

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

2

HOUSE BILL 67
Committee Substitute Favorable 2/22/23

Short Title: Encourage Healthy NC Food in Schools.

(Public)

Sponsors:

Referred to:

February 8, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROMOTE MUSCADINE GRAPE JUICE USAGE IN THE STATE'S
3 LEARNING INSTITUTIONS AND TO INCLUDE MUSCADINE GRAPE JUICE
4 PRODUCERS AND OTHER FRUIT AND FRUIT PRODUCT PRODUCERS
5 PARTICIPATING IN THE "GOT TO BE NC" MARKETING PROGRAM AS
6 PARTICIPANTS IN THE FARM TO SCHOOL PURCHASING PROGRAM.

7 Whereas, the Scuppernong grape, a variation of the muscadine grape, is the official
8 fruit of the State of North Carolina; and

9 Whereas, the muscadine grape is an important part of North Carolina history and
10 agriculture; and

11 Whereas, juice made from the muscadine grape does not need added sugar and is rich
12 in healthy antioxidants; and

13 Whereas, juice made from the muscadine grape is good for all ages; Now, therefore,
14 The General Assembly of North Carolina enacts:

15
16 **PART I. REQUIRE PUBLIC SCHOOLS TO MAKE ONE HUNDRED PERCENT**
17 **MUSCADINE GRAPE JUICE AVAILABLE TO STUDENTS**

18 **SECTION 1.(a)** G.S. 115C-12 is amended by adding a new subdivision to read:

19 "(49) Duty to make available muscadine grape juice in certain schools. – The State
20 Board of Education shall ensure that one hundred percent (100%) muscadine
21 grape juice is made available to students in every school operated under
22 Article 9C of this Chapter as a part of the school's nutrition program or through
23 the operation of the school's vending facilities."

24 **SECTION 1.(b)** Part 2 of Article 17 of Chapter 115C of the General Statutes is
25 amended by adding a new section to read:

26 **"§ 115C-264.5. Muscadine grape juice.**

27 Local boards of education shall ensure that one hundred percent (100%) muscadine grape
28 juice is made available to students in every school in the local school administrative unit as a part
29 of the school's nutrition program or through the operation of the school's vending facilities."

30 **SECTION 1.(c)** G.S. 115C-218.75 is amended by adding a new subsection to read:

31 "(k) Muscadine Grape Juice. – A charter school shall ensure that one hundred percent
32 (100%) muscadine grape juice is made available to students as a part of the school's nutrition
33 program or through the operation of the school's vending facilities."

34 **SECTION 1.(d)** G.S. 115C-238.66 is amended by adding a new subdivision to read:

35 "(19) Muscadine grape juice. – A regional school shall ensure that one hundred
36 percent (100%) muscadine grape juice is made available to students as a part



1 of the school's nutrition program or through the operation of the school's
2 vending facilities."

3 **SECTION 1.(e)** G.S. 116-239.8(b)(4)c. reads as rewritten:

4 "c. Food services. – The laboratory school shall ensure that one hundred
5 percent (100%) muscadine grape juice is made available to students as
6 a part of the school's nutrition program or through the operation of the
7 school's vending facilities. Upon request, the local school
8 administrative unit in which the laboratory school is located shall
9 administer the National School Lunch Program for the laboratory
10 school in accordance with G.S. 115C-264."

11 **SECTION 1.(f)** G.S. 115D-20 reads as rewritten:

12 **"§ 115D-20. Powers and duties of trustees.**

13 The trustees of each institution shall constitute the local administrative board of such
14 institution, with such powers and duties as are provided in this Chapter and as are delegated to it
15 by the State Board of Community Colleges. The powers and duties of trustees shall include the
16 following:

17 ...

18 (15) To make available one hundred percent (100%) muscadine grape juice as a
19 beverage option in the operation of the community college's vending
20 facilities."

21 **SECTION 1.(g)** Part 5 of Article 1 of Chapter 116 of the General Statutes is amended
22 by adding a new section to read:

23 **"§ 116-43.25. Availability of muscadine grape juice on campuses.**

24 Each constituent institution shall make one hundred percent (100%) muscadine grape juice
25 available as a beverage option in the operation of the institution's vending facilities."

26 **SECTION 1.(h)** This section is effective when it becomes law. Subsections (a), (b),
27 (c), (d), and (e) of this section apply beginning with the 2023-2024 school year. Subsections (f)
28 and (g) of this section apply beginning with the 2023-2024 academic year.

29
30 **PART II. INCLUDE ALL "GOT TO BE NC" FRUIT AND FRUIT PRODUCTS**
31 **PARTICIPANTS IN FARM TO SCHOOL PROGRAM**

32 **SECTION 2.(a)** Finding. – The General Assembly finds that availability of a greater
33 variety of fresh produce and products derived from fresh produce sourced from North Carolina
34 farms, orchards, and food processors to the State's schools through the Department of Agriculture
35 and Consumer Services' Farm to School Program would provide benefits to North Carolina
36 farmers and food processors. The General Assembly further finds that this greater availability
37 would enhance the freshness and nutrition of meals provided to North Carolina children through
38 the National School Lunch Program.

39 **SECTION 2.(b)** Requirement. – The Food Distribution Division of the Department
40 of Agriculture and Consumer Services (Division) shall no later than December 1, 2023, revise
41 its bidding, procurement, and ordering procedures for the Farm to School Program to include
42 fruit and products derived from fruit to the list of fruit and fruit products made available to school
43 nutrition programs through the Farm to School Program when the fruit or fruit product meets the
44 following requirements:

45 (1) The producer of the fruit or fruit product is a participant in the Department's
46 "Got To Be NC" marketing program.

47 (2) The fruit or fruit product meets all requirements for nutrition and packaging
48 of foods supplied to school nutrition programs under federal and State law.

49 **SECTION 2.(c)** Buyback. – The Division shall include in contracts or purchasing
50 agreements for packaged fruit products a requirement that the supplier will buyback from the
51 Farm to School Program unopened and unexpired products returned to the Farm to School

1 Program from school nutrition programs to be credited back to the school nutrition programs net
2 of reasonable product handling costs.

3 **SECTION 2.(d)** Report. – The Department of Agriculture and Consumer Services
4 shall provide an interim report on its implementation of this act no later than September 1, 2023,
5 and a final report no later than February 1, 2024, to the Joint Legislative Oversight Committee
6 on Agriculture and Natural and Economic Resources and the Fiscal Research Division.

7 **SECTION 3.** Section 2(c) of this act is effective when it becomes law and applies to
8 contracts or purchasing agreements executed on or after that date. Except as otherwise provided,
9 the remainder of this act is effective when it becomes law.