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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number	<u>SB234</u>	Sponsor	<u>Schmedes</u>
Tracking Number	<u>.223980.1</u>	Committee Referrals	<u>SEC/SHPAC</u>
Short Title	<u>No Soda Sales on School Grounds</u>		
Analyst	<u>Condon</u>	Original Date	<u>2/7/2023</u>
		Last Updated	<u></u>

BILL SUMMARY

Senate Bill 234 (SB234) would prohibit soda, defined as a beverage that contains carbonated water and a sweet flavoring, from being sold, dispensed, or vended on the school grounds of any public prekindergarten, elementary school, secondary school, junior high school, or high school.

FISCAL IMPACT

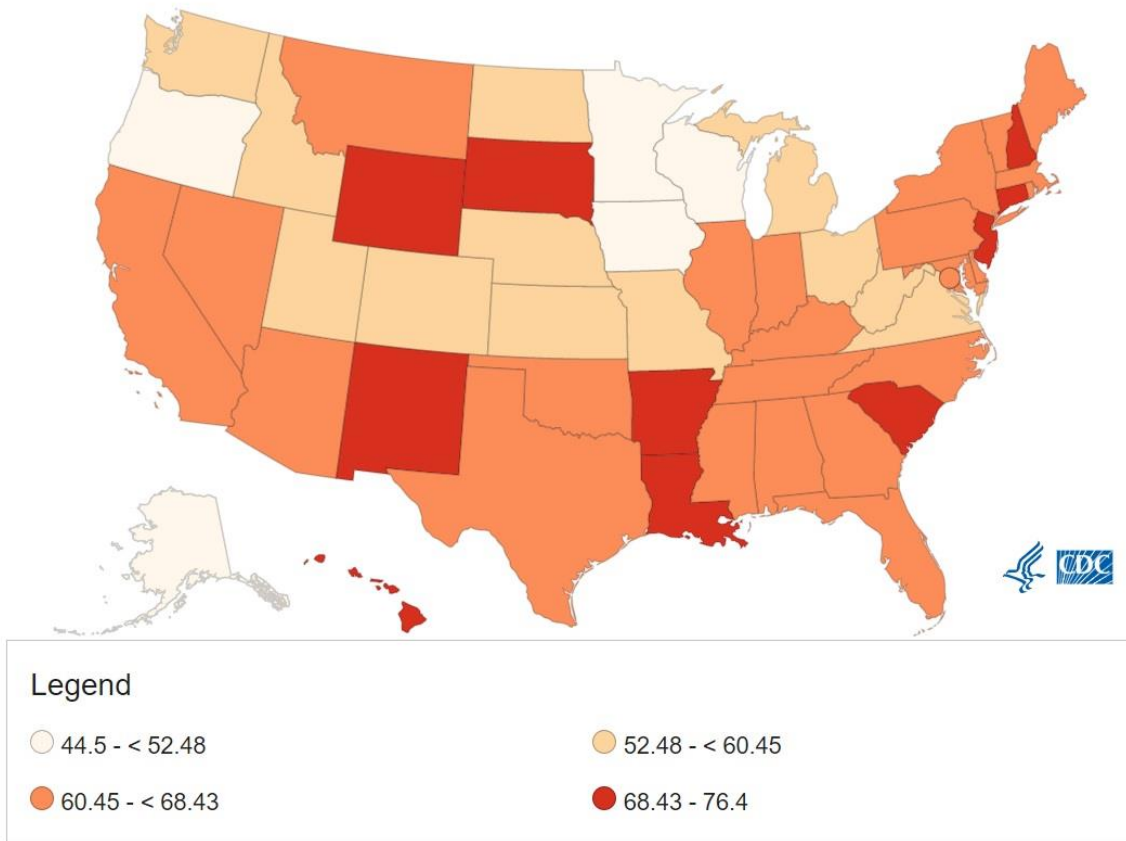
The bill does not contain an appropriation.

SUBSTANTIVE ISSUES

Sugar-sweetened beverages impact on student learning. Studies show that high sugar intake correlates to both poor health outcomes as well a negative impact on academic performance, learning and memory. The USDA recommends limiting added sugars to less than 10 percent of calories per day, but data from the Centers for Disease Control and Prevention (CDC) show Americans between the ages 9-18 exceed that recommendation, the bulk of the calories coming from sugar-sweetened beverages (SSBs). The [CDC](http://www.cdc.gov) has found that frequently drinking sugar-sweetened beverages is associated with weight gain, obesity, type 2 diabetes, heart disease, kidney diseases, non-alcoholic liver disease, tooth decay and cavities, and gout, a type of arthritis.

Available data suggests that consumptions of SSBs may be higher in New Mexico than other states. Using data from the CDC's Youth Risk Behavior Surveillance System, one study found that New Mexico high school students were more likely than the national average to report drinking a can, bottle or glass of soda or pop two or more times per day in the past week. Using data from the National Health Interview Survey Cancer Control Supplement (NHIS CCS), 2010 and 2015, the USDA published a map showing the prevalence of self-reported intake of SSBs at least once daily among U.S. adults. Graphic 1 shows that New Mexico is one of ten states where more than 68.43 percent of respondents reported having an SSB at least once daily.

Graphic 1: Prevalence of self-reported intake of SSBs at least once daily among US adults



Federal and state school dietary guidelines. The U.S. Department of Agriculture (USDA) releases dietary guidelines for five year implementation periods, and these guidelines provide the scientific basis for federal nutrition programs, including school lunch and breakfast programs, that reach millions of kids, parents, seniors, veterans, and other members of the public every day. The current [2020-2025 guidelines](#) discourage sugar-sweetened beverages from being regularly consumed as “most sugar-sweetened beverages (e.g., soda, sports drinks) do not contribute to meeting food group goals and often contain a high number of calories.” Under the USDA, the [Food Nutrition Service](#) (FNS) proposes school nutrition standards, which include standards for beverages that allow variation by age group for factors such as portion size and caffeine content.

As outlined in the Public Education Department’s (PED) agency analysis, elementary, middle, and high schools have different guidelines. PED writes that all schools are allowed to sell 100 percent fruit, and vegetable juices, and full-strength juice diluted with water, carbonated or non-carbonated, with no added sweeteners.

- Elementary schools are allowed to sell up to 8-ounce portions of allowable milk and juice beverages, while middle and high schools may sell up to 12-ounce portions.
- In high schools, the standards limit the maximum container size to 12-ounces for lower calories beverages and 20 ounces for calorie-free beverages.

Beyond water, milk and juice, the nutrition standards provide additional calorie-free and lower-calorie beverage options for high school students:

- Calorie-free beverages, in up to 20-ounce portions; and
- Lower-calorie beverages with up to 40 calories per 8 ounces or 60 calories per 12 ounces. These may be sold in up to 12 ounce portions.

The nutrition standards do not restrict the sale of caffeinated beverages to high school students, but the USDA encourages school districts to exercise caution when selecting items for sale to their students. In their dietary guidelines, USDA emphasizes that beverages that contain no added sugars should be the primary choice for children and adolescents.

Any food and beverage sold to students at schools during the school day – defined as the midnight before to 30 minutes after the end of the school day – other than those foods provided as part of the school meal programs are required to meet federal standards. Examples include à la carte items sold in the cafeteria and foods sold in school stores, snack bars, and vending machines. Foods and beverages sold during fundraisers are also required to meet federal standards, unless these items are not intended for consumption at school or are otherwise exempt by PED.

ADMINISTRATIVE IMPLICATIONS

PED would need to promulgate rule or issue guidance to administer the provisions of the bill, and individual schools would need to consider if their current beverage offerings comply with the prohibition of soda sales outlined in SB234.

RELATED BILLS

[SB 4](#) Healthy Universal School Meals Act, which would expand free meals to all public and charter school students attending schools that are operating the national school breakfast and lunch programs.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department

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