

[Second Reprint]

SENATE, No. 531

STATE OF NEW JERSEY
220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senators Turner and Pou

SYNOPSIS

Requires public schools to comply with lunch and breakfast nutrition standards adopted by USDA.

CURRENT VERSION OF TEXT

As amended by the Senate on February 27, 2023.



(Sponsorship Updated As Of: 2/10/2022)

1 AN ACT concerning school lunch and breakfast nutrition standards
2 and supplementing Title 18A of the New Jersey Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. The Legislature finds and declares that:

8 a. Child and adolescent obesity has reached epidemic levels in
9 the United States and poor diet combined with the lack of physical
10 activity negatively impacts students' health and their ability and
11 motivation to learn.

12 b. In New Jersey, the current obesity rate for children and
13 adolescents between the ages of 10 and 17 is 14.8 percent, which is
14 the 28th highest child and adolescent obesity rate in the nation.

15 c. Over the past 15 years, policymakers have taken significant
16 steps to implement new approaches through the National School
17 Lunch Program and federal School Breakfast Program in order to
18 address child and adolescent obesity.

19 d. Federally subsidized meal programs, which include the
20 National School Lunch and federal School Breakfast Program, are
21 required to have nutrition standards that meet specific dietary
22 guidelines. These guidelines can help prevent chronic diseases like
23 obesity, heart disease, high blood pressure, and Type 2 diabetes.

24 e. Under the nutrition regulations adopted in July 2012 under
25 the federal "Healthy, Hunger-Free Kids Act of 2010," public
26 schools were required to reduce the amount of calories, fat, and
27 sodium in school cafeterias and increase offerings of whole grains,
28 fruits and vegetables, and nonfat milk to the roughly 32 million
29 students who receive federally subsidized meals.

30 f. Public schools have worked diligently to overcome
31 operational challenges in the National School Lunch and federal
32 School Breakfast Programs created by meeting sodium, whole
33 grain-rich, and milk requirements and, by 2016, at least 90 percent
34 of schools were compliant in every state.

35 g. These more stringent nutrition standards have helped to
36 reduce the obesity rate for children and adolescents between the
37 ages of 10 and 17.

38 h. However, the United States Department of Agriculture has
39 recently announced its plans to lower nutrition standards for grains,
40 flavored milks, and sodium in school cafeterias that were part of the
41 regulations adopted in 2012 under the "Healthy, Hunger-Free Kids
42 Act of 2010."

43 i. Beginning next school year, schools can request an
44 exemption from the whole grain requirements and delay the sodium

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted January 12, 2023.

²Senate floor amendments adopted February 27, 2023.

1 mandate and schools will also be able to serve one percent flavored
2 milk instead of nonfat.

3 j. It is important for public schools in the State to abide by the
4 more stringent nutrition regulations that were adopted in 2012 under
5 the “Healthy, Hunger-Free Kids Act of 2010” in order for the State
6 to continue to reduce the obesity rate for children and adolescents.
7

8 2. a. A public school shall comply ², at a minimum,² with the
9 nutrition standards for the National School Lunch Program and
10 federal School Breakfast Program adopted by the United States
11 Department of Agriculture, as published in Volume 77, Number 17
12 of the Federal Register dated January 26, 2012 ²**], or any more**
13 **stringent nutrition standards]** . If more stringent standards for the
14 National School Lunch Program and federal School Breakfast
15 Program are adopted by the United States Department of
16 Agriculture on or after the date of enactment of
17 P.L. , c. (C.)(pending before the Legislature as this bill), a
18 public school shall comply with those more stringent nutrition
19 standards².

20 b. All reimbursable meals under the National School Lunch
21 Program and the federal School Breakfast Program shall ², at a
22 minimum,² comply with the nutrition standards for the National
23 School Lunch Program and federal School Breakfast Program
24 adopted by the United States Department of Agriculture, as
25 published in Volume 77, Number 17 of the Federal Register dated
26 January 26, 2012 ²**], or any more stringent nutrition standards]** . If
27 more stringent standards for the National School Lunch Program
28 and federal School Breakfast Program are adopted by the United
29 States Department of Agriculture on or after the date of enactment
30 of P.L. , c. (C.)(pending before the Legislature as this bill), a
31 public school shall comply with the more stringent nutrition
32 standards².

33
34 3. This act shall take effect immediately ¹and shall first apply
35 to the 2024-2025 school year¹.