

111TH CONGRESS  
1ST SESSION

# S. 1500

To amend the Richard B. Russell National School Lunch Act to prohibit schools that participate in the Federal school meal programs from serving foods that contain trans fats derived from partially hydrogenated oils.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 2009

Mrs. GILLIBRAND introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Richard B. Russell National School Lunch Act to prohibit schools that participate in the Federal school meal programs from serving foods that contain trans fats derived from partially hydrogenated oils.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. PROHIBITION ON TRANS FATS DERIVED FROM**  
4       **PARTIALLY HYDROGENATED OILS.**

5       Section 12 of the Richard B. Russell National School  
6       Lunch Act (42 U.S.C. 1760) is amended by adding at the  
7       end the following:

1       “(p) PROHIBITION ON TRANS FATS DERIVED FROM  
2 PARTIALLY HYDROGENATED OILS.—

3               “(1) DEFINITION OF TRANS FAT.—

4                       “(A) IN GENERAL.—In this subsection, the  
5 term ‘trans fat’, with respect to a food, means  
6 a food that contains partially hydrogenated oils.

7                       “(B) EXCLUSION.—The term ‘trans fat’,  
8 with respect to a food, does not include any  
9 food that the Commissioner of Food and Drugs  
10 has found to be free of trans fats.

11               “(2) PROHIBITION.—Except as provided in  
12 paragraph (3), any school or service institution that  
13 participates in the food service programs under this  
14 Act or the Child Nutrition Act of 1966 (42 U.S.C.  
15 1771 et seq.) shall be prohibited from serving any  
16 food that contains trans fats.

17               “(3) PHASE-OUT PERIOD.—The Secretary shall  
18 promulgate regulations that—

19                       “(A) provide for a 5-year period during  
20 which schools and service institutions described  
21 in paragraph (2) may phase out the service of  
22 foods prohibited under that paragraph;

23                       “(B) require each school and service insti-  
24 tution—

1 “(i) to carry out an internal audit at  
2 the end of the 5-year phase-out period to  
3 determine if the school or service institu-  
4 tion is in compliance with paragraph (2);  
5 and

6 “(ii) to submit a report to the Sec-  
7 retary containing the results of the inter-  
8 nal audit; and

9 “(C) establish a process under which the  
10 Secretary may grant waivers to schools or serv-  
11 ice institutions that demonstrate hardship in  
12 complying with the 5-year phase-out period due  
13 to contractual obligations or significant finan-  
14 cial hardship.

15 “(4) GUIDANCE.—The Secretary shall prepare  
16 guidance to assist schools and service institutions in  
17 transitioning from the use of oils containing trans  
18 fats to the use of healthy oils.”.

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