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**SENATE BILL NO. 414**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Education  
on March 3, 2010)

(Patron Prior to Substitute—Senator Vogel)

*A BILL to amend the Code of Virginia by adding a section numbered 22.1-207.4, relating to nutritional guidelines for competitive foods in public schools.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 22.1-207.4 as follows:**

*§ 22.1-207.4. Nutritional guidelines for competitive foods.*

*A. The Board, in cooperation with the Department of Health, shall promulgate regulations setting nutritional guidelines for all competitive foods sold to students during regular school hours.*

*B. The Board, with assistance from the Department of Health, shall periodically review the nutritional guidelines for competitive foods to ensure that they remain current and science-based and shall also review the nutritional guidelines upon changes to federal law or regulations for competitive foods.*

*C. The regulations promulgated pursuant to this section shall include but not be limited to: calorie, fat, sugar, and sodium content.*

*For purposes of this section, "competitive food" means any food, excluding beverages, sold to students on school grounds during regular school hours that is not part of the school breakfast or school lunch program.*

**2. That in promulgating its regulations pursuant to this act, the Board of Education shall adopt either the Alliance for a Healthier Generation's Competitive Foods Guidelines or the Institute of Medicine's Recommended Standards for Competitive Foods in Schools as the initial statewide standard for competitive foods.**

**3. That the Board of Education shall work with the Department of Health, the School Nutrition Association of Virginia, the American Heart Association, the American Cancer Society, the American Academy of Pediatrics, Virginia Chapter, the Virginia Wholesalers and Distributors Association, the Virginia Automatic Merchandising Association and other stakeholders to conduct any research necessary for the development of the regulations and dissemination of the guidelines to each local school division.**

**4. That the Board of Education shall report to the General Assembly on the status of the final regulations by December 1, 2011. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports.**

**5. That each local school board shall adopt the state guidelines as part of their existing local wellness policy to ensure compliance with the provisions of subsection A of § 22.1-207.4 of the Code of Virginia.**

HOUSE  
SUBSTITUTE

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