

House Bill 3015

Sponsored by Representative NERON; Representative RUIZ (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Bans certain items from being added to food and beverages sold in schools. (Flesch Readability Score: 69.9).

Prohibits certain food and beverage items sold to students in public schools from including Red Number 3, potassium bromate or propylparaben.

Takes effect on July 1, 2027.

A BILL FOR AN ACT

Relating to school nutrition; amending ORS 336.423; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 336.423 is amended to read:

336.423. (1) As used in this section:

(a) "Entree" means a food that is generally regarded as being the primary food in a meal and includes, but is not limited to, sandwiches, burritos, pasta and pizza.

(b) "Snack" means a food that is generally regarded as supplementing a meal and includes, but is not limited to, chips, crackers, onion rings, nachos, french fries, doughnuts, cookies, pastries, cinnamon rolls and candy.

(2) Except as provided in subsection [(6)] (7) of this section, all food and beverage items sold to students in a public kindergarten through grade 12 school must at a minimum meet the standards required by this section.

(3) A food or beverage item sold to students in a school during the times described in subsection (6)(a) of this section may not contain:

(a) The federal Food, Drug, and Cosmetic Act's Red Number 3 (American Chemical Society Registry Number 16423-68-0);

(b) Potassium bromate; or

(c) Propylparaben.

[(3)] (4) The following shall apply to all food sold to students in a school during the times described in subsection [(5)(a)] (6)(a) of this section:

(a) A snack item may be sold only in a single-serving size and:

(A) May not have more than 35 percent of the total calories from fat. This requirement does not apply to snack items that are legumes, nuts, nut butters, seeds, seed butters, eggs, nonfried vegetables and cheese.

(B) May not have more than 10 percent of the total calories from saturated fat. This requirement does not apply to snack items that are nuts, nut butters, seeds, seed butters, eggs and cheese.

(C) May not contain more than 35 percent sugar by weight. This requirement does not apply to fruit and vegetables.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (D) May not contain more than 0.5 grams of trans fat per serving.
- 2 (E) May not contain more than 150 total calories if sold in a school in which the highest grade
3 level in the school is grade 5 or less.
- 4 (F) May not contain more than 180 total calories if sold in a school in which the highest grade
5 level in the school is grade 6, 7 or 8.
- 6 (G) May not contain more than 200 total calories if sold in a school in which the highest grade
7 level in the school is grade 9, 10, 11 or 12.
- 8 (b) An entree item that is sold individually:
- 9 (A) May not contain more than four grams of fat per 100 calories.
- 10 (B) May not contain more than 450 total calories.
- 11 [(4)] (5) The following shall apply to all beverages sold to students in a school during the times
12 described in subsection [(5)(a)] (6)(a) of this section:
- 13 (a) If the beverage is sold in a school in which the highest grade level in the school is grade 5
14 or less, the beverage may not contain caffeine and may be only:
- 15 (A) Water.
- 16 (B) Fruit or vegetable juice, provided the beverage item is not more than eight ounces, is 100
17 percent juice or 100 percent juice diluted with water, has no added sweeteners and contains no more
18 than 120 calories per eight ounces.
- 19 (C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more
20 than eight ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight
21 ounces.
- 22 (b) If the beverage is sold in a school in which the highest grade level in the school is grade
23 6, 7 or 8, the beverage may not contain caffeine and may be only:
- 24 (A) Water.
- 25 (B) Fruit or vegetable juice, provided the beverage item is not more than 10 ounces, is 100
26 percent juice or 100 percent juice diluted with water, has no added sweeteners and contains no more
27 than 120 calories per eight ounces.
- 28 (C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more
29 than 10 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight
30 ounces.
- 31 (c) If the beverage is sold in a school in which the highest grade level in the school is grade
32 9, 10, 11 or 12, the beverage may be only:
- 33 (A) Water.
- 34 (B) Flavored water, provided the beverage item is not more than 20 ounces and contains no
35 calories.
- 36 (C) Fruit or vegetable juice, provided the beverage item is not more than 12 ounces, is 100
37 percent juice or 100 percent juice diluted with water, has no added sweeteners and contains no more
38 than 120 calories per eight ounces.
- 39 (D) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more
40 than 12 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight
41 ounces.
- 42 (E) A beverage item that is not more than 20 ounces and contains no more than 0.5 calories per
43 ounce.
- 44 (F) A beverage item that is not more than 12 ounces and contains no more than five calories
45 per ounce.

1 [(5)(a)] **(6)(a)** The standards required by this section apply to food and beverage items sold to
 2 students in a school at all times during the regular or extended school day when the activities in
 3 the school are primarily under the control of the school district board. This includes, but is not
 4 limited to, the time before or after classes are in session and the time when the school is being used
 5 for activities such as clubs, yearbook, band or choir practice, student government, drama rehearsals
 6 or child care programs.

7 (b) The standards required by this section do not apply to food and beverage items sold in a
 8 school at times when the school is being used for school-related events or nonschool-related events
 9 for which parents and other adults are a significant part of an audience or are selling food or
 10 beverage items before, during or after the event, such as a sporting event or another interscholastic
 11 activity, a play or a band or choir concert.

12 [(6)] **(7)** The standards required by this section do not apply to:

13 (a) Food and beverage items sold as a meal in a school as part of the United States Department
 14 of Agriculture’s National School Lunch Program or School Breakfast Program; or

15 (b) Entree items that:

16 (A) At a minimum, meet the standards of the federal programs identified in paragraph (a) of this
 17 subsection;

18 (B) Are sold individually in portions allowed under the federal programs identified in paragraph
 19 (a) of this subsection; and

20 (C) Are sold not later than one day after items that are part of a federal program identified in
 21 paragraph (a) of this subsection are sold.

22 [(7)] **(8)** A school district board may adopt standards that are more restrictive than the stan-
 23 dards specified by this section.

24 [(8)] **(9)** Each school year, a school district board shall determine whether the school district is
 25 in compliance with the standards required by this section and report the results of that determi-
 26 nation to the Department of Education. The department may monitor whether school districts are
 27 in compliance with the standards required by this section.

28 **SECTION 2. This 2025 Act takes effect on July 1, 2027.**

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