

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SB 123

**50th Legislature, 1st Session, 2011**

**Tracking Number:** .183932.1

**Short Title:** NM Grown Produce in School Lunches

**Sponsor(s):** Senator Pete Campos

**Analyst:** Pamela Herman

**Date:** January 26, 2011

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**Bill Summary:**

SB 123 makes an appropriation to the Board of Regents of New Mexico State University (NMSU) for the New Mexico Department of Agriculture (NMDA) to:

- purchase New Mexico-grown fresh fruits and vegetables; and
- administer a program to ensure that the fresh produce is delivered to school lunch programs statewide.

**Fiscal Impact:**

\$1.44 million is appropriated from the General Fund for FY 12 and subsequent fiscal years to accomplish the purpose of the bill.

Unexpended or unencumbered funds remaining at the end of FY 12 do not revert to the General Fund.

**Fiscal Issues:**

The Legislative Finance Committee Fiscal Impact Report (FIR) for SB 199, *New Mexico-Grown Produce for School Lunches* (an almost identical bill introduced in 2010), categorized the appropriation as a recurring expense to the General Fund.

**Technical Issues:**

None.

**Substantive Issues:**

- According to the DOH analysis of SB 123:
  - increased fresh produce intake is one of the department's key strategies, through the "Fruits & Veggies – More Matters" campaign, to prevent chronic diseases including obesity, coronary heart disease, and some cancers;
  - the rate of obesity among New Mexico high school students increased from 10.2 percent in 2003 to 13.5 percent in 2009;

- being obese and overweight disproportionately affects racial and ethnic minority groups, people living in rural communities, and those with low incomes or low educational levels;
  - the US Department of Agriculture (USDA) states that about 14.7 percent of New Mexico families have difficulty securing adequate food; and
  - SB 123 would support good nutrition in schools, especially in rural low-income communities.
- The Public Education Department (PED) also notes the critical importance of fruits and vegetables in promoting good health and protecting against chronic disease; however, PED observes that it is unclear whether the cost of produce grown in-state will be equal to or cheaper than produce purchased from vendors outside New Mexico. However, according to the New Mexico organization Farms to Schools, some locally grown products are in fact both fresher and less expensive than those imported from other states and nations.
  - NMDA states, on the other hand, that in addition to providing school children with fruits and vegetables, SB 123 would offer both small- and large-scale New Mexico farmers additional outlets for their produce, generating increased farm income and economic development opportunities.

**Background:**

- According to the Higher Education Department bill analysis for SB 199, the Farm to School program connects K-12 schools and local farms in order to serve healthy meals in school cafeterias; improve student nutrition; provide agriculture, health and nutrition education opportunities; and support local and regional farmers.
- According to the Farm to School national organization, there are currently 950 Farm to School programs operating in 35 states, including New Mexico.
- Staff at New Mexico Farm to School, a nonprofit organization based in Santa Fe serving four southwestern states, declares that 11 New Mexico school districts, including those in Albuquerque, Santa Fe, Taos, Gadsden, and Pecos, currently buy locally grown produce for school meals and snacks programs with funds from their regular school nutrition budgets.
- In December 2010, Congress passed and the President signed the federal *Healthy, Hunger-Free Kids Act*, which adds \$.06 per meal to local school district food-service budgets, makes it easier for more students to qualify for free lunches, and gives the USDA authority to improve the nutritional standards for school meals. The federal *Farm Bill of 2008* allows schools to use federal nutrition funds to buy locally grown and locally raised farm products to the maximum extent possible through “geographic preference,” even if the local producer is not the lowest bidder.

**Related Bills:**

SB 63 *Government Food Purchasing Requirements*