

HOUSE No. 2063

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to student health and education..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 71 of the General Laws is hereby amended by adding at the end
2 thereof, the following two sections:

3 Section 90. As used in this section and in section 91, the following words shall have the
4 following meanings unless the context clearly requires otherwise:

5 “Added sweetener”, any additive that enhances the sweetness of a beverage, including
6 but not limited to added sugar, but does not include natural sugar or sugars that are contained
7 within the fruit juice which is a component of the beverage.

8 “One hundred percent juice”, is juice that contains at least 10% of the recommended
9 daily value for three or more vitamins and minerals.

10 “Elementary school”, a public school that maintains any grade from pre-kindergarten to
11 grade 6, inclusive, but no grade higher than grade 8.

12 “Middle school”, a public school that maintains any of grades 5 to 9, inclusive, but no
13 grades higher than grade 9 and no grade lower than grade 5.

14 “High school”, a public school maintaining any of grades 9 to 12, inclusive.

15 “Extended school day”, shall include the regular school day and activities such as clubs,
16 yearbook, band and choir practice, student government, drama and childcare/latchkey programs.
17 It shall not include school-related events such as interscholastic sporting events, school plays,
18 and band concerts where parents and other adults constitute a significant portion of the audience
19 or selling beverage as boosters.

20 Section 91. The following applies to any beverages sold in Massachusetts public schools
21 excluding the National School Lunch and Breakfast Programs.

22 (a) In elementary schools only the following beverage options shall be sold to pupils
23 during the regular and extended school day:

24 (1) Bottled water,

25 (2) Up to 8 ounce servings of fat free or low fat milk. Milk includes nutritionally
26 equivalent milk alternatives (per USDA),

27 (3) Up to 8 ounce servings of fat free or low fat nutritionally equivalent flavored milk up
28 to 150 calories / 8 ounces,

29 (4) Up to 8 ounce servings of 100% juice, with no added sweeteners and up to 120
30 calories / 8 ounces.

31 (b) In middle schools only the following beverage options shall be sold to pupils during
32 the regular and extended school day:

33 (1) Bottled water,

34 (2) Up to 10 ounce servings of fat free or low fat milk. Milk includes nutritionally
35 equivalent milk alternatives (per USDA),

36 (3) Up to 10 ounce servings of fat free or low fat nutritionally equivalent flavored milk up
37 to 150 calories / 8 ounces,

38 (4) Up to 10 ounce servings of 100% juice, with no added sweeteners and up to 120
39 calories per serving,

40 (c) In high schools only the following beverage options shall be sold to pupils during the
41 regular and extended school day:

42 (1) Bottled water,

43 (2) No or low calorie beverages with up to 10 calories / 8 ounces,

44 (3) Up to 12 ounce servings of fat free or low fat milk. Milk includes nutritionally
45 equivalent milk alternatives (per USDA),

46 (4) Up to 12 ounce servings of fat free or low fat nutritionally equivalent flavored milk up
47 to 150 calories / 8 ounces,

48 (5) Up to 12 ounce servings of 100% juice with no added sweeteners and up to 120
49 calories / 8 ounces,

50 (6) Up to 12 ounce servings of other beverages with no more than 66 calories / 8 ounces,

51 (7) At least 50% of non-milk beverages must be water and no or low calorie options (up
52 to 10 calories / 8 ounces).

53 (d) If middle school and high school students have shared access to areas on a common
54 campus or in common buildings, then the school community has the option to adopt the high
55 school standard.