

LFC Requester:	Liu
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SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
 Correction Substitute

Date Prepared: 01/30/23
 Bill No: SB234

Sponsor: Schmedes
 Short Title: NO SODA SALES ON SCHOOL GROUNDS

Agency Name and Code Number: PED - 924
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	None	None	N/A	N/A	NFA

(Parenthesis () Indicate Expenditure Decreases)

Relates to: [SB4, Healthy Universal School Meals](#)
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 234 (SB234) would prohibit soda from being sold, dispensed, or vended on the school grounds of any public pre-kindergarten, elementary school, secondary school, junior high school, or high school.

The bill defines:

- soda as “a beverage that contains carbonated water and a sweet flavoring;” and

- school grounds as “the buildings, playing fields, parking lots and other facilities located on a school's premises.”

FISCAL IMPLICATIONS

SB234 does not contain an appropriation.

SIGNIFICANT ISSUES

Federal regulations establish nutrition standards for beverages allow variation by age group for factors such as portion size and caffeine content. All schools are allowed to sell 100 percent fruit, and vegetable juices, and full-strength juice diluted with water, carbonated or non-carbonated, with no added sweeteners. Elementary schools are allowed to sell up to 8-ounce portions of allowable milk and juice beverages, while middle and high schools may sell up to 12-ounce portions. In high schools, the standards limit the maximum container size to 12-ounces for lower calories beverages and 20 ounces for calorie-free beverages. Beyond water, milk and juice, the nutrition standards provide additional calorie-free and lower-calorie beverage options for high school students:

- Calorie-free beverages, in up to 20-ounce portions; and
- Lower-calorie beverages with up to 40 calories per 8 ounces or 60 calories per 12 ounces. These may be sold in up to 12 ounce portions.

The nutrition standards do not restrict the sale of caffeinated beverages to high school students. The United States Department of Agriculture (USDA) encourages school districts to exercise caution when selecting items for sale to their students.

Any food and beverage sold to students at schools during the school day – defined as the midnight before to 30 minutes after the end of the school day – other than those foods provided as part of the school meal programs are required to meet federal standards. Examples include à la carte items sold in the cafeteria and foods sold in school stores, snack bars, and vending machines. Foods and beverages sold during fundraisers are also required to meet federal standards, unless these items are not intended for consumption at school or are otherwise exempt by the Public Education Department (PED).

Current rule and guidance do not prohibit the sale of sodas on school grounds after the school day is over. However, PED supports student access to healthier food and beverages. PED was [one of 16 state education agencies](#) to receive a five-year grant from the Centers for Disease Control (CDC) to support the implementation and evaluation of evidenced-based strategies and activities to:

- Prevent obesity and reduce the risk of children and adolescents developing chronic disease in adulthood.
- Manage chronic health conditions prevalent in student populations including poor health, asthma, food allergies, seizure disorders, diabetes, other diseases, and disabilities or conditions.

With this grant, the PED [Safe and Healthy Schools Bureau](#) seeks to increase the number of students who:

- consume nutritious food and beverages aligned with the [Dietary Guidelines for Americans](#);
- participate in daily physical education and physical activity; and
- can effectively manage their chronic health conditions.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

PED would need to promulgate rule or issue guidance to administer the provisions of the bill.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to: [SB4, Healthy Universal School Meals](#), which would expand free, high-quality meals to public school students.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

According to the CDC:

- added sugars are sugars and syrups that are added to foods or beverages when they are processed or prepared, as opposed to naturally occurring sugars such as those in fruit or milk;
- people older than two years old should keep sugars to less than 10 percent of their total daily calories, and children under two should not eat or drink any added sugars; and
- sugary drinks are the leading source of added sugars in the American diet.

A [2015 study](#) published on the National Institute of Health's National Library of Medicine, PubMed.gov, found that schools that banned sodas but offered other sugar-sweetened beverages saw an increase in consumption of the other available sugar-sweetened drinks. However, sugary drink intake was not elevated where both states and schools limited sugar-sweetened drinks overall.

[Another study posted on PubMed.gov](#), however, noted that even if schools banned sugar-sweetened beverages, middle-schoolers' overall consumption of sugary drinks was not reduced, simply their ability to obtain sugary drinks while in school.

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

N/A

AMENDMENTS

The sponsor of the bill may wish to consider further defining the term "soda" or use terms that align with [federal nutrition standards for beverages](#), which provide variation by age group for factors such as portion size and caffeine content, for milk, juice, diluted juice, and low- and no-calorie beverages.