

## Department of Planning and Budget 2010 Fiscal Impact Statement

**1. Bill Number:** SB414S1

House of Origin    ☐ Introduced    ☐ Substitute    ☒ Engrossed  
 Second House    ☒ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:** Vogel

**3. Committee:** Education

**4. Title:** Nutritional guideline; Board and VDH to develop for all competitive foods in public schools, report

**5. Summary:** Requires the Board of Education (BOE), in cooperation with the Department of Health (VDH), to promulgate and periodically update regulations setting nutritional guidelines for all competitive foods sold or served to students during regular school hours. The bill also requires (i) the Board to 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, (ii) the Board to report to the General Assembly on the final regulations by December 1, 2011, and (iii) local school boards to report to the Department of Education (DOE) on their plans to implement the final regulations by 30 days prior to the beginning of the 2012 - 2013 school year.

**6. Fiscal Impact Estimates:** Preliminary. See item 8.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** This fiscal impact statement is being revised to incorporate new guidance received by DOE from the Department of Agriculture (USDA). After consulting with USDA, DOE has determined that setting nutritional guidelines in the context of this bill can be done using current employees within DOE's school nutrition office who are funded with USDA monies. USDA indicated the duties outlined in this bill support the overall federal child nutrition goals; as such DOE's school nutrition staff can be used. However, USDA did caution that any DOE positions paid with federal funds must have some duties that continue to meet core federal school nutrition programs, in addition to the responsibilities outlined in this bill. Should this bill become law, then DOE will need to identify existing resources within its school nutrition unit to undertake the duties in this bill. Should USDA change any of its current regulations or conditions for the uses of funds, then DOE will need to examine how the changes affect any responsibilities related to this bill.

The passage of this legislation would require DOE to conduct the research, development, dissemination, and monitoring of the guidelines to school divisions. VDH and other nutrition and health experts as well as interested parties will have to be involved in the process, as

well. VDH indicated this legislation will have an administrative impact; however any associated costs can be absorbed within current resources.

**9. Specific Agency or Political Subdivisions Affected:** Board of Education, Department of Education, Virginia Department of Health and local school divisions.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** Similar to SB 210 and HB1067.

**Date:** 2/24/2010 dpbsbj

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