



Supplement to “F as in Fat: How Obesity Policies Are Failing in America, 2006”

Obesity-Related Legislation Action in States, Update

States have primary responsibility for the health of their citizens.¹

For the past 3 years, Trust for America’s Health (TFAH) has examined the current status of each state’s obesity and related health profiles, and legislative actions aimed at obesity reduction. The overview of state policies is intended to help inform and begin to help evaluate those efforts that are having a positive impact. Successful policies hold the potential to improve the health of Americans and to help reduce obesity-related health care costs.

The following is an update to the obesity-related legislation tracking from the 2004 and 2005 versions of TFAH’s “F as in Fat” reports. The charts below includes existing legislation from previous years as well as new laws that have been enacted from July 2005 to July 2006. Only *enacted* legislation is included. The charts do not include legislation that was introduced but was not passed into law.

Discussion about the policies and legislation can be found in “F as in Fat: How Obesity Policies Are Failing in America, 2006,” available on TFAH’s Web site at: www.healthyamericans.org. Longer descriptions of the definitions of the categories and how the data were assembled can be found at the end of this document.

Summary of the cumulative tracking of legislation

- Eleven states set requirements for **school meals** to exceed **the nutrition standards** set by the federal U.S. Department of Agriculture (USDA) standards.
- Sixteen states set **nutrition requirements** on **food sold in schools beyond the regular school meal programs**, such as in vending machines and school stores.
- Twenty states **set limitations on when and where food can be sold in schools outside of the regular school meal programs**, such as restrictions on hours or locations.
- All states except South Dakota have school **physical education** requirements, however, there is little ability to enforce these standards.
- Seven states have passed **Body Mass Index screening requirements in schools**.
- Forty-four states and D.C. have school **health education** requirements, however, there is little ability to enforce these standards.
- Twenty-four states have passed legislation **limiting liability** for obesity or obesity related health problems.
- Seventeen states and D.C. have passed **taxes on snacks or sodas**.

OBESITY RELATED STANDARDS IN SCHOOLS -- 2006

	Nutritional Standards for School Meals	Nutritional Standards for Competitive Foods	Limited Access to Competitive Foods	Physical Education Requirements	BMI Information Collected	Non-Invasive Screening for Diabetes	Health Education Requirements	Receives CDC School Health Grants
Alabama	✓			✓			✓	
Alaska				✓				
Arizona	✓	✓	✓	✓			✓	
Arkansas	✓		✓	✓	✓		✓	✓
California		✓	✓	✓		✓	✓	✓
Colorado			✓	✓				✓
Connecticut			✓	✓			✓	
Delaware				✓			✓	
DC				✓			✓	
Florida			✓	✓			✓	✓
Georgia			✓	✓			✓	
Hawaii		✓	✓	✓			✓	✓
Idaho				✓			✓	
Illinois			✓	✓	✓	✓	✓	
Indiana		✓		✓			✓	✓
Iowa				✓			✓	
Kansas				✓				✓
Kentucky	✓	✓	✓	✓			✓	✓
Louisiana		✓	✓	✓			✓	
Maine		✓	✓	✓			✓	✓
Maryland		✓	✓	✓			✓	
Massachusetts				✓			✓	✓
Michigan				✓			✓	✓
Minnesota				✓			✓	
Mississippi			✓	✓			✓	
Missouri				✓			✓	
Montana				✓			✓	
Nebraska			✓	✓			✓	
Nevada				✓			✓	
New Hampshire				✓			✓	
New Jersey				✓			✓	
New Mexico		✓		✓			✓	
New York			✓	✓			✓	✓
North Carolina	✓		✓	✓			✓	✓
North Dakota				✓			✓	✓
Ohio				✓			✓	
Oklahoma		✓	✓	✓			✓	
Oregon				✓			✓	✓
Pennsylvania				✓			✓	
Rhode Island				✓			✓	✓
South Carolina	✓	✓		✓			✓	✓
South Dakota	✓							✓
Tennessee	✓	✓		✓	✓		✓	✓
Texas	✓	✓	✓	✓			✓	
Utah				✓			✓	
Vermont				✓			✓	✓
Virginia				✓			✓	
Washington				✓			✓	✓
West Virginia		✓	✓	✓	✓		✓	✓
Wisconsin				✓			✓	✓
Wyoming				✓			✓	
# of States	9	14	20	49 + D.C.	4	2	47 + D.C.	23

	OBESITY RELATED STATE INITIATIVES -- 2006			
	Has Snack Taxes	Has a CDC State-Based Nutrition & Physical Activity Program	Receives STEPS Grant	Has Limited Liability Laws
Alabama			✓	
Alaska				
Arizona		✓	✓	✓
Arkansas	✓	✓		
California	✓			
Colorado		✓	✓	✓
Connecticut				
Delaware				
DC	✓			
Florida		✓		✓
Georgia		✓		✓
Hawaii				
Idaho				✓
Illinois	✓	✓		✓
Indiana	✓			✓
Iowa		✓		
Kansas				✓
Kentucky	✓	✓		✓
Louisiana				✓
Maine	✓	✓		✓
Maryland		✓		
Massachusetts		✓		
Michigan		✓		✓
Minnesota	✓		✓	
Mississippi				
Missouri	✓	✓		✓
Montana		✓		
Nebraska				
Nevada				
New Hampshire				✓
New Jersey	✓			
New Mexico		✓		
New York	✓	✓	✓	
North Carolina		✓		
North Dakota	✓			✓
Ohio				✓
Oklahoma		✓		
Oregon		✓		✓
Pennsylvania		✓	✓	
Rhode Island	✓	✓		
South Carolina		✓		
South Dakota		✓		✓
Tennessee	✓			✓
Texas	✓	✓		✓
Utah				✓
Vermont		✓		
Virginia	✓			
Washington	✓	✓	✓	✓
West Virginia	✓	✓		
Wisconsin		✓		✓
Wyoming				✓
# of States	17 + D.C.	28	7	24

Table of Laws

Following are tables of each of the law categories described above. Laws originally published in TFAH's 2004 *F as in Fat* report are listed in black type. Those included in TFAH's 2005 report are listed in red type. Finally, those just added in the 2006 analysis are listed in blue type.

Summaries in the following tables reflect the wording of the laws as passed in order to maintain the meaning of the laws.

STATE	NUTRITIONAL STANDARDS FOR SCHOOL MEALS AND SNACKS THAT GO BEYOND EXISTING U.S. DEPARTMENT OF AGRICULTURE REQUIREMENTS
Alabama	<p>Urges the State Board of Education to comprehensively study the nutritional quality of food served in public schools and recommend improvements to meet or exceed the federal dietary guidelines (HR 818).²</p>
Arizona	<p>Additional legislation in 2006 specifically applies the standards below to high schools (HB2557).</p> <p>Requires the Department of Education to establish nutritional standards for foods and beverages sold or served on school grounds during the normal school day. Standards must meet or exceed federal guidelines for portion sizes, minimum nutrient values, and listing of contents (HB 2544).³</p>
Arkansas	<p>Enhances the authority of school district Nutrition and Physical Activity Committees, including the authority to set nutritional standards for school lunch programs (SB 965).</p>
California	<p>The Fresh Start Pilot Program encourages public schools to provide fruits and vegetables that have not been deep-fried, for free when appropriate, to pupils in grades 1 through 12, in order to promote consumption of such foods by school-age children (SB 281).⁴</p>
Kentucky	<p>Limits the sale of retail fast food in cafeterias to one day per week; prohibits deep-fried foods in schools; and requires school menus to include nutritional information starting in the 2006-07 school year (SB 172).</p>
North Carolina	<p>Requires that public schools participate in the National School Lunch Program and that cooking oils do not contain trans-fatty acids. In addition, schools are not allowed to sell processed foods that contain trans fatty acids that formed during commercial processing (SB 961).⁵</p> <p>Directs the State Board of Education to establish statewide nutritional standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program. The standards promote the gradual increase of fruits, vegetables and whole grain products, and the decrease of foods high in fat and sugar (HB 855).⁶</p>
Rhode Island	<p>Requires all elementary, middle, and junior high schools to offer healthier beverages and snacks by January 1, 2007 and January 1, 2008, respectively. Healthier beverages are defined as:</p> <ul style="list-style-type: none"> • Water, including carbonated water, flavored or sweetened with 100 percent fruit juice and containing no added sweetener; • Two percent fat milk, one percent fat milk, nonfat milk, and dairy alternatives, such as fortified soy beverages, plain or flavored, with a sugar content of not more than four grams per ounce; • One hundred percent fruit juice or fruit based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener; and • Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener. <p>Healthier snacks are defined as:</p> <ul style="list-style-type: none"> • Individually sold portions of nuts, nut butters, seeds, eggs, and cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes; • Individually sold portions of low fat yogurt with not more than four grams of total carbohydrates (including both naturally occurring and added sugars) per ounce and reduced fat or low fat cheese packaged for individual sale; and • Individually sold enriched or fortified grain or grain products or whole grain foods that contain no more than 30 percent calories from fat, no more than 10 percent total calories from saturated fat, and no more than seven grams of total sugar per ounce.

STATE	NUTRITIONAL STANDARDS FOR SCHOOL MEALS AND SNACKS THAT GO BEYOND EXISTING U.S. DEPARTMENT OF AGRICULTURE REQUIREMENTS (CONTINUED)
South Carolina	Requires the state Board of Education to establish statewide requirements for elementary school food service meals and competitive foods (HB 3499).
South Dakota	Sets additional standards for sodium, ⁷ cholesterol and fiber. <ol style="list-style-type: none"> 1. For breakfast (all grades), the following standards apply: Sodium must be no more than 800 mg, cholesterol no more than 75 mg, and fiber no less than 4.5 mg. 2. For lunch (all grades), the following standards apply: Sodium must be no more than 1300 mg, and cholesterol no more than 75 mg. Fiber standards differ by grade level. 3. Standards for fat, saturated fat, and weight follow federal guidelines.
Tennessee	Requires the state Board of Education to develop rules that establish minimum nutritional standards for individual food items sold or offered for sale to pupils in grades P-K-8 through vending machines or other sources, including school nutrition programs (HB 2783).
Texas	The Texas Public School Nutrition Policy sets nutrition and portion size standards for food and beverage items sold as school meals or à la carte, and those offered as a nutritious classroom snack. Portion restrictions are not placed on federal school meals offered to students. <ul style="list-style-type: none"> • Schools and other vendors may not serve food items containing more than 28 grams of fat per serving size more than twice per week. • French fries and other fried potato products must not exceed three ounces per serving and may not be offered more than once per week in elementary schools and three times per week in middle and junior high schools. Students may only purchase one serving at a time. • Requires that fruits and vegetables be offered daily at all points of service.

Other states took action in 2005 addressing nutrition in school meal programs. However, they did not include specific requirements:

- **Colorado** passed a law in April 2005 (SB 81) encouraging school districts to adopt policies to ensure that by July 1, 2006, students will have access to healthy food choices and portions throughout the school day, as well as access to information about the nutrition of food and beverages served in schools, but there are no minimum nutritional standards.
- **Kansas** requires the Department of Education to establish nutritional guidelines for all food and beverages available to students during the school day (SB 154). Local school boards will be asked to consider the guidelines.
- **Vermont** adopted legislation in 2004 requiring the Department of Education to develop a model nutrition policy that includes nutritional guidelines and policies, but there is no implementation requirement.

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS
Arizona	<p data-bbox="269 176 1422 212">Additional legislation in 2006 specifically applies the standards to high schools (HB2557).</p> <p data-bbox="269 247 1511 531">Requires the Department of Education to develop minimum nutritional standards consistent with federal guidelines for all food and beverage products sold on school grounds during the school day, including items sold à la carte and in vending machines. The guidelines may include restrictions on portion sizes, minimum nutrient values, and listing of contents. Beginning August 1, 2005, all contracts for food or beverages, shall expressly prohibit the sale of sugared, carbonated beverages, and all other foods of minimal nutritional value. Food advertising on school grounds or affiliated with the school (partnerships, etc.) must be for food complying with these requirements (HB 2544).</p>
California	<p data-bbox="269 543 1471 611">The following nutritional standards apply in elementary schools for individual food items sold during morning or afternoon breaks:</p> <ul data-bbox="318 617 1511 947" style="list-style-type: none"> • Maximum calories from fat: 35 percent of each individual food item, not including nuts or seeds. • Maximum calories from saturated fat: 10 percent of each individual food item's total calories. • Maximum percent of sugar: 35 percent of total weight of each individual food item, not including fruits or vegetables. • The only beverages that may be sold in school vending machines are water, milk, and 100 percent fruit juices or fruit-based drinks that are at least 50 percent fruit juice with no added sweeteners. <p data-bbox="269 989 1143 1024">In middle schools, only beverages are restricted throughout the state.</p> <ul data-bbox="318 1031 1495 1241" style="list-style-type: none"> • From 30 minutes before the start of the school day to 30 minutes after the end of the school day, only the following may be sold: Fruit-based drinks composed of 50 percent fruit juice with no added sweeteners; water; milk, including, but not limited to, chocolate milk, soy milk, rice milk, and other similar dairy or nondairy milk; and electrolyte replacement beverages that contains no more than 42 grams of added sweetener per 20-ounce serving. <p data-bbox="269 1283 1398 1352">Middle and high schools may also elect to participate in a pilot program that implements nutritional standards for all foods and beverages sold outside the federal meal program.</p>
Hawaii	<p data-bbox="269 1358 1507 1425">Places the following nutritional requirements on supplementary food and beverage items that can be sold during the meal periods in secondary schools:</p> <ul data-bbox="318 1432 1507 1831" style="list-style-type: none"> • Maximum calories from fat: 25 percent of total calories. • Maximum calories from saturated fat: 10 percent of total calories. • Maximum percent of sugar: 25 percent of total calories with the exception of fruits and vegetables. • Eighty percent of beverage selections from each vending machine in schools shall be "healthy beverages," defined as milk, flavored milk, water, and fruit juice containing at least 50 percent juice, or other choices deemed appropriate by the Department of Education. The School Community Council and principal will determine the combination of beverages to be sold, including the remaining 20 percent of beverage selections, and shall have the discretion to ban caffeinated products. No alcoholic beverages, coffee, or coffee-based beverages may be dispensed.

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS (CONTINUED)
Indiana	<p>Requires that vending machines in elementary schools that sell food or beverage items not be accessible to students. At least 50 percent of food and beverage choices for sale on school grounds must be “better food choices,” defined as (SB 111):⁸</p> <ul style="list-style-type: none"> • Fruit or vegetable drinks that are at least 50 percent juice and do not contain additional caloric sweeteners; • Water that does not contain added caloric sweeteners; • Low and fat-free milk; • Isotonic beverages; and • Foods that contain not more than 30 percent of total calories from fat, not more than 10 percent of total calories from saturated and trans fat, and not more than 35 percent of their weight from sugars not naturally occurring in fruits, vegetables, or dairy products. <p>In addition, food items that contain more than 210 calories may not exceed the following portion sizes:</p> <ul style="list-style-type: none"> • 1.75 ounces for chips, crackers, popcorn, cereal, trail mixes, nuts, seeds, dried fruits, and jerky; • 2 ounces for cookies and cereal bars; • 3 ounces for bakery items; • 3 fluid ounces for frozen desserts; and • 8 ounces for non-frozen yogurt. <p>Entrée and side dish items may not exceed the portion size of the same item as is served as part of the school lunch program or school breakfast program.</p>
Kentucky	<p>Requires the Board of Education to issue regulations that set minimum nutritional standards for all food and beverage programs sold outside of the formal breakfast and lunch programs. Only water, 100 percent fruit juice, low-fat milk, and other beverages containing no more than 10 grams of sugar per serving may be sold in elementary school vending machines, school stores, or fundraisers during the school day.</p>
Louisiana	<p>Sets nutritional standards for competitive foods and beverages available in public elementary and secondary schools. The law also limits the time of day when certain competitive foods may be sold (SB 146).⁹</p>
Maine	<p>Requires foods and beverages sold on school grounds that are not part of school meal programs adhere to “healthy foods and beverages” standards (LD 796).¹⁰ “Healthy foods and beverages” must not:</p> <ul style="list-style-type: none"> • Contain more than 30 percent of its calories from fat or more than 10 percent of its calories from saturated fat, excluding seeds and nuts; • Contain more than 35 percent of its weight in refined sugars, excluding fruits, vegetables, and low-fat dairy products; • Contain more than 360 milligrams of sodium per serving; and • Contain more than 480 milligrams of sodium per meal. <p>In addition, foods must adhere to single serving standards established by the FDA. Carbonated soft drinks of any kind or candy cannot be sold. Milk must be 1% fat or less. Juices must contain 100% fruit or vegetable juice.</p>

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS (CONTINUED)
Maryland	Requires the Board of Education in each county to establish nutritional policies for all foods and beverages available to students during the school day, to be implemented by the start of the 2006-07 school year.
New Mexico	Requires the Department of Education to establish nutritional standards for foods and beverages sold outside of public school meal programs. The department will collaborate with local school districts, dietitians, and other interested parties in drafting the standards (HB 61).
North Carolina	<p>Mandates the following vending machine standards:</p> <ul style="list-style-type: none"> • Soft drinks are not to be sold during breakfast or lunch, at elementary schools, or in contradiction with the National School Lunch Program; • Sugared carbonated drinks (excluding diet carbonated drinks) are not to be sold in middle schools; • No more than 50 percent of products available to high school students are sugared carbonated drinks and bottled water must be available in every vending machine. <p>In addition, by the 2006-2007 school year, no snack vending will be available to elementary school students and at least 75% of snacks in middle/high school vending machines must contain no more than 200 calories per portion.¹¹</p>
Oklahoma	<p>Mandates each school district board to ensure that the following requirements are met (SB 265):</p> <ul style="list-style-type: none"> • Elementary school students do not have access to foods of minimal nutritional value, except on special occasions; • Middle and junior high school students do not have access to foods of minimal nutritional value, with the exception of diet sodas with less than 10 calories per serving, except after school, at evening events, and on special occasions; and • High school students must have access to healthy food choices in addition to foods of minimal nutritional value. Incentives such as lower prices should be provided to encourage selection of healthy food choices.
Rhode Island	<p>Requires all elementary, middle, and junior high schools to offer healthier beverages and snacks by January 1, 2007 and January 1, 2008, respectively. Healthier beverages are defined as:</p> <ul style="list-style-type: none"> • Water, including carbonated water, flavored or sweetened with 100 percent fruit juice and containing no added sweetener; • Two percent fat milk, one percent fat milk, nonfat milk, and dairy alternatives, such as fortified soy beverages, plain or flavored, with a sugar content of not more than four grams per ounce; • One hundred percent fruit juice or fruit based drinks that are composed of no less than 50 percent fruit juice and have no added sweetener; and • Vegetable-based drinks that are composed of no less than 50 percent vegetable juice and have no added sweetener. <p>Healthier snacks are defined as:</p> <ul style="list-style-type: none"> • Individually sold portions of nuts, nut butters, seeds, eggs, and cheese packaged for individual sale, fruit, vegetables that have not been deep fried, and legumes; • Individually sold portions of low fat yogurt with not more than four grams of total carbohydrates (including both naturally occurring and added sugars) per ounce and reduced fat or low fat cheese packaged for individual sale; and • Individually sold enriched or fortified grain or grain products or whole grain foods that contain no more than 30 percent calories from fat, no more than 10 percent total calories from saturated fat, and no more than seven grams of total sugar per ounce.

STATE	NUTRITIONAL STANDARDS FOR COMPETITIVE FOODS (CONTINUED)
South Carolina	Requires the state Board of Education to establish statewide requirements for “elementary school food service meals and competitive foods” (HB 3499). School fundraisers are exempt from these requirements.
Tennessee	Requires the state Board of Education to develop rules that establish minimum nutritional standards for individual food items for sale through vending machines or other sources, including school nutrition programs, to pupils in grades Pre-kindergarten to eighth (HB 2783).
Texas	<p>A 2005 amendment (SB 42) prevents restrictions on foods provided by parents or grandparents for birthday or school-function celebrations.</p> <p>Places restrictions on portion size for the following items: Chips, baked chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, jerky, pretzels, cookies/cereal bars, bakery items, frozen desserts, yogurt, ice cream, pudding, gelatin desserts, and beverage items.</p> <p>Maximum calories from fat: Schools and other vendors may not serve food items containing more than 28 grams of fat per serving size more than twice per week. French fries and other fried potato products may not exceed three ounces per serving or be offered more than once per week, and students may only purchase one serving at a time. Schools serving potato chips should, when possible, use baked varieties or reduced fat chips with no more than five grams of fat per ounce.</p> <p>Beverages may contain no more than 30 grams total sugar per eight-ounce serving. Frozen fruit slushes must contain a minimum of 50 percent fruit juice. In high school, the sale of sugared, carbonated beverages in containers larger than 12 ounces is prohibited.</p> <p>There are also portion restrictions on candy bars and packaged candies for secondary schools.</p> <p>Elementary school classrooms may allow one nutritious snack per day, but not at the same time as the regular meal period for that class. The snack must comply with the fat and sugar limits of the Public School Nutrition Policy and may not contain foods of minimal nutritional value or consist of candy or dessert-type items.</p>
West Virginia	<p>Prohibits the sale of soft drinks through vending machines, school stores, or on-site fundraisers during the school day in elementary, middle and junior high schools. These schools are only permitted to sell “healthy beverages.” High schools may allow the sale of soft drinks, but “healthy beverages” must account for at least 50 percent of the total beverages ordered and must be located near the vending machines containing soft drinks (HB 2816).</p> <p>Only meal components may be sold as à la carte items for breakfast, and only fluid milk, milkshakes, and bottled water may be sold as à la carte items for lunch. All “other foods” (including those sold in vending machines, at fundraisers during the school day, and at school functions) must reflect the Dietary Guidelines or meet USDA standards for a lunch component.</p> <ul style="list-style-type: none"> • Maximum calories from fat: no more than eight fat grams per one-ounce serving or meet USDA standards for a lunch component. • Maximum percent from sugar: 40 percent. • Any juice or juice product sold or served must contain a minimum of 20 percent fruit juice.

STATE	RESTRICTIONS ON WHEN AND WHERE COMPETITIVE FOODS MAY BE SOLD BEYOND FEDERAL REQUIREMENTS
Arizona	Requires the Department of Education to develop minimum nutritional standards consistent with federal guidelines that may include portion sizes, minimum nutrient values, and listing of contents. Requires that food or beverages sold on school grounds during the school day meet these requirements, including items sold à la carte and in vending machines. Beginning August 1, 2005, all contracts for food or beverages shall expressly prohibit the sale of sugared, carbonated beverages and all other foods of minimal nutritional value. Any advertising on school grounds or affiliated with the school (partnerships, etc.) must be for products complying with these requirements (HB 2544).
Arkansas	Prohibits “in-school access” to vending machines in elementary schools.
California	Requires all food sold to pupils in elementary school during breakfast and lunch periods be sold as full meals. Does not prohibit the sale of fruit, non-fried vegetables, legumes, beverages, dairy products, or grain products if they meet the state’s nutritional standards. Individual items that meet the state’s nutritional standards may be sold during morning or afternoon breaks. Middle and high schools may participate in pilot programs that place limits on competitive food availability.
Colorado	Mandates that competitive foods not be sold within 30 minutes before or after regularly scheduled school lunch and/or breakfast periods. Requests school districts to work with contractors to increase the nutritional value of foods in vending machines (SB 103). By 2006-07, district school boards must adopt policies implementing a requirement that 50 percent of offerings in vending machines be healthy.
Connecticut	Prohibits school food authorities from permitting the sale or dispensing to students of extra food items (defined as tea, coffee, soft drinks, or candy) anywhere on the school premises from 30 minutes prior to the start of any state or federally subsidized milk or food service program, until 30 minutes after such program. During the 2004 state legislative session, a law (HB 5344) was enacted requiring each local and regional board of education to make nutritious, low-fat foods and beverages available for purchase. Beverages should include, but are not limited to, low-fat milk, 100 percent natural fruit juices, and water when drinks are available for purchase. Low-fat dairy products and fresh or dried fruits should be made available for purchase at all times when food is available for purchase.
Florida	Allows foods of minimal nutritional value (FMNV) to be sold in secondary school stores only one hour following the close of the last lunch period. The state Board of Education also requires school district food service programs to adopt policies that control the sale of FMNV.
Georgia	Prohibits the sale of FMNV in elementary schools from the beginning of the day until the end of the last lunch period .
Hawaii	Limits the sale of food in all elementary and secondary schools to the School Breakfast Program and School Lunch Program, plus milk, water, and fruit and vegetable juices containing at least 50 percent juice.
Illinois	Authorizes local school officials to regulate the sale of competitive foods to students during the regular breakfast and lunch periods in junior and senior high schools, if so desired,..
Kentucky	Prohibits the sale or serving of any food or beverage item in competition with the School Breakfast Program or the National School Lunch Program, on the school campus during the school day until 30 minutes after the close of the last lunch serving period.

STATE	RESTRICTIONS ON WHEN AND WHERE COMPETITIVE FOODS MAY BE SOLD BEYOND FEDERAL REQUIREMENTS (CONTINUED)
Louisiana	Prohibits a la carte meal service, but some food items may be sold as extra sale items to those who have completed a meal. Extra sale items must be from the menu that day. Exceptions to the extra sale items include milkshakes, yogurt, frozen yogurt, ice cream, ice milk, and unflavored, non-carbonated water. Reimbursement for lunch, special milk, or breakfast may be withheld from schools if concessions, canteens, snack bars, or vending machines are operated on a profit basis before the end of the last lunch period. Concessions/canteens may be open at the end of lunch for grades 7-12.
Maine	Requires any food or beverage sold during the school day at a school participating in the National School Lunch or Breakfast Programs to be a planned part of the total food service program. Only items that contribute to both the nutritional needs of children and the development of desired food habits may be sold.
Maryland	Requires all vending machines in public schools to have and use a timing device to automatically prohibit or allow access in accordance with nutrition policies established by local county boards of education by August 1, 2006 (SB 473). ¹²
Mississippi	Permits school food services to sell only those foods that are components of the approved federal meal pattern being served, with the exception of milk. A student may only purchase individual components of a meal if a full meal is also purchased. The state policy is a minimum requirement, and local school boards may choose to adopt more restrictive policies. ¹³ State policy also indicates that no food be sold on campus for one hour before breakfast or one hour before lunch and until the end of either serving period.
Nebraska	Prohibits the sale of any foods in competition with the National School Lunch and School Breakfast Program anywhere on school/institution premises, beginning 30 minutes prior to the serving period for breakfast and/or lunch and lasting until 30 minutes after the serving period for breakfast and/or lunch.
New York	Prohibits sweetened soda water, chewing gum, candies including hard candy, jellies, gum, marshmallow candies, fondant, licorice, spun candy, and candy coated popcorn, and water ices, except for those that contain fruit or fruit juices, from being sold in any public school from the beginning of the school day until the end of the last scheduled meal period.
North Carolina	<p>Mandates the following vending machine standards:</p> <ul style="list-style-type: none"> • Soft drinks are not sold during breakfast or lunch, at elementary schools, or in contradiction with the National School Lunch Program; • Sugared carbonated drinks (excluding diet carbonated drinks) are not sold in middle schools; • No more than 50 percent of products available to high school students are sugared carbonated drinks; and bottled water is available in every vending machine. <p>In addition, by the 2006-2007 school year, no snack vending will be available to elementary school students and at least 75% of snacks in middle/high school vending machines must contain no more than 200 calories per portion.¹⁴</p> <p>Prohibits soft drinks from being sold to students in elementary schools. In middle and high schools, soft drinks may not be sold until after the last lunch period, and with the approval of the local school board. The State Department of Public Instruction also developed Eat Smart school standard recommendations.</p>

STATE	RESTRICTIONS ON WHEN AND WHERE COMPETITIVE FOODS MAY BE SOLD BEYOND FEDERAL REQUIREMENTS (CONTINUED)
Oklahoma	Prohibits access to foods with minimal nutritional value in elementary, middle, and junior high schools, with the exception of diet soda. Schools are also required to offer healthy snack and beverage options (SB 265).
Texas	Prohibits elementary schools from serving competitive foods or foods of minimal nutritional value to students anywhere on school premises until the end of the last scheduled class (does not pertain to food items made available by the school food service program). Middle schools are prohibited from serving or providing access to candy and other FMNV on school premises until after the last lunch period.
West Virginia	Prohibits candy, soft drinks (exception for high school), chewing gum, or flavored ice bars from being sold or served during the school day. If soft drinks are sold in high school, they may not be offered during the breakfast or lunch periods.

*While not passing legislation, New Jersey's Department of Agriculture administratively mandated the adoption of model school nutrition policies that ban foods with minimal nutritional value, foods and beverages with sugar as the first ingredient, and all candy from being sold during the school day.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION
Alabama	Requires 30 minutes daily in elementary and middle school; recommends 50 minutes for middle school. One credit is required for high school graduation.	No exceptions in elementary or middle school, unless student attends a church school as defined by law. No exceptions for high school.
Alaska	<p>Established the Alaska Schools Physical Activity Task Force to develop recommendations for maximizing physical activity and education within the state's schools (HB 128).</p> <p>One unit of physical education is required to graduate from high school, though specific standards are left to local districts.</p>	
Arizona	<p>Established a task force to create a uniform physical education policy for grades K-8 (HB 2111).</p> <p>Required for elementary and middle school. Duration and frequency are not specified. There is no requirement for high school.</p>	Parents can withdraw a child if they object to any activity or learning material.
Arkansas	Requires one hour per week in elementary and middle school. Also required in high school, although frequency and duration are not specified. One-half credit is required for high school graduation.	Student may be excused for medical or religious reasons. The local school board must then "encourage" a student who has been granted a waiver to have appropriate instruction in health education or other lifestyle modification as an alternative to physical education.
California	Requires 200 minutes every 10 days for elementary school and 400 minutes every 10 days for grades 7-8. Two physical education courses are required for high school graduation, unless exempted.	School district may grant temporary exemption if a student (1) is ill or injured and a modified program cannot be provided, or (2) is enrolled for one-half, or less, of the coursework normally required of full-time pupils. Students can be exempt for two years if they have passed the physical performance test administered in ninth grade. Permanent exemption from physical education is available for students 16 or older who are enrolled as a postgraduate pupil, or enrolled in a juvenile home, ranch, camp or forestry camp.
Colorado	Encourages school districts to provide students access to daily physical activity (SB 81).	

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
Connecticut	Required in elementary, middle and high school; duration and frequency not specified. Requires one credit for high school graduation.	Student may be excused for medical reasons. Credit for physical education may be fulfilled by an elective.
Delaware	Required in elementary, middle and high school, although duration and frequency are not specified. One credit is required for high school graduation.	Student may be excused for medical or religious reasons.
D.C.	Requires 1 ½ credits for high school graduation.	The high school graduation requirement is waived for students participating in an evening high school diploma program.
Florida	No current physical education requirement for elementary and middle school. One credit is required for high school graduation. By December 1, 2004, each district school board must adopt a physical education policy. Any district that does not adopt an education policy by December 1, 2005, must provide a minimum of 30 minutes of physical education three days per week for grades K-5. Statutes require each district school board to provide courses designed to ensure that students meet the Sunshine State Standards for Health and Physical Fitness.	Students may be excused if they participate in an interscholastic sport at the junior varsity or varsity level. Two full seasons satisfy the one-credit high school graduation requirement if the student passes a competency test on personal fitness with a score of C or better. One-half credit is satisfied if a student completes one semester with a grade of C or better in (1) a marching band class or in a physical activity class that requires participation in marching band activities, or (2) Reserve Officer Training Corps class.
Georgia	Requires 90 hours at each grade level in elementary school and the completion of one unit (140 hours) for high school graduation.	Not identified through statute or code.
Hawaii	Requires 1 ½ credits for high school graduation.	
Idaho	Required in elementary, middle and high school, although duration and frequency are not specified. One credit is required for high school graduation.	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
Illinois	<p>Required daily in grades K-12. Duration is not specified.</p>	<p>Allows a school board to excuse pupils in grades 9-12 from engaging in physical education courses if they must utilize the time set aside for physical education to receive special education support and services (SB 0211).¹⁵</p> <p>Schools that operate on a block schedule are exempted from mandatory daily physical education (SB 88).¹⁶</p> <p>Student may be excused for medical reasons. School board is authorized to excuse students enrolled in grades 11-12 if they: (1) participate in an interscholastic athletic program, or (2) are required to take an academic class necessary to enroll in college, or (3) are required to enroll in an academic class needed to graduate from high school. Students in grades 9-12 may be excused if they enroll in a marching band or ROTC program. A vocational or technical course may be substituted for physical education in grades 9-12.</p>
Indiana	<p>Recess may be counted towards mandatory daily physical activity (SB 111).¹⁷</p> <p>Required in elementary, middle and high school. Recommended duration and frequency are: 105 minutes of motor skills development for grades 1-3; 75 minutes of weekly physical education for grades 4-6; and 100 minutes of physical education weekly for middle school. Two semesters are recommended in high school, and one credit is required for graduation.</p>	<p>Students may be excused only when they have a medical condition that precludes participation in daily physical activity.¹⁸</p>

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
Iowa	Required in elementary, middle and high school. Duration and frequency are only specified for high school, which is 50 minutes per week.	Twelfth graders may be excused from the physical education requirement by the school principal if: (1) the student is enrolled in a work-study or other educational program that requires the student to be off school premises during the day, or (2) the student is enrolled in an academic class not otherwise available, or (3) the student participates in an athletic program that requires at least as much time as the physical education requirement. Students in grades 9-12 may be excused if requested by a parent or guardian. These students must then participate in an athletic program that requires at least as much time as the physical education requirement.
Kansas	<p>Encourages schools to improve physical activity policies (SB 154) and requires a study of physical education policies (SCR 1604).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit of physical education, of which one-half unit may include health education, is required for high school graduation.</p>	High school graduation requirement may be waived for medical or religious reasons.
Kentucky	<p>Requires school councils to implement a wellness policy that includes moderate to vigorous activity each day, and may allow physical activity up to 30 minutes per day or 150 minutes per week as part of the instructional day for grades K-5 (SB 172).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One-half credit (60 hours) is required for high school graduation.</p>	Students may be excused with a physician's note.
Louisiana	Requires 30 minutes daily in elementary school, and 150 minutes weekly in middle school. One and one-half credits are required for high school graduation. (These requirements were reenacted in 2005).	For elementary school, adapted physical activity shall be provided for students with special needs that prevent them from participating in regular physical education classes. No exception identified through statute or code for middle or high school.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
Maine	<p>Requires elementary and middle school students to participate in 150 minutes of physical activity per week in addition to recess, and high school students to participate in 220 minutes of physical activity per week (LD 796).¹⁹</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	Not identified through statute or code.
Maryland	Required in elementary, middle and high school, although duration and frequency are not specified. One-half credit is required for high school graduation.	Not identified through statute or code.
Massachusetts	Required in elementary, middle and high school, although duration and frequency are not specified.	Students may be excused for medical or religious reasons.
Michigan	Required in elementary, middle and high school, although duration and frequency are not specified.	School districts may credit a student's participation in extracurricular athletics or other extracurricular activities involving physical activity as meeting the physical education requirement.
Minnesota	Required in elementary, middle and high school, although duration and frequency are not specified.	Students may be excused for medical or religious reasons. Local school districts are given the authority to exempt students for athletic purposes.
Mississippi	Required in elementary and middle school, although duration and frequency are not specified. Not required in high school.	Not identified through statute or code.
Missouri	Requires 50 minutes per week in elementary school, with 25 minutes required weekly for half-day kindergarten students. Three thousand minutes are required per year in middle school. No requirements for frequency or duration are specified in high school; however, one unit is required for graduation.	Students may be excused for medical or religious reasons.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
Montana	<p>Encourages greater opportunities for students to participate in physical activity and sports programs (MT HJR 17).</p> <p>Required in elementary and middle school, although duration and frequency are not specified. One-half unit each year is required in middle school. In high school, one unit total (135 hours) is required for graduation, in increments of half units for two years.</p>	Not identified through statute or code.
Nebraska	Required in elementary and middle school, although duration and frequency are not specified. Daily physical education is required for two years in high school.	Not identified through statute or code.
Nevada	Developed performance standards for physical education that are benchmarked for grades 2, 3, 5, 8, and 12. Standards are designed to help districts develop and implement their own curriculum. Two credits are required for high school graduation.	Not identified through statute or code.
New Hampshire	<p>Created an Advisory Committee to develop a policy for physical education requirements for schools.</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	Not identified through statute or code.
New Jersey	Requires 150 minutes of health, safety and physical education each week in elementary (except kindergarten), middle, and high school. 3 ¾ credits are required in health, safety and physical education for each year of attendance in high school.	Determined by local school boards. Schools are required to provide alternatives in order for students to meet the physical education core standards.
New Mexico	<p>Creates a committee to study physical education programs (HJM 83).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	The high school graduation requirement may be waived because of a medical condition.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
New York	Requires 120 minutes per week in elementary school, daily in grades K-3 and three times per week in grades 4-6. In middle and high school, 120 minutes are required weekly, three times per week in one semester and at least two times a week in the other semester. Two credits are required for high school graduation.	Not identified through statute or code.
North Carolina	Requires at least 30 minutes of physical education daily for students in grades K-8. Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.	Not identified through statute or code.
North Dakota	Encourages schools to provide mid-morning and mid-afternoon recess of at least 10 minutes in grades K-6 (HB 3034). Required in elementary, middle and high school, although duration and frequency are not specified.	Not identified through statute or code.
Ohio	Required in elementary, middle and high school, although duration and frequency are not specified. One-half credit (60 hours) is required for graduation from high school.	Not identified through statute or code.
Oklahoma	Requires physical education or exercise programs for at least 60 minutes per week for all students in full-day kindergarten and grades 1-5, beginning in the 2006-07 school year. School districts are also encouraged to provide physical education instruction to students in grades 6-12.	Not identified through statute or code.
Oregon	Required in elementary, middle and high school, although duration and frequency are not specified.	Not identified through statute or code.
Pennsylvania	Required in elementary, middle and high school, although duration and frequency are not specified.	Not identified through statute or code.
Rhode Island	Requires an average of 20 minutes of health and physical education daily in elementary, middle and high school.	Not identified through statute or code.

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
South Carolina	<p>Established revised physical education standards in schools (HB 3499). However, implementation is contingent on funding. All elementary school students will eventually be required to have 150 minutes per week. In 2006-07, the minimum standard will be 60 minutes per week, gradually increasing each year until the new requirement is met.. The bill mandates a <i>certified</i> physical education teacher-to-student ratio; the ratio will be 700 to 1 in elementary schools in 2006-07; 600 to 1 in 2007-08, and 500 to 1 in 2008-09. One teacher at each school must be designated the Physical Education Activity Director to “plan and coordinate opportunities for physical activity that exceed the designated weekly student physical education instruction times...”</p> <p>All public schools must administer the South Carolina Physical Education Assessment in grades 2, 5, 8, and in high school. The State Department of Education is responsible for compiling scores and determining “effectiveness” of physical education programs in each school or school district.</p> <p>Required in elementary, middle and high school. One unit is required for high school graduation.</p>	<p>One Junior ROTC credit may be taken instead of physical education. Students who are physically or mentally unable to take physical education must complete a suitably modified course.</p>
South Dakota	<p>No requirements at the state level.</p>	
Tennessee	<p>Requires 90 minutes of physical education per week for public school students in grades K-8 (HB 3750).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. One unit is required for high school graduation.</p>	<p>Credit earned in two years of Junior ROTC may be substituted; participation in marching band or interscholastic athletics may <u>not</u> be substituted.</p>

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
Texas	<p>Requires schools to include an emphasis on the importance of proper exercise (TX SB 42).</p> <p>Requires 135 minutes per week in elementary school. Physical education is required in middle and high school, although duration and frequency are not specified. 1 ½ units are required for high school graduation.</p>	<p>School districts may allow a student to substitute certain physical activities for credit towards the high school graduation requirement. Waivers may be granted for credit to individual students for private or commercially sponsored programs in Olympic-level physical training.</p>
Utah	<p>Required in elementary, middle and high school, although duration and frequency are not specified; 1 ½ units are required for high school graduation.</p>	<p>Not identified through statute or code.</p>
Vermont	<p>Required the Department of Education to develop a model fitness policy (H544, S 241).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified; 1 ½ years of physical education are required for high school graduation.</p>	<p>Not identified through statute or code.</p>
Virginia	<p>Requires physical education, including cardio, muscle building, and stretching exercises (SB 1130; amends 22.1-200 of the Code of Virginia).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. Two credits of health and physical education are required for high school graduation.</p>	<p>Not identified through statute or code.</p>
Washington	<p>Released model policy in 2004 (SB 5436). The law mandates local school districts to establish school physical education policies by August 1, 2005 (Amends 28.A235 RCW).</p> <p>Required in elementary, middle and high school, although duration and frequency are not specified. Two credits (300 hours) of health and fitness education are required for high school graduation.</p>	<p>Students may be excused on account of physical disability, employment or religious beliefs, participation in athletics or military science and tactics, or for other good cause.</p>

STATE	PHYSICAL EDUCATION REQUIREMENT SET BY THE STATE (CONTINUED)	POLICY FOR BEING EXCUSED FROM PHYSICAL EDUCATION (CONTINUED)
West Virginia	<p>Requires 30 minutes at least three days per week in grades K-5; a full period of physical education daily for one semester in grades 6-8; and one full course during high school in grades 9-12 (HB 2816; Amends CWV 18-2-7a).</p> <p>Required in elementary, middle, and high school. One credit is required for high school graduation.</p>	Not identified through statute or code.
Wisconsin	Required in elementary, middle and high school. Frequency is only specified for elementary school, which is three times per week. One and one-half credits are required for high school graduation.	Not identified through statute or code.
Wyoming	Required in elementary, middle, and high school, although duration and frequency are not specified.	Not identified through statute or code.

STATE	BODY MASS INDEX SCREENING POLICIES
Arkansas	In 2003, as part of a statewide multifaceted legislative initiative, Arkansas required every public school student to have an annual BMI assessment performed and reported confidentially to parents. The legislation also required schools to provide parents with an explanation of the possible health effects of BMI, poor nutrition, and physical inactivity. The goal is to provide parents with information regarding the health risks that their child could develop as a result of being overweight or underweight. ²⁰
Illinois	Enacted legislation allowing the Department of Public Health to collect data relating to obesity as part of students' mandatory health examinations for entrance into public schools and to report on BMI. (This amends the School Code and the Illinois Health Statistics Act).
Maine	Recently established that the school board must require all public school students in grades 1, 3, 5, 7, and 9 to have their BMI measured. All data is to be analyzed by an epidemiologist or statistician in the Department of Health and Human Services. Parents will be given a confidential report concerning their child's BMI, an explanation of BMI as a screening tool, and references to local community programs for physical activity and nutrition resources (LD796; SP 263). ²¹
New York	Requires the development of a BMI-for-age screening program for children ages two to 18; parents will be notified of child's BMI measurement with an explanation of the measurement and any health recommendations (S.B. 3668).
Pennsylvania	The Pennsylvania Department of Health administratively mandated the measurement of children's height and weight in order to compute BMI. Referred to as the "Growth Screening Program," in the 2005-2006 school year, all children in kindergarten through grade four were screened. The program will expand to include three additional grades each year until screenings are taking place in all 12 grades.
Tennessee	Requires that parents be provided with a confidential health report card for their children, including BMI levels. Schools with high aggregate BMI levels are encouraged to improve nutritional and physical activity programs (TN HB445, P.C. 194). Also enacted legislation to authorize local education agencies to implement a program that identifies public school children who are at risk for obesity (SB 247).
West Virginia	Requires BMI testing for students in kindergarten, grades 4-8, and those enrolled in high school physical education programs (Amends C.W.V. 18-2-7a).

STATE	HEALTH EDUCATION REQUIREMENTS
Alabama	Required each year in elementary and middle school. Frequency and duration: 60 minutes per week in elementary school and, 60 minutes per week or 70 hours total in grades 7-8. One-half credit (70 hours) is required for high school graduation.
Alaska	Not required in elementary, middle, or high school. One credit (two semesters) of health or physical education is required for high school graduation.
Arizona	Required in elementary and middle school, but not in high school. The courses must comply with standards set by the state Board of Education.
Arkansas	Required each year in elementary and middle school. One-half credit of health and safety classes is required for high school graduation.
California	Required in grades K-6, but not in grades 7-8 or high school. The courses must comply with standards set by the state Board of Education.
Colorado	Encourages school districts to include nutrition education goals (CO BS 81). No state requirement. A voluntary health education program exists.
Connecticut	Required in elementary, middle and high school.
Delaware	Requires 30 hours per year in grades 1-4, 35 hours per year in grades 5-6, and 60 hours per year in grades 7-8. In high school, one-half credit is required for graduation.
D.C.	Requires 1 ½ credits of health education for high school graduation.
Florida	Not required in elementary and middle school. In high school, one-half credit is required for graduation.
Georgia	Requires 90 hours of health and physical education in elementary school. There are no health education requirements for middle school, but schools must offer health education. One unit (140 hours) of health education is required for high school graduation.
Hawaii	Required in elementary school. One semester is required in middle school. One-half credit is required for high school graduation.
Idaho	Required in elementary and middle school. One credit is required for high school graduation. The state Board of Education developed health education content standards that are a minimum requirement for schools.
Illinois	Required for each grade level in elementary school. One semester must be taught in both middle and high school.
Indiana	Required each year in elementary and middle school. One credit is required for high school graduation.
Iowa	Requires elementary and middle schools to teach health education at each grade level in order to receive accreditation. One unit must be taught in high school for school to receive accreditation.
Kansas	No state requirement. School districts are responsible for determining whether health education should be offered.
Kentucky	Required in elementary and middle school. One-half credit (60 hours) is required for high school graduation.
Louisiana	Requires a minimum of 150 minutes in elementary and middle school. One-half credit is required for high school graduation. The state developed the Louisiana Health Education Content Standards, which schools are required to follow.
Maine	Required in elementary and middle school. One-half unit is required for high school graduation.

STATE	HEALTH EDUCATION REQUIREMENTS (CONTINUED)
Maryland	<p>Requires health education instruction developed by each county's Board of Education to include the importance of physical activity (SB 473).²²</p> <p>Required in elementary and middle school. One-half credit is required for high school graduation.</p>
Massachusetts	Required in elementary, middle and high school.
Michigan	Required in elementary, middle and high school.
Minnesota	Required in elementary and middle school. Health education must be taught at least once in high school.
Mississippi	Required in elementary and middle school. One-half credit (70 hours) is required for high school graduation. Mississippi developed the Comprehensive Health Framework, and the competencies contained in the Framework are required for all grade levels.
Missouri	Required in elementary, middle and high school. The Missouri School Improvement Program sets requirements for health education at all grade levels.
Montana	Required in elementary and middle school. One unit (135 hours) is required for high school graduation.
Nebraska	Required in elementary and middle school. Required daily for two years in high school.
Nevada	Required in elementary and middle school. One-half credit (60 hours) is required for high school graduation.
New Hampshire	Required in elementary and middle school. One-quarter credit is required for high school graduation.
New Jersey	Requires 150 minutes of health and safety education each week in elementary and middle school. 3 ¾ credits of health, safety and physical education are required for each year of high school attendance.
New Mexico	<p>Requires health education for grades 1-8 that meets academic content and performance standards (HB 84).²³</p> <p>Created a committee in 2005 to study the effects of the lack of health education (HM 28).</p> <p>Not required.</p>
New York	Required in elementary school. In middle school, a half-year course is required. One-half credit is required for high school graduation.
North Carolina	Required in elementary and middle school. One credit is required for high school graduation.
North Dakota	Requires 40 minutes of health education weekly for grades 1-3, 80 minutes weekly for grades 4-6, and 60 hours yearly for grades 7-8. One unit of health and physical education is required for high school graduation.
Ohio	Required in elementary and middle school. One-half credit (60 hours) is required for high school graduation.
Oklahoma	<p>Requires that, as a condition of accreditation, public school students in grades K-5 be given health education for 60 minutes each week on a variety of health topics, as approved by the Health and Fit School advisory committee (SB 312).²⁴</p> <p>Mandates the formation of a committee in each school to address nutrition and health (SB 1445).</p> <p>Not required. The Priority Academic Student Skills for Health and Safety (PASS) describe what students should know about health and safety by grade level.</p>

STATE	HEALTH EDUCATION REQUIREMENTS (CONTINUED)
Oregon	Required in elementary and middle school. One credit of health education is required for high school graduation.
Pennsylvania	Required each year in elementary school. Health education is also required in middle and high school, although frequency and duration are not mandated by the state.
Rhode Island	Requires an average of 20 minutes of health and physical education daily each year in elementary, middle, and high school.
South Carolina	<p>Requires weekly nutritional instruction as part of health education, but its implementation is contingent upon funding.</p> <p>Requires 75 minutes weekly each year in elementary school. Health education must also be taught each year in middle school. In high school, a 36-week comprehensive health education course is taught.</p>
South Dakota	Not required. The state developed the South Dakota Health Education Standards, but schools are not required to follow these.
Tennessee	Required in elementary and middle school each year. One unit is required for high school graduation.
Texas	Required in elementary and middle school each year. One-half credit is required for high school graduation.
Utah	Required in grades 3-6. One-half credit is required to advance to high school. In high school, one-half credit is required for graduation.
Vermont	Required in elementary, middle and high school.
Virginia	<p>Urges school divisions to provide age-appropriate and culturally sensitive health, nutrition, and physical education, so students can maintain healthy eating habits and physically active lifestyles (House Joint Resolution 260).</p> <p>Required in elementary and middle school. Two credits (140 hours) of health and physical education are required for high school graduation.</p>
Washington	Required in elementary and middle school. Two credits (300 hours) of health and fitness education are required for graduation.
West Virginia	<p>Requires the state Board of Education to mandate health education classes for grades 6-12, teaching the importance of healthy eating and physical activity (WV HB 2816).</p> <p>Required in grades K-4. Health education must be taught as a separate subject in grades 5-8. One credit is required for high school graduation.</p>
Wisconsin	Required in elementary school. For grades 7-12, students must complete one-half credit for high school graduation.
Wyoming	Required in elementary and middle school. While not listed as a high school graduation requirement, students must demonstrate proficient performance in core knowledge and skills, including health education.

STATE	LAWS THAT LIMIT LIABILITY FOR OBESITY AND OBESITY-RELATED HEALTH PROBLEMS
Arizona	April 2004. Law states that there is no duty to warn a consumer that a non-defective food product may cause health problems if consumed excessively and provides an affirmative defense.
Colorado	May 2004. Protects a manufacturer, packer, distributor, carrier, holder, or seller of any food or beverage from civil liability for any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or other injury caused by, or resulting from, the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of a composition, branding or labeling standard set by state or federal law.
Florida	May 2004. Protects a manufacturer, distributor, or seller of any food or nonalcoholic beverage from civil liability for personal injury or wrongful death associated with weight gain, obesity, or a health condition associated with weight gain or obesity resulting from the long-term consumption of food. The limitation of civil liability shall not bar a claim if the aforementioned entities failed to provide nutritional content information as required by state or federal law or has provided materially false or misleading information.
Georgia	<p data-bbox="337 730 1419 800">In 2005, Georgia enacted a supplement to 2004 legislation (HB 1519) clarifying that cognizable claims already existing in state law are not affected (HB 186).</p> <p data-bbox="337 842 1516 1081">May 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by, or likely to result from, the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.</p>
Idaho	April 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by, or likely to result from, the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.
Illinois	July 2004. Protects a seller of a food from civil liability resulting from weight gain, obesity, or a health condition associated with weight gain or obesity. The limitation of civil liability shall not bar a claim if the seller violated federal or state statutes applicable to marketing, distribution, advertisement, labeling, or sale of the product. The limitation shall also not bar a claim for breach of contract or express warranty in connection with the product, or an action of adulteration.
Indiana	Grants immunity from civil liability for certain persons in the food and beverage industry, including advertisers, marketers, and advertising media, as to a claim concerning weight gain, obesity, a health condition associated with weight gain or obesity, or a generally known condition allegedly caused by, or allegedly likely to result from, the long term consumption of food or beverages (HB 1113). ²⁵
Kansas	April 2005. A manufacturer, producer, packer, distributor, carrier, holder, seller, marketer, or advertiser of a food, or an association of one or more such entities, shall not be subject to civil liability for any claim arising out of weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known conditions allegedly caused by, or allegedly likely to result from, long-term consumption of food.

STATE	LAWS THAT LIMIT LIABILITY FOR OBESITY AND OBESITY-RELATED HEALTH PROBLEMS (CONTINUED)
Kentucky	Limits liability for obesity-related lawsuits (SB 103).
Louisiana	June 2003. Protects a manufacturer, distributor, or seller of any food or nonalcoholic beverage from civil liability for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity resulting from the long-term consumption of food.
Maine	June 2005. A person or business entity that serves food is not liable for the obesity or excessive weight gain of a customer as a result of the customer's long-term consumption of food from that person or entity.
Michigan	Michigan enacted HB 5809 limiting liability for obesity-related lawsuits.
Missouri	June 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, retailer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity resulting from the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.
New Hampshire	Protects manufacturers, sellers and distributors of food and beverages from liability regarding weight gain, obesity, or related health conditions due to long-term consumption of a food or beverage (SB 408). ²⁶
North Dakota	March 2005. Provides for limited liability for a food producer, processor, manufacturer, packer, distributor, carrier, holder, seller, marketer, trade association, or advertiser for a claim of injury resulting from weight gain, obesity, or any health condition related to weight gain.
Ohio	January 2005. Precludes any manufacturer, seller, or supplier of a qualified product and any trade association from being liable for injury, death, or loss to person or property for damages, from being subject to an action for declaratory judgment, injunctive, or declaratory relief, or from being responsible for restitution, damages, or other relief arising out of, resulting from, or related to cumulative consumption, weight gain, obesity, or any health condition that is related to cumulative consumption, weight gain, or obesity.
Oregon	Prohibits a person from maintaining action for a claim or injury or death caused by a food-related condition against a person involved in the selling of food, unless food is adulterated, misbranded, or violates the Federal Food, Drug, and Cosmetic Act (HB 2591). ²⁷
South Dakota	March 2004. Protects a manufacturer, seller, trade association, livestock producer, or retailer of any food or beverage from civil liability for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity, resulting from the long-term consumption of food.
Texas	June 2005. Prohibits actions alleging injury relating to an individual's weight gain, obesity, or any health condition associated with weight gain or obesity.
Tennessee	April 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, a health condition associated with weight gain or obesity, or other generally known condition allegedly caused by, or likely to result from, the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.

STATE	LAWS THAT LIMIT LIABILITY FOR OBESITY AND OBESITY-RELATED HEALTH PROBLEMS (CONTINUED)
Utah	March 2004. Protects a manufacturer, packer, distributor, carrier, holder, seller, marketer, or advertiser of any food or beverage, or an association of those entities, from civil liability for any claim arising from weight gain or obesity resulting from the long-term consumption of food. The limitation of civil liability shall not bar a claim based on material violation of adulteration or misbranding or any other violation of federal or state law.
Washington	March 2004. Protects a manufacturer, packer, distributor, carrier, holder, marketer, seller, or an association of those entities, from civil liability for any claim arising from weight gain, obesity, or a health condition associated with weight gain or obesity, resulting from the long-term consumption of food.
Wisconsin	Protects food manufacturers, marketers, packers, advertisers, distributors, and sellers from civil liability claims resulting from weight gain, obesity, or health conditions related to weight gain or obesity, caused by the consumption of food (SB 161). ²⁸
Wyoming	Limits liability for obesity-related lawsuits (HB 170).

TAXES ON SODAS AND/OR SNACKS			
STATE	SODA TAX	SNACK TAX	REVENUE PURPOSE
Arkansas	\$0.21 per gallon of liquid soft drink; \$2 per gallon of soft drink syrup.		Arkansas Medicaid Program Trust Fund
California	7.25 percent		General Funds
D.C.	9 percent	9 percent	General Funds
Illinois	6.25 percent	1 percent	General Funds
Indiana	6 percent	6 percent	General Funds
Kentucky	6 percent	6 percent	General Funds
Maine	7 percent	7 percent	General Funds
Minnesota	6.5 percent	6.5 percent; bakery products exempt.	General Funds
Missouri	\$0.003 per gallon of soft drinks produced (excise).		General Funds
New Jersey	6 percent	6 percent	General Funds
New York	4.25 percent	4.25 percent	General Funds
North Dakota	5 percent	5 percent	General Funds
Rhode Island	\$0.04 per case of soft drinks (excise).		General Funds (excise), local government (sales).
Tennessee	1.9 percent of gross receipts from soft drinks and soft drink ingredients paid by manufacturers and bottlers.	6 percent	General Funds. Soft drink tax for highway litter control. Sales tax expires June 1, 2005.
Texas	6.25 percent	6.25 percent	General Funds
Virginia	Small excise tax on wholesalers and distributors based on total sales of carbonated soft drinks.		Litter control and recycling.
Washington	\$1 per gallon of syrup		Violence prevention and drug enforcement.
West Virginia	\$0.01 per half-liter of carbonated and non-carbonated soft drinks; \$0.80 per gallon of syrups paid by manufacturers or wholesalers.		West Virginia University medical, dental, and nursing schools.

Definitions of Categories

Nutritional Standards for School Meals and Snacks that Go Beyond Existing U.S.

Department of Agriculture (USDA) Requirements: Federal standards are set by the USDA Food and Nutrition Service (FNS) regarding foods sold in school-based food programs. Under the *National School Lunch Program (NSLP)*, meals must meet one-third of the recommended daily allowance for calories, protein, vitamin A, vitamin C, calcium, and iron. Under the *School Breakfast Program (SBP)*, meals must meet one-fourth of these recommended daily allowances. In addition, under both NSLP and SBP, the maximum level of calories allowed from fat is less than or equal to 30 percent of total calories. Saturated fat must be less than 10 percent of total calories. FNS requires schools to use the Dietary Guidelines for Americans in determining fiber, cholesterol, and sodium levels. States included under this category are those that have implemented nutritional standards beyond these USDA requirements.

Nutritional Standards for Competitive Foods and Restrictions on Competitive Food

Availability Beyond Federal Requirements: USDA regulations restrict only a small subset of competitive foods from being sold during meal times in cafeterias. Additional regulation of competitive foods is therefore left up to the states. The subset of competitive foods that the USDA does regulate are “foods of minimal nutritional value (FMNV),” such as carbonated beverages, water ices, chewing gum, hard candy, jellies and gums, marshmallow candies, fondant, licorice, spun candy, and candy-coated popcorn. USDA regulations do not prohibit selling FMNV outside of the cafeteria areas at any time throughout the day. States included under this category are those that have general standards for competitive foods and those that have implemented FMNV restrictions beyond USDA regulations.

Physical Education Requirement Set by the State and Policy for Being Excused From

Physical Education: These categories include information on frequency and duration of physical education programs, and whether physical education is a high school graduation requirement, as well as information on permissible student exemptions or waivers from physical education requirements. These data do not distinguish between what schools must offer and what students are required to take (unless noted as such).

Body Mass Index (BMI) Screening Policies: This category lists those states that have enacted BMI screening programs.

Health Education Requirements: This category includes information on frequency and duration of programs, and whether health education is a high school graduation requirement. Again, the data do not distinguish between what schools must offer and what students are required to take (unless noted as such).

Laws that Limit Liability for Obesity and Obesity-Related Health Problems: States that generally protect manufacturers and sellers of food products from litigation that seeks damages for injury due to weight gain, obesity, and health conditions associated with obesity as a result of consuming food products are listed here. When defining food, states usually refer to Section 201 (f) of the Federal Food Drug and Cosmetic Act [21 U.S.C. 321 (f)].

Taxes on Sodas and/or Snacks: Original data for this category come from a study conducted by Yale University published in the June 2000 issue of the *American Journal of Public Health*. In each subsequent year, data were updated by the appropriate subcontractor (as outlined above) or

by TFAH staff. Various definitions of “food” in the respective tax policies were not researched or enumerated, which may or may not include only snack items.

Compilation of State Laws Enacted Relating to Obesity

Trust for America’s Health (TFAH) *F as in Fat: How Obesity Policies are Failing in America* reports released in 2004 and 2005 included compilations of state laws regarding a variety of topics ranging from school lunch to BMI screening to limited liability. The 2006 report offers a summary of laws, including substantive additions and those identified in previous editions of *F as in Fat*.

In 2004, TFAH contracted with the Health Policy Tracking Service (HPTS) at NETSCAN iPublishing (formerly of the National Conference of State Legislatures) to collect information on state laws. Only information on *enacted* legislation is included in the tables below.

The 2005 analysis was done by TFAH researchers with the assistance of attorneys at the law firm Arent Fox, PLLC.

Additions for 2006 were compiled by TFAH researchers from a variety of sources, including:

- The Centers for Disease Control and Prevention’s Nutrition and Physical Activity Database <<http://apps.nccd.cdc.gov/DNPALeg>>;
- The National Conference of State Legislature’s Childhood Obesity Policy Options 2005 <<http://www.ncsl.org/programs/health/ChildhoodObesity-2005.htm>>;
- The National Restaurant Association <http://www.restaurant.org/government/state/nutrition/bills_lawsuits.cfm>; and
- The Health Policy Tracking Service’s report, *State Actions to Promote Nutrition, Increase Physical Activity and Prevent Obesity: A Mid-Year Overview*

ENDNOTES

¹ Scutchfield, Douglas F. and Keck, William C., Principles of Public Health Practice. (Albany, New York: Delmar Publishing, 1997).

² <<http://alisdb.legislature.state.al.us/acas/ACASLogin.asp?SESSION=1031>> 7 July 2006.

³ <<http://www.azleg.gov/legtext/47leg/1r/bills/hb2544s.pdf>> 7 July 2006.

⁴ <http://www.leginfo.ca.gov/pub/bill/sen/sb_0251-0300/sb_281_bill_20050915_chaptered.pdf> 7 July 2006.

⁵ <<http://www.ncga.state.nc.us/Sessions/2005/Bills/Senate/HTML/S961v5.html>> 19 July 2006.

⁶ <<http://www.ncga.state.nc.us/Sessions/2005/Bills/House/HTML/H855v5.html>> 7 July 2006.

⁷ South Dakota’s sodium levels are above the levels recommended by the National Research Council’s (NRC) Diet Report, which calls for 600 mg for breakfast and 800 mg for lunch. USDA does not set maximum sodium levels, but it does use NRC’s recommended levels to conduct dietary assessments of meals served in schools.

⁸ <<http://www.in.gov/legislative/bills/2006/SE/SE0111.1.html>> 7 July 2006.

⁹ <<http://www.legis.state.la.us/billdata/streamdocument.asp?did=319230>> 7 July 2006.

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- ¹⁰ <<http://www.mainelegislature.org/legis/bills/LD.asp?LD=796>> 7 July 2006.
- ¹¹ <<http://www.ncga.state.nc.us/Sessions/2005/Bills/Senate/HTML/S961v5.html>> 19 July 2006.
- ¹² <<http://mlis.state.md.us/2005rs/billfile/sb0473.htm>> 7 July 2006.
- ¹³ Waivers may be granted in school districts where high school and elementary schools are in the same building/center. If a waiver is granted, schools must ensure that only high school students have access to vending machines and that access shall be limited to one hour prior to the high school's meal service and during the meal service.
- ¹⁴ <<http://www.ncga.state.nc.us/Sessions/2005/Bills/Senate/HTML/S961v5.html>> 19 July 2006.
- ¹⁵ <<http://www.ilga.gov/legislation/94/SB/PDF/09400SB0211v.pdf>> 7 July 2006.
- ¹⁶ <<http://www.ilga.gov/legislation/94/SB/PDF/09400SB0088lv.pdf>> 7 July 2006.
- ¹⁷ <<http://www.in.gov/legislative/bills/2006/SE/SE0111.1.html>> 7 July 2006.
- ¹⁸ <<http://www.in.gov/legislative/bills/2006/SE/SE0111.1.html>> 7 July 2006.
- ¹⁹ <<http://www.mainelegislature.org/legis/bills/LD.asp?LD=796>> 7 July 2006.
- ²⁰ "The Arkansas Assessment of Childhood and Adolescent Obesity," Arkansas Center for Health Improvement. (September 2004) <http://www.achi.net/BMI_Info/PhaseI/BMI_Ethnicity_Phase1.pdf> 15 June 2005.
- ²¹ <<http://www.mainelegislature.org/legis/bills/LD.asp?LD=796>> 7 July 2006.
- ²² <<http://mlis.state.md.us/2005rs/billfile/SB0473.htm>> 7 July 2006.
- ²³ <<http://legis.state.nm.us/Sessions/05%20Regular/final/HB0084.pdf>> 7 July 2006.
- ²⁴ <<http://www.lsb.state.ok.us/>> 7 July 2006.
- ²⁵ <<http://www.in.gov/apps/lsa/session/billwatch/billinfo?year=2006&request=getBill&docno=1113>> 7 July 2006.
- ²⁶ <<http://www.gencourt.state.nh.us/legislation/2004/SB0408.html>> 7 July 2006.
- ²⁷ <<http://www.leg.state.or.us/05reg/measpdf/hb2500.dir/hb2591.en.pdf>> 7 July 2006.
- ²⁸ <<http://www.legis.state.wi.us/2005/data/SB-161.pdf>> 7 July 2006.