



Legislation Text

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Int. No. 316

By Council Members Yassky, Quinn, Nelson, Barron, Brewer, DeBlasio, Felder, Gerson, Jackson, Sanders, Serrano, Reyna and Oddo

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of minimally nutritious foods and beverages at public schools.

Be it enacted by the Council as follows:

Section 1. Chapter 17 of the administrative code of the city of New York is hereby amended by adding a new chapter 9 to read as follows:

CHAPTER 9

JUNK FOOD AND SODA FREE SCHOOLS ACT

§17-901 Short title.

§17-902 Definitions.

§17-903 Prohibition of the sale of minimally nutritious foods and beverages in schools.

§17-904 Regulations.

§17-905 Contracts.

§17-906 Compliance.

§ 17-901 Short title. This chapter shall be known and may be cited as the “Junk Food and Soda Free Schools Act.”

§17-902 Definitions. For the purposes of this chapter, “minimally nutritious foods and beverages” means those foods and beverages that are included within the United States department of agriculture definition of a food of minimal nutritional value as defined in section 210.11(a)(2) of title VII of the regulations of the department of agriculture, or at a minimum, contain artificial color, artificial flavoring, artificial preservatives, trans fats, monosodium glutamate, hydrolysed vegetable protein, bleached or non-enriched flour, coconut oil or palm oil, or are comprised of over thirty percent sweeteners, or contain a sodium content/serving that is greater than one hundred milligrams. Minimally nutritious foods and beverages shall not include fruit based drinks that are composed of one hundred percent fruit juices and have no added sweeteners; drinking water; and milk, including, but not limited to, chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk.

§17-903 Prohibition of the sale of minimally nutritious foods and beverages in schools. a. The department of education shall ensure that no minimally nutritious foods and beverages are served in any public schools of the city school district of the city of New York during all hours that such schools are open for classes and during the half-hour period immediately following the end of such

classes held at such schools.

b. Minimally nutritious foods and beverages may be sold at public schools of the city school district of the city of New York in connection with fundraising activities or authorized school events which take place at least one half-hour after the end of classes held at such schools; provided, however, that vending machines, cafeterias, and student-operated stores shall not be used for such sales.

§17-904 Rules. The department of health and mental hygiene shall, after consultation with the department of education, promulgate rules which determine which foods and beverages shall be deemed to be minimally nutritious foods and beverages for the purposes of this chapter, and which shall prohibit the sale of such foods and beverages in all public schools within the school district of the city of New York during all hours that such schools are open for classes and during the half-hour period immediately following the end of such classes held at such schools, and which shall specify what foods and beverages are permissible for the purpose of this chapter.

§17-905 Contracts. This chapter shall not apply to any contract for the provision of minimally nutritious foods and beverage that was entered into prior to the effective date of the local law which added this chapter, if any such contract was entered into with the purpose of providing a public school or community school district with minimally nutritious foods and beverages for service during hours that such public schools are open for classes and/or during the half-hour period immediately following the end of such classes held at such schools; provided, however, that renewal, amendment or modification of any such contract occurring on or after such effective date shall be subject to the conditions specified in this chapter.

§17-906 Compliance. Any school which violates the provisions of section 17-903 shall be required to forfeit any income earned by such violation to the general fund of the city of New York.

§2. Effective date. This local law shall take effect one hundred and eighty days after its enactment; provided, however, that any rules consistent with this local law and necessary to its implementation may be promulgated prior to such effective date.

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