

**HOUSE . . . . . No. 3221**

The Commonwealth of Massachusetts

PRESENTED BY:

*Jennifer E. Benson*

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to healthy eating in school cafeterias.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/15/2015</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>	<i>12/23/2019</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>12/23/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>12/23/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>12/23/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>12/23/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>12/23/2019</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>	<i>12/23/2019</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>	<i>12/23/2019</i>
<i>Brian A. Joyce</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>12/23/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>12/23/2019</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>12/23/2019</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>12/23/2019</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>3/20/2015</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>	<i>12/23/2019</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>12/23/2019</i>

**HOUSE . . . . . No. 3221**

By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 3221) of Jennifer E. Benson and others relative to school nutrition. Education.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court  
(2015-2016)

An Act relative to healthy eating in school cafeterias.

*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 111 of the General Laws is hereby amended by inserting after  
2 section 223, as appearing in the 2012 Official Edition, the following section:-

3 Section 223A. Notwithstanding section 223, a public elementary or secondary school  
4 may apply for and be granted a waiver from compliance with 105 CMR 225.000 et seq. or any  
5 other school nutrition regulations promulgated pursuant to section 223 by the department, in  
6 collaboration with the department of elementary and secondary education.

7 The department of elementary and secondary education, in collaboration with the  
8 department of public health, shall establish criteria and procedures for determining whether  
9 applicants may be granted the waiver; provided, however, no waiver shall be granted unless the  
10 applicant shows compelling circumstances. Compelling circumstances shall include  
11 circumstances where:

12 (i) an applicant is able to show that a waiver will allow more flexibility with their menu  
13 planning to allow greater creativity within the meals offered to their student population;

14 (ii) an applicant is able to show that a waiver will allow healthier food preparation; or

15 (iii) an applicant is able to show that a waiver will allow more techniques to foster  
16 healthy eating within their student population.

17 A waiver granted under this section may be a waiver from all nutritional restrictions set  
18 forth in 105 CMR 225.000 et seq. or may be limited to certain nutritional standards set forth  
19 therein, including but not limited to grain restrictions, fats restrictions, or calories restrictions.

20 The department of elementary and secondary education shall develop and furnish the  
21 application form required for a waiver pursuant to this section.

22 SECTION 2. There shall be a pilot program for public elementary and secondary schools  
23 with the purpose of updating school kitchens for fresh food preparation and storage. The  
24 Massachusetts School Building Authority, referred to in this section as the Authority, in  
25 collaboration with the department of elementary and secondary education, shall develop a 3-year  
26 pilot program for up to 1 school per calendar year.

27 Eligible schools electing to participate in the pilot program shall notify the Authority  
28 through an application procedure established by the Authority, on or before January 31 of each  
29 calendar year during the pilot program.

30 After the initial application, the Authority may determine the best candidates for the pilot  
31 program using the following criteria:

32 (i) the scope of renovations needed to fully update the kitchen to prepare fresh food;

33 (ii) the school's capacity to implement such measures;

34 (iii) the school's plans on how best to use a newly renovated space with the additional  
35 features to allow for fresh food preparation; and

36 (iv) any additional criteria as established by the Authority.

37 Schools electing to participate shall be eligible for financial support of up to 70 per cent  
38 of the cost for updating the kitchen, as determined by the Authority, using criteria established  
39 pursuant to this section.

40 The Authority shall develop guidelines for a quarterly review of the progress being made  
41 by each pilot school kitchen. Strategies shall be researched to fully utilize the kitchens space to  
42 prepare and store fresh and nutritious food for students.

43 The participating schools shall prepare and submit an annual report during each year  
44 renovation is taking place and 3 years thereafter analyzing the implementation and efficacy of  
45 the pilot program to determine evidence-based standards for school kitchens to adhere to across  
46 school districts in the commonwealth. The schools shall submit such annual report to the joint  
47 committee on education and the house and senate committees on ways and means on or before  
48 September 1 of each year such report is required.

49 SECTION 3: (a) There shall be a 4-year pilot program within the department of public  
50 health, in conjunction with the department of elementary and secondary education and the  
51 department of agriculture, to create a farm-to-school community challenge which aims to  
52 promote locally grown food as well as nutritious school meals with the purpose of providing  
53 evidence that communities gain positive changes in the eating habits of children and adolescents.

54           The farm-to-school pilot program aims to improve access to local foods in eligible  
55 schools; increase the supply of fresh, locally grown farm products served for meals and snacks in  
56 in public elementary and secondary schools and incorporates better education and engagement  
57 around healthy food choices. The program shall be implemented in a collaborative manner that  
58 recognizes the specific expertise of the agencies and makes effective use of that expertise to  
59 more efficiently implement a successful program.

60           (b) The pilot program shall include a farm-to-school grant program. The program shall be  
61 administered by the department of elementary and secondary education and shall have the  
62 following purposes:-(i) Improve the health and nutrition of school children and adolescents in the  
63 commonwealth by increasing their consumption of fresh farm commodities, including fruits,  
64 vegetables, and nuts, as appropriate. (ii) Conduct a needs assessment and menu audit to  
65 determine the next steps to creating a farm to school plan.(iii) Increase opportunities for farmers  
66 in the commonwealth to market directly to local schools and school districts.(iii) Provide  
67 information and technical assistance to schools and school districts, food service personnel,  
68 farmers, and produce distributors and processors regarding the demand for and the availability of  
69 farm products in the commonwealth, with an emphasis on locally and regionally grown  
70 products.(iv) Identify and reduce barriers in order to successfully implement farm-to-school  
71 programs.(v) Promote successful models and strategies for local farm-to-school programs to  
72 school districts, food service personnel, farmers, distributors, and processors.(vi) Identify local  
73 food vendors and products that can be obtained by the participating school and introduced into  
74 the school menu. (vii) Provide school districts with the opportunity to develop a long-term  
75 strategy that supports locally sourced products, interactive menu planning, and an educational  
76 framework to provide increased learning opportunities to students in order for them to make

77 informed and healthier food choices. (viii) Provide a framework for sustained state funding for  
78 school districts who voluntarily participate in the farm-to-school program.(ix) Provide for  
79 accountability to ensure the efficient and effective implementation of the farm-to-school program  
80 in participating schools.

81 (c) Any school participating in the pilot program, including the grant program, shall  
82 adhere to the following requirements:-(i) Schools selected to participate in the pilot program  
83 shall keep records of the fruits and vegetables received under the pilot project in such manner  
84 and form as requested by the commissioner of elementary and secondary education; (ii) Each  
85 participant shall submit to the commissioner of elementary and secondary education a report on  
86 the success of the pilot project including information on: (a) the quantity and cost of each type of  
87 fruit and vegetable received under the pilot project; and (b) the benefit provided by those  
88 procurements in conducting school food service in the school, including meeting school meal  
89 requirements;(iii) A record of each vendor used; (iv) A record of menu changes that were  
90 affected by the fresh food procurement and the pilot program;(v) Changes to the wellness policy  
91 that occurred as a direct effect of the changes in fresh food availability at the participating  
92 school.

93 (vi) Any additional requirements promulgated by the commissioner of elementary and  
94 secondary education.

95 (d) The participating schools shall prepare and submit an annual report analyzing the  
96 implementation of the pilot program to determine evidence-based standards for schools to adhere  
97 to across the commonwealth. The schools shall submit such annual report to the joint committee  
98 on education and the house and senate committees on ways and means on or before September 1

99 of each pilot year. Participating schools must meet the challenges required pursuant to this  
100 section by January 1, 2020.

101 (e) (1) The department of elementary and secondary education, the department of  
102 agricultural resources and the department of public health shall collaborate with each other to  
103 establish a farm-to-school interagency task force to coordinate and advance the work of the pilot  
104 program. The task force shall consist of 13 members to be appointed by the governor, 2 of whom  
105 shall be nominated by the commissioner of the department of elementary and secondary  
106 education, 2 of whom shall be nominated by the commissioner of agricultural resources, 2 of  
107 whom shall be nominated by the commissioner of public health, 1 shall be a representative of a  
108 school district, 1 shall be a representative from the food service industry, 1 shall be a farmer in  
109 the commonwealth, 1 shall be a food distributor in the commonwealth, 1 shall be a food  
110 processor in the commonwealth, 1 shall be a representative from an agricultural organization  
111 with a level of expertise in farm-to-school programs and 1 shall be a representative from a  
112 nonprofit organization with expertise in community food security.

113 (2) The task force shall:

114 (i) Identify and promote the critical components of individual farm-to-school programs  
115 and advise the department of elementary and secondary education on needed actions and  
116 effective strategies to implement the program.

117 (ii) Consider all of the following issues, in addition to any others it deems necessary:

118 (A) packing and grading standards;

119 (B) food safety;

- 120 (C) ensuring timely payments to farmers participating in farm-to-school programs;
- 121 (D) informing schools of the availability of farm products;
- 122 (E) the adequacy of staffing, storage, and preparation equipment necessary to operate a  
123 farm-to-school program; and
- 124 (F) promoting curriculum that links farm-to-school program activities to existing state  
125 academic content standards.

126 SECTION 4. Section 223A of chapter 111 of the General Laws shall take effect July 1,  
127 2017; provided, however, that the procedure and application for waiver established by the  
128 department of elementary and secondary education thereunder shall be implemented before the  
129 start of the 2017 school year.