

## SENATE BILL No. 170

By Committee on Education

1-24

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- 9 AN ACT concerning schools; relating to the sale of beverages.  
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11 *Be it enacted by the Legislature of the State of Kansas:*  
12 Section 1. (a) (1) Regardless of the time of day, only the following  
13 beverages may be sold to a pupil at an elementary school:  
14 (A) Fruit-based drinks that are composed of no less than 50% fruit  
15 juice and have no added sweetener.  
16 (B) Vegetable-based drinks that are composed of no less than 50%  
17 vegetable juice and have no added sweetener.  
18 (C) Drinking water with no added sweetener.  
19 (D) Two-percent-fat fluid milk, 1%-fat fluid milk, nonfat fluid milk,  
20 soy milk, rice milk and other similar nondairy milk.  
21 (2) An elementary school may permit the sale of beverages that do  
22 not comply with paragraph (1) as part of a school fundraising event in any  
23 of the following circumstances:  
24 (A) The items are sold by pupils of the school and the sale of those  
25 items takes place off and away from the premises of the school.  
26 (B) The items are sold by pupils of the school and the sale of those  
27 items takes place one-half hour or more after the end of the school day.  
28 (3) From one-half hour before the start of the school day to one-half  
29 hour after the end of the school day, only the following beverages may  
30 be sold to a pupil at a middle or junior high school:  
31 (A) Fruit-based drinks that are composed of no less than 50% fruit  
32 juice and have no added sweetener.  
33 (B) Vegetable-based drinks that are composed of no less than 50%  
34 vegetable juice and have no added sweetener.  
35 (C) Drinking water with no added sweetener.  
36 (D) Two-percent-fat fluid milk, 1%-fat fluid milk, nonfat fluid milk,  
37 soy milk, rice milk and other similar nondairy milk.  
38 (E) An electrolyte replacement beverage that contains no more than  
39 42 grams of added sweetener per 20-ounce serving.  
40 (4) A middle or junior high school may permit the sale of beverages  
41 that do not comply with paragraph (3) as part of a school event if the sale  
42 of those items meets all of the following criteria:  
43 (A) The sale occurs during a school-sponsored event and takes place

- 1 at the location of that event at least one-half hour after the end of the  
2 school day.
- 3 (B) Vending machines, pupil stores and cafeterias are used later than  
4 one-half hour after the end of the school day.
- 5 (5) This subsection does not prohibit an elementary, or middle or  
6 junior high school from making available through a vending machine any  
7 beverage allowed under paragraph (1) or (3) at any time of day, or, in  
8 middle and junior high schools, any beverage that does not comply with  
9 paragraph (3) if the beverage only is available not later than one-half hour  
10 before the start of the school day and not sooner than one-half hour after  
11 the end of the school day.
- 12 (b) (1) Commencing July 1, 2008, no less than 50% of all beverages  
13 sold to a pupil from one-half hour before the start of the school day until  
14 one-half hour after the end of the school day shall be those enumerated  
15 by paragraph (3).
- 16 (2) Commencing July 1, 2009, all beverages sold to a pupil from one-  
17 half hour before the start of the school day until one-half hour after the  
18 end of the school day shall be those enumerated by paragraph (3).
- 19 (3) Beverages allowed under this subsection are all of the following:
- 20 (A) Fruit-based drinks that are composed of no less than 50% fruit  
21 juice and have no added sweetener.
- 22 (B) Vegetable-based drinks that are composed of no less than 50%  
23 vegetable juice and have no added sweetener.
- 24 (C) Drinking water with no added sweetener.
- 25 (D) Two-percent-fat fluid milk, 1%-fat fluid milk, nonfat fluid milk,  
26 soy milk, rice milk and other similar nondairy milk.
- 27 (E) An electrolyte replacement beverage that contains no more than  
28 42 grams of added sweetener per 20-ounce serving.
- 29 (c) For the purposes of this section, the following terms have the  
30 following meanings:
- 31 (1) "Added sweetener" means any additive that enhances the sweet-  
32 ness of the beverage, including added sugar, but does not include the  
33 natural sugar or sugars that are contained within the fruit juice which is  
34 a component of the beverage.
- 35 (2) "Sale of beverages" means the exchange of a beverage for money,  
36 coupons or vouchers.
- 37 (d) It is the intent of the legislature that the governing board of ed-  
38 ucation a school district annually review its compliance with this section.
- 39 (e) Compliance with this section may not be waived.
- 40 Sec. 2. This act shall take effect and be in force from and after its  
41 publication in the statute book.