

LFC Requester:	Ruby Ann Esquibel
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**AGENCY BILL ANALYSIS
2018 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply: Date 02/02/18
Original **Amendment** **Bill No:** SM60
Correction **Substitute**

Sponsor: Senator Gay G. Kernan **Agency Code:** 924
REDUCE SCHOOL FOOD
WASTE **Person Writing**
Short **Analysis:** Debbie Rael
Title: _____ **Phone:** 827-1822 **Email:** Debbiem.rael@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		
N/A	N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	See fiscal implications	See fiscal implication			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None

Duplicates/Relates to Appropriation in the General Appropriation Act: None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Memorial 60 (SM60) requires the legislative education study and legislative health and human services committees to conduct a review of existing programs to reduce food waste in school food programs and to study ways to create and expand policies that allow unused or uneaten food help hungry children.

FISCAL IMPLICATIONS

Requiring school districts and schools to share unused and uneaten food to benefit hungry children could have a fiscal impact. Depending on how the unused or uneaten food is to be distributed, school districts and schools would be required to transport food while maintaining all food handling requirements (keeping foods hot or cold) and many schools and school districts do not have the equipment to transfer these foods. Non-perishable foods are easier to distribute.

SIGNIFICANT ISSUES

- School districts and schools participating in the National School Lunch Program and School Breakfast Programs have specific federal regulations to meet in relation to the New Meal Pattern requirements:
 - Serving sizes
 - Additional food cannot be distributed during the meal serving period
 - Criteria for reimbursement for meals
- Maintenance of production records to assist in reducing food waste and to plan for better menu planning.

Options

- Offer vs. Serve option - helps reduce food waste by giving students the opportunity to select the meal items they will eat. Offer versus serve is only required for high schools as opposed to elementary and middle schools.
- Waiver from PED option – allows flexibility with the requirements for serving students whole grain meal items such as pastas and tortillas and serving students flavored low-fat milk. This has helped reduce the amount of school meal waste.

- Guidance on the Food Donation Program in Child Nutrition Programs Option - stating that any program where food is not consumed may be donated to “eligible local food banks or charitable organizations” https://fns-prod.azureedge.net/sites/default/files/cn/SP11_CACFP05_SFSP07-2012os.pdf

In New Mexico, organizations such as the Road Runner Food Bank and New Mexico Food Bank accept donated meals.

Before ensuring food can be donated to nonprofit organizations, schools would have to determine if the food can be reused. For example, they would have to look at temperature logs to prevent potential illness.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None known.

TECHNICAL ISSUES

None identified.

OTHER SUBSTANTIVE ISSUES

None identified.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Technical assistance and materials from USDA Child Nutrition Programs and PED will continue to be available.

AMENDMENTS

None proposed.