



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 25

131st General Assembly  
(As Introduced)

Rep. Kunze

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## BILL SUMMARY

- Requires the State Board of Education to adopt rules, not later than 90 days after the bill's effective date, regarding the sale of beverages and food during the regular school day in connection with a school-sponsored fundraiser.
- Requires the State Board's rules to specify that, if a fundraiser takes place during the regular school day for not more than the equivalent of 30 school days during a school year, the fundraiser's sale of beverages and food is exempt from existing restrictions on such sales, so long as the beverages or food are not sold during the time of a meal service in the food service area.

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## CONTENT AND OPERATION

### Rules regarding the sale of beverages and food during the school day

The bill requires the State Board of Education to adopt rules, not later than 90 days after the bill's effective date, regarding the sale of beverages and food during the regular school day in connection with a school-sponsored fundraiser. The rules must specify that, if a fundraiser takes place during the regular school day for not more than the equivalent of 30 school days during a school year, the fundraiser's sale of beverages and food is exempt from existing restrictions on such sales (see "**Background**," below), so long as the beverages or food are *not* sold during the time of a meal service in the food service area.<sup>1</sup> For purposes of this provision, continuing law defines "regular

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<sup>1</sup> R.C. 3313.814(E)(2).

school day" as the period of each school day between the designated arrival time for students and the end of the final instructional period.<sup>2</sup>

Additionally, the bill specifies that each school district board, community school governing authority, STEM school governing body, or chartered nonpublic school governing authority may incorporate the rules adopted by the State Board into its own guidelines regarding the sale of food and beverages on school premises.<sup>3</sup>

## **Background**

Current law controls the nutrition value of foods and beverages that are sold in public and chartered nonpublic schools during school hours ("a la carte" items). There are separate restrictions depending on whether the "a la carte" item is a beverage or food. Generally, the options and serving sizes for beverages increase as students get older, but the sale of nondiet soda is prohibited in all grades during the restricted time. Additionally, during the restricted time, at least 50% of the "a la carte" beverages available for sale must be water or other beverages that contain no more than 10 calories per 8 ounces.<sup>4</sup>

Each public and chartered nonpublic school must use available software to determine the nutritional value of each "a la carte" food item available for sale at the school. The school may not sell "a la carte" food that is in the lowest rated category of foods designated by the software and must ensure that a certain percentage of the food available is in the highest rated category. Additionally, the school must require that each item not rated in the highest category contain a specified amount of protein, fiber, vitamins, and/or nutrients.<sup>5</sup>

The restrictions do not apply to any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event.<sup>6</sup>

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<sup>2</sup> R.C. 3313.814(A)(4).

<sup>3</sup> R.C. 3313.814(B) and (E)(2). R.C. 3313.814 applies to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11.

<sup>4</sup> R.C. 3313.816, not in the bill.

<sup>5</sup> R.C. 3313.817, not in the bill.

<sup>6</sup> R.C. 3313.814(A)(1).



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## HISTORY

ACTION

DATE

Introduced

01-29-15

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