

**2024 -- H 8094 SUBSTITUTE A**

=====  
LC005630/SUB A  
=====

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2024**

---

A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Representatives Caldwell, Hull, and Craven

Date Introduced: March 22, 2024

Referred To: House Education

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 16-21-7 of the General Laws in Chapter 16-21 entitled "Health and  
2 Safety of Pupils" is hereby amended to read as follows:

3           **16-21-7. School health.**

4           (a) All schools that are approved for the purpose of §§ 16-19-1 and 16-19-2 shall have a  
5 school health program that shall be approved by the state director of the department of health and  
6 the commissioner of elementary and secondary education or the commissioner of higher education,  
7 as appropriate. The program shall provide for the organized direction and supervision of a healthful  
8 school environment, health education, and services. The program shall include and provide for the  
9 administration of nursing care by certified nurse teachers, as defined in § 16-21-8, as shall be  
10 requested, in writing, by the attending physician of any student and authorized, in writing, by the  
11 parent or legal guardian of the student. No instruction in the characteristics, symptoms, and the  
12 treatment of disease shall be given to any child whose parent or guardian shall present a written  
13 statement signed by them stating that the instructions should not be given the child because of  
14 religious beliefs.

15           (b) [Deleted by P.L. 2016, ch. 529, § 1.]

16           (c)(1) All Rhode Island elementary, middle, and high schools that sell or distribute  
17 competitive foods and beverages on the school campus during the school day shall be required to  
18 offer only healthy foods and beverages as set forth by the United States Department of Agriculture  
19 under the Healthy, Hunger-Free Kids Act of 2010, Pub. L. No. 111-296, 42 U.S.C. § 1758 et seq.,

1 and federal regulations implementing the act promulgated pursuant to the provisions of 42 U.S.C.  
2 § 1779(b). Provided, the Rhode Island board of education or local school committees may adopt  
3 more restrictive policies than the ones referenced herein.

4 (2) Notwithstanding any provisions of §§ 16-8-9, 16-8-10, 16-8-10.1, or of this section to  
5 the contrary, for the period commencing August 30, 2024, through to and including August 29,  
6 2026, the board of education shall waive any requirements on all Rhode Island elementary, middle,  
7 and high schools that on a weekly basis, at least one-half (1/2) of the grain servings in United  
8 States Department of Agriculture (USDA) meals must be one hundred percent (100%) whole grain  
9 and that the remaining grain servings must be whole grain rich, in order to be deemed reimbursable  
10 meals pursuant to federal law including, but not limited to, 7 C.F.R. §210.10 and 7 C.F.R. §220.8,  
11 and any amendments thereto.

12 (3) On or before September 1, 2026, the chief administrator of every Rhode Island  
13 elementary, middle and high school shall report to the commissioner, the total number of meals  
14 served which were reimbursable pursuant to the provisions of the National School Lunch Act (42  
15 U.S.C. § 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. § 1771 et seq.), and the total  
16 number of meals served which were non-reimbursable pursuant to the provisions of subsection  
17 (c)(2) of this section for the period of August 30, 2024 until August 29, 2026. The commissioner  
18 shall submit a copy of all the received reports to the governor, senate president and speaker of the  
19 house on or before September 15, 2026.

20 (d) Schools may permit the sale of beverages and snacks that do not comply with subsection  
21 (c) as part of school fundraising in any of the following circumstances:

22 (1) The sale of those items takes place off and away from the school campus.

23 (2) The sale of those items takes place after the end of the school day as defined in  
24 subsection (g).

25 (3) Career and technical schools with culinary arts or food-service programs may request  
26 an exemption from the department of elementary and secondary education to enable the limited  
27 sale of noncompliant snacks and beverages that have been prepared by culinary students as part of  
28 their curriculum. No specially exempted fundraiser foods or beverages may be sold in competition  
29 with school meals during the meal service.

30 (e) The department of elementary and secondary education shall post on its website  
31 resources to assist school districts with implementation of this section.

32 (f) The department of elementary and secondary education shall develop a process to  
33 monitor compliance with this section.

34 (g) **Definitions.** As used in this section:

1           (1) “Competitive foods” means all foods and beverages, other than meals reimbursed under  
2 the Richard B. Russell National School Lunch Act (42 U.S.C. § 1751 et seq.) and the Child  
3 Nutrition Act of 1966 (42 U.S.C. § 1771 et seq.), available for sale to students on the school campus  
4 during the school day.

5           (2) “School campus” means all areas of the property under the jurisdiction of the school  
6 that are accessible to students during the school day.

7           (3) “School day” means the period from midnight before, to sixty (60) minutes after, the  
8 end of the official school day.

9           (h) The standards set forth and referenced in this section shall apply throughout the entire  
10 school campus, including, but not limited to, a la carte food sale, school stores, vending machines,  
11 and fundraisers held during the school day.

12           SECTION 2. This act shall take effect upon passage.

=====  
LC005630/SUB A  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

\*\*\*

1           This act would direct that for a period of two years, the board of education would waive  
2 the whole grain requirements for meals served in public schools, for purposes of receiving  
3 reimbursement under federal law.

4           This act would take effect upon passage.

=====  
LC005630/SUB A  
=====