

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 3196, 2339, 2356 and  
2905

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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ADOPTED SEPTEMBER 13, 2004

**Sponsored by:**

**Assemblyman CRAIG A. STANLEY**

**District 28 (Essex)**

**Assemblywoman LINDA STENDER**

**District 22 (Middlesex, Somerset and Union)**

**Assemblyman HERBERT CONAWAY, JR.**

**District 7 (Burlington and Camden)**

**Assemblyman ANTHONY CHIAPPONE**

**District 31 (Hudson)**

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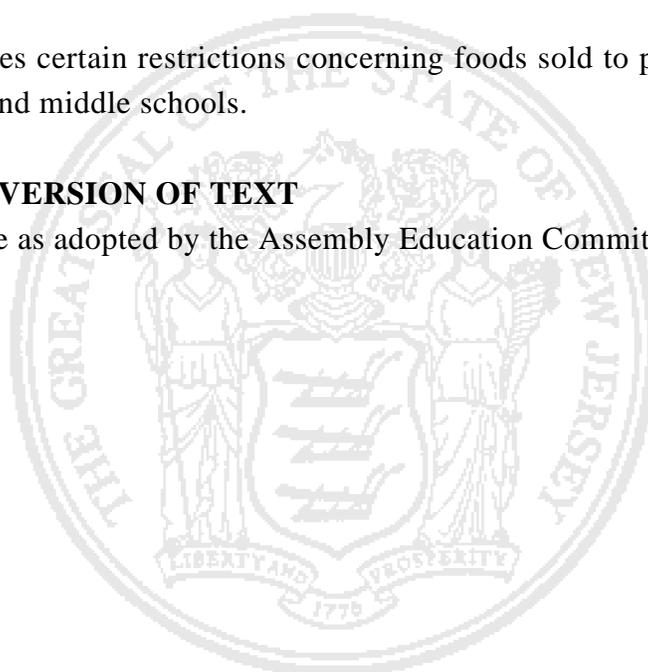
**Assemblyman Gordon**

**SYNOPSIS**

Establishes certain restrictions concerning foods sold to pupils at public elementary and middle schools.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Education Committee.



**(Sponsorship Updated As Of: 10/1/2004)**

1 AN ACT establishing certain restrictions concerning foods sold to  
2 pupils at public elementary and middle schools and supplementing  
3 chapter 33 of Title 18A of the New Jersey Statutes.

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

7  
8 1. The Legislature finds and declares that:

9 a. the federal Centers for Disease Control and Prevention has  
10 declared that obesity, which affects 61% of American adults, and  
11 childhood obesity, which affects up to 15% of American children  
12 between the ages of six and 17, are epidemics in the United States;

13 b. Congress has introduced the Improved Nutrition and Physical  
14 Activity Act (IMPACT Act) to address the overall concern with the  
15 obesity epidemic and, in particular, the need to educate youth about  
16 good nutrition, healthy eating habits, and the importance of physical  
17 activity;

18 c. the United States Surgeon General has issued a report entitled  
19 "The Surgeon General's Call to Action to Prevent and Decrease  
20 Overweight and Obesity," which lists the treatment and prevention of  
21 obesity as a national priority, and the United States Department of  
22 Agriculture issued a report to Congress in which it recognized that  
23 foods without regulated nutrition standards are low in nutrient density  
24 and are higher in fat, added sugar, and calories; and

25 d. health experts agree that one of the most effective ways to  
26 prevent obesity is to establish policies and programs that encourage  
27 children and adolescents to develop healthy eating habits that they can  
28 maintain throughout their lives.

29  
30 2. a. No food of minimal nutritional value, as defined by the  
31 United States Department of Agriculture, shall be sold to a pupil at a  
32 public elementary or middle school while the pupil is on school  
33 property until at least one-half hour after the end of the school day.

34 b. Before school opens and during school hours, a food item sold  
35 through a vending machine to a pupil at a public elementary or middle  
36 school:

37 (1) shall be a whole grain, enriched or fortified grain or grain  
38 product, a fruit or vegetable, a nut or nut spread, a seed, a legume, a  
39 trail mix, a soy-based product, a milk or dairy product, an electrolyte-  
40 replacement beverage, 100% real fruit or vegetable juice, or water;  
41 and

42 (2) shall not be a candy bar, a hard candy, chewing gum, or an item  
43 which consists of more than 35% sugar or other sweetener or more  
44 than eight grams of fat per serving.

45 c. Home-baked goods sold for a fundraiser shall be exempt from  
46 the criteria set forth in this section.

1       3. Each vending machine in a public high school shall contain at  
2 least one food item and one beverage which meet the dietary criteria  
3 set forth in subsection b. of section 2 of this act.

4

5       4. The Secretary of Agriculture, in consultation with the  
6 Commissioner of Education, shall promulgate guidelines to implement  
7 the provisions of this act and shall monitor compliance of school  
8 districts with the provisions of this act.

9

10       5. Nothing in this act shall be construed to prohibit the Secretary  
11 of Agriculture, in consultation with the Commissioner of Education,  
12 or the board of education of a public school district from establishing  
13 more stringent nutritional policies for public school students.

14

15       6. This act shall take effect immediately, but shall not apply to  
16 vacate any contract existing prior to its enactment until the expiration  
17 of the original terms of the contract.