

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 104

H.P. 113

House of Representatives, January 21, 2003

### **An Act to Help Public Schools Promote Public Health and Address Childhood Obesity**

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Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FAIRCLOTH of Bangor.  
Cosponsored by Senator DOUGLASS of Androscoggin and  
Representatives: ANDREWS of York, CUMMINGS of Portland, FISCHER of Presque Isle,  
LEDWIN of Holden, THOMAS of Orono, TRAHAN of Waldoboro, Senator: BRENNAN of  
Cumberland.

2 **Be it enacted by the People of the State of Maine as follows:**

4 **Sec. 1. 20-A MRS §6403-B** is enacted to read:

6 **§6403-B. Healthy eating in schools**

8 By September 1, 2003, the department shall adopt rules  
10 providing for healthy eating in schools. Rules adopted pursuant  
12 to this section are routine technical rules as defined in Title  
14 5, chapter 375, subchapter 2-A. Rules adopted pursuant to this  
16 section must meet the requirements of this section.

18 **1. All schools.** In all schools, sales of the following  
20 foods and drinks are prohibited whether by school nutrition  
22 program, vending machine or competitive food sales: chewing gum,  
24 candy bars, food or drinks that are 35% or more sugar or other  
26 sweeteners, juices that are less than 100% real fruit juice and  
28 foods with greater than 8 grams of fat per serving.

30 **2. Elementary and middle schools.** In elementary and middle  
32 schools sales of soft drinks are prohibited.

34 **3. High schools.** In high schools sales of soft drinks  
36 containing sugar or caffeine are prohibited.

**4. Exemption.** Contractual agreements for the sale of food  
or drinks in all schools that were in effect on January 1, 2003  
and sales of food and drinks under those contracts are exempt  
from the application of the rules adopted pursuant to this  
section.

**SUMMARY**

This bill directs the Department of Education to adopt rules to prohibit the sale in schools of certain foods and drinks.