

## Senate Bill No. 1413

### CHAPTER 558

An act to add Section 38086 to the Education Code, relating to schools.

[ Approved by Governor September 30, 2010. Filed with Secretary of State  
September 30, 2010. ]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1413, Leno. Schools: pupil nutrition: availability of tap water.

Existing law authorizes the governing board of a school district to establish cafeterias in the schools under its jurisdiction whenever in its judgment it is advisable to do so and to make the cost of water, electricity, gas, coal, wood, fuel oil, and garbage disposal a charge against the funds of the school district.

Existing law permits the sale of only certain beverages to pupils at schools. The beverages that may be sold include fruit-based and vegetable-based drinks, drinking water, milk, and an electrolyte replacement beverage if those beverages meet certain nutritional requirements.

This bill would require a school district to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns. The resolution would be required to be publicly noticed on at least 2 consecutive meeting agendas and approved by at least a majority of the governing board.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

#### THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 38086 is added to the Education Code, to read:

**38086.** (a) Except as provided in subdivision (b), by July 1, 2011, a school district shall provide access to free, fresh drinking water during meal times in the food service areas of the schools under its jurisdiction, including, but not necessarily limited to, areas where reimbursable meals under the National School Lunch Program or the federal School Breakfast Program are served or consumed. A school district may comply with this section by, among other means, providing cups and containers of water or soliciting or receiving donated bottled water.

(b) The governing board of a school district may adopt a resolution stating that it is unable to comply with the requirements of this section and demonstrating the reasons why it is unable to comply due to fiscal constraints or health and safety concerns. The resolution shall be publicly noticed on at least two consecutive meeting agendas, first as an information item and second as an action item, and approved by at least a majority of the governing board.