

## **NUTRITION STANDARDS: SCHOOL FUND-RAISERS INVOLVING FOOD & BEVERAGES**

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**Senate Bill 139 (S-1) as passed by the Senate**  
**Sponsor: Sen. Patrick J. Colbeck**  
**House Committee: Education**  
**Senate Committee: Education**  
**Complete to 4-15-15**

### **SUMMARY:**

Senate Bill 139 (S-1) would amend the Revised School Code to require the Michigan Department of Education to ensure maximum state and local control over the implementation of school meal programs. A more detailed description of the bill follows.

Now, the operation of the federally-funded school-based breakfast and lunch program is established under Section 1272 of the Revised School Code. Section 1272a requires the board of a K to 12 school district to establish school breakfast and lunch programs for all full-time pupils enrolled and in regular daily attendance at each school in the district. Under Section 1272b, those programs must meet certain nutritional standards prescribed by the United States Department of Agriculture (USDA), in addition to other requirements.

Senate Bill 139 would require the Michigan Department of Education to establish an upper limit on the number and frequency of school-based fund-raising activities that allow the sale of food or beverages not meeting the nutritional standards prescribed by the USDA.

The bill specifies the upper limit could not be *less than* three fund-raising activities per week. Further, school officials would count as a single fund-raising activity, any ongoing fund-raiser that took place at more than one time during a school day, throughout the school day, or for more than one school day.

Finally, Senate Bill 139 would extend these statutory provisions to the "board of a school district or board of directors of a public school academy" (customarily called a charter school).

The bill would take effect 90 days after it was enacted.

MCL 380.1272b

### **FISCAL IMPACT:**

Senate Bill 139 would create an indeterminate, but possible increase in administrative costs to the state and could provide an indeterminate revenue increase to local school districts. Currently, federal nutrition standards do not permit certain food items being sold for a fund-raiser that were meant to be eaten on the school premises; however, food items not meeting the nutritional standards that are packaged and/or large orders and meant to be

eaten away from school—pizza kits, cookie dough, or packaged cookies—may be sold without breaking federal nutritional standards.

The bill would require the Department of Education to set a maximum limit on the number and frequency of fund-raising activities allowable on school premises during school hours that do not meet federal nutritional standards, with the lowest allowable maximum limit being three activities per week.

This bill may increase Department of Education administrative costs related to determining, implementing, and overseeing a statewide waiver process.

Local school districts could receive increased revenues from fund-raising activities that previously were not permitted without the waiver process.

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