

**CHAPTER 168****(HB 484)**

AN ACT relating to state purchases of food or beverages.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

SECTION 1. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO READ AS FOLLOWS:

- (1) This section shall apply to any contract entered into by an agency or a business that contracts with a local school board, local school district, or other agency to provide food or meal services.*
- (2) In addition to any requirements established by the United States Department of Agriculture under the National School Lunch Program, the School Breakfast Program, or other federally-supported food service programs, an agency or business that provides food or meal services under contract with a local school board, local school district, or other agency shall give preference in purchasing contracts to high calcium foods or beverages.*
- (3) For the purposes of this section, the term "high calcium foods or beverages" means foods or beverages that contain a higher level of calcium and that are equal to or lower in price than other products of the same type and quality.*
- (4) Notwithstanding subsection (2) of this section, if the director of a program operated by an agency or business offering food or meal services on behalf of a local school board, local school district, or other agency determines that a high calcium food or beverage would interfere with the proper treatment and care of an individual receiving services from the program, then the purchasing agent for that institution or business shall not be required to purchase a high calcium food or beverage for that individual.*
- (5) A purchasing agent who has entered into a contract with a supplier to purchase food or beverages before July 1, 2002, is not required to purchase high calcium foods or beverages if purchasing those products would change the terms of the contract.*

Approved April 2, 2002