

CHAPTER 48
FORMERLY
HOUSE BILL NO. 3
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LIMITING ARTIFICIAL TRANS FATS IN FOOD AVAILABLE OR SERVED TO STUDENTS IN PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS.

WHEREAS, the Governor of Delaware has identified the health and fitness of our children as a major concern for our public schools; and

WHEREAS, for the first time in over a century, children born today are projected to have an expected life span that is shorter than that of their parents; and

WHEREAS, studies have identified food additives, such as artificial trans fatty acids, commonly termed trans fats, as increasing the risk of coronary heart disease; and

WHEREAS, limiting a child's access to foods which contain trans fats may reduce the child's risk of contracting coronary heart disease and related health problems;

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 14 of the Delaware Code by adding thereto a new section to read:

"§ 4136. Limitation of Trans Fats in Food and Beverage Available or Served to Students in Public Schools.

“(a) Public schools, including charter schools, and school districts, through a vending machine, school cafeteria or school food service establishment during school hours, shall not make available to students enrolled in kindergarten through grade 12 any food or beverage containing industrially produced trans fat, as defined in subsection (c), or use food containing industrially produced trans fat in the preparation of a food item served to those students.

(b) This section shall apply to all food and beverages sold on school grounds during regular school hours and the extended school day. The extended school day includes activities such as clubs, yearbook, band and choir practice, student government, drama, and childcare/latchkey programs. The extended school day does not include school based events where parents, families, and the wider community constitute a significant portion of the attendees such as interscholastic sports, school plays and dramatic performances, or other similar school functions.

(c) For purposes of this section, a food contains industrially produced trans fat if a food contains vegetable shortening, margarine, or any kind of partially hydrogenated vegetable oil, unless the manufacturer's documentation or the label required on the food, pursuant to United States Food and Drug Administration standards, lists the trans fat content as zero grams of trans fat per serving.”.

Section 2. This Act shall take effect 90 days after its enactment into law; however, if this Act impairs a contractual obligation that exists at the time of its enactment into law and such contractual obligation continues to exist as of the effective date of this Act, then this Act shall take effect upon the earlier of the expiration or termination of such contract.

Approved June 22, 2011