

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SB 415

52nd Legislature, 1st Session, 2015

Tracking Number: .199421.1

Short Title: NM-Grown Produce in School Meals

Sponsor(s): Senator John M. Sapien

Analyst: James Ball

Date: February 24, 2015

Bill Summary:

SB 415 makes an appropriation to:

- purchase New Mexico-grown fresh fruits and vegetables; and
- distribute the purchased produce to school districts, charter schools, and juvenile detention centers through the school meal programs of the Public Education Department (PED).

The bill also provides for a full-time equivalent position at PED to administer and promote the program.

Fiscal Impact:

\$1.44 million is appropriated from the General Fund to PED for FY 16 and subsequent fiscal years. Unexpended or unencumbered funds do not revert to the General Fund.

Fiscal Issues:

According to the fiscal impact report from the Legislative Finance Committee (LFC), the FY 15 budget includes \$239,300 for fresh, locally grown fruits and vegetables to be purchased for public school students. LFC recommended continuing this amount of funding for the program in FY 16. The Executive did not recommend funding the program in FY 16.

Substantive Issues:

According to the New Mexico Department of Agriculture (DOA), SB 415 offers the dual advantages of providing New Mexico:

- school and incarcerated children and youth with servings of fresh fruits and vegetables through the school lunch program; and
- farmers additional outlets for their products.

DOA cautions, however, that an evaluation of the availability of New Mexico-grown produce of sufficient quantities to provide adequate supplies to the schools on a year-round basis should be conducted.

According to the Department of Health (DOH), the overall nutritional status of children and teens can improve with regular consumption of fresh fruits and vegetables at school. SB 415 supports good nutrition in schools, which is especially helpful to children in rural, low-income communities where nutrient-dense foods are often difficult to access.

PED identifies several issues that have arisen in the past two years as the program has been implemented, including:

- consideration of directing the funding to snacks and after-school programs because the US Department of Agriculture reimburses schools for meals served, not just ingredients for meals, which risks double-dipping for reimbursements;
- clarifying the use of funds for distribution of the produce; and
- clarifying whether New Mexico produce must be certified as to origin and as to safe harvesting and storage practices and, if so, by whom.

Background:

During the 2014 interim, the Legislative Education Study Committee (LESC) heard testimony from several sources about school nutrition programs.

- The Executive Director, Farm to Table, provided an overview of the New Mexico-grown Fresh Fruits and Vegetables for School Meals program, which is currently in its second year of operation:
 - According to this testimony, the program has provided New Mexico-grown produce to approximately 146,000 students from 2012 to 2014, and over 300,000 pounds of fresh fruits and vegetables have been sold to schools throughout the state. The program is serving 45 school districts during school year 2014-2015, and the requests for funding have exceeded the funding made available by the Legislature. The testimony also emphasized that the program serves as an economic driver by helping to connect local growers to a new market of public schools in their area. For some school districts that are unable to connect with a local farmer for fresh fruits and vegetables, Farm to Table utilizes the Food and Nutrition Services Bureau of the Human Services Department to help distribute produce in those areas.
 - This testimony further emphasized the need to distribute funding for the program earlier in the fiscal year. Because the purpose of the program is to put fresh fruits and vegetables on the plates of New Mexico children, funding needs to align with the New Mexico growing season in order to ensure the quality and freshness of the produce. In addition, having the funding available to school districts earlier will help farmers in the planning and harvesting of their crops.
- The Assistant Director for School Food Service, Santa Fe Public Schools, testified that students know the difference between fresh, locally grown foods and other foods that come from a distributor.
- Testimony by the President, Los de Mora Local Growers' Cooperative, Inc., outlined the history of the program:

- Noting that traditional value chains in agriculture rely on selling at local farmers' markets and canning any remaining food items, this testimony emphasized that the New Mexico-grown Fresh Fruits and Vegetables for School Meals program allows local growers to engage in dialogue with school district officials and plan in advance of the growing season.
- This testimony added that farmers are willing to accept lower prices from schools than from farmers' markets because they view the program as an opportunity to invest in future customers, and they value showing children the importance of agriculture in local communities.

According to DOH, replacing foods of high calories per weight of food with foods of lower energy density, such as fruits and vegetables, can be an important part of weight management strategy. Only 23.8 percent of New Mexico middle and high school students eat the recommended level of at least five fruits and vegetables a day. Further, the prevalence of obesity continues to increase and occur at younger ages. In 2013, 27.7 percent of kindergarteners and 34.7 percent of New Mexico third-graders were either overweight or obese.

Committee Referrals:

SEC/SFC

Related Bills:

SB 237 *Local Produce in School Lunches* (Identical to HB 231)

HB 96 *NM Grown Produce for School Meals* (Identical to SB 415)

HB 231 *Expand NM-Grown Produce in School Lunches* (Identical to SB 237)