOUSE BILL 4441 AS INTRODUCED 3-25-03

House Bill 4441 would amend the Revised School Code to prohibit the sale of certain foods and beverages in public schools.

The bill would require the Department of Education, not later than September 1, 2003, to promulgate rules to provide for healthy eating in schools. The rules would have to include at least all of the following restrictions on sales of foods and drinks, whether as part of the school meal program or by vending machine or other food sales:

- a prohibition on the sale of chewing gum or candy bars; a food or drink that consists of 35 percent or more sugar or other sweetener; juice that is less than 100 percent real fruit or vegetable juice; and a food or drink containing more than 8 grams of fat per serving;

- a prohibition on the sale of soft drinks in elementary or middle schools; and

- an exemption from the application of the rules for a contract for the sale of food or drinks that was in effect on January 1, 2003, and for the sale of food or drinks under that contract, until the original terms of the contract expired.

The bill specifies that the requirements contained in the rules promulgated under this section of the law would be in addition to the requirements regarding school meal programs that must meet federal nutritional standards.

MCL 380.1271

FISCAL IMPACT:

This bill would have no state fiscal impact. However, it could create a local cost to school districts that receive revenue from vending machine sales of candy bars or sugared soda. To the extent that sales of sugared products would be reduced and not replaced with the sales of products allowed under HB 4441, schools would receive less revenue.

Also, some school districts receive revenues from contracts with large soft drink companies to place vending machines in their schools. These contracts could potentially be affected by HB 4441, if the terms of the contract required sales of products not allowable under HB 4441. However, the bill would exempt contracts that were in effect on January 1, 2003, so contracts issued before that time should not be effected.

The bill also requires that food or drink containing more than 8 grams of fat per serving be prohibited. This could have a negative impact on local revenues from lunches and other meals, if students did not purchase lower fat meals at the same rate as they purchased higher fat meals.

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