

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 296 (Senator Montgomery, *et al.*)
Education, Health, and Environmental Affairs

Public Schools - Thirsty Kids Act

This bill requires each public school to (1) make available free, unlimited, potable drinking water for each student throughout the school day; (2) include a reusable water bottle on the school supplies list for each student in kindergarten through grade 12; and (3) provide flat-bottomed, biodegradable cups for drinking water in each location where meals are served. The Maryland State Department of Education (MSDE) must encourage each local board of education to develop a plan to promote in public schools (1) the consumption of drinking water; (2) the use of reusable water bottles; and (3) weekly cleaning of reusable water bottles.

The bill takes effect July 1, 2015.

Fiscal Summary

State Effect: MSDE can encourage local school systems to develop the required plan using existing resources.

Local Effect: Local school system expenditures increase minimally to provide flat-bottomed, biodegradable cups. Local school system revenues from bottled water may decrease minimally. Local school systems can promote the consumption of drinking water, the use of reusable water bottles, and weekly cleaning of reusable water bottles using existing resources.

Small Business Effect: None.

Analysis

Current Law/Background: Local school systems are subject to federal law and regulations through participation in federal food and nutrition programs, including (among others) the National School Lunch Program (NSLP), the School Breakfast Program (SBP), and the programs for free and reduced-price meals and free milk in schools. MSDE monitors local school compliance with federal law regarding school food and nutrition programs. The Maryland Code of Regulations indicates that local school systems are subject to administrative review by MSDE and/or the U.S. Department of Agriculture for the purpose of evaluating the administration of a food and nutrition program.

The federal Healthy Hunger-Free Kids Act of 2010 requires schools participating in NSLP to make available to children free of charge, as nutritionally appropriate, potable water for consumption in the place where meals are served during meal service. Federal regulations for NSLP and for SBP require schools to make potable water available and accessible without restriction to children at no cost to the child. While potable water is required to be available, it is not considered part of the reimbursable meal and there is no separate funding available.

Cups are provided, at no cost to the child, if water is offered via bulk container, other than a water fountain.

In 2010, California enacted legislation requiring a school district to provide access to free, fresh drinking water during meal times in the food service areas of the schools, including, but not necessarily limited to, areas where reimbursable meals under NSLP or SBP are served or consumed.

Local Revenues: Local school system revenues from bottled water may decrease minimally. Harford County Public Schools (HCPS) advises that the bill will reduce revenues from bottled water sold in cafeterias. HCPS daily bottled water sales total about \$2,000 or \$350,000 per year, all of which will be lost under the bill accordingly to HCPS. The Department of Legislative Services (DLS) advises that bottled water revenue may decrease minimally; however, it is not anticipated to be significant because all local school systems including HCPS are currently required to provide potable water where NSLP and SBP meals are served. Thus, most students who currently purchase bottled water will likely continue to purchase water even when cups for water are provided.

Local Expenditures: Local school system expenditures increase minimally to provide flat-bottomed, biodegradable cups. The total cost per local school system will depend on the number of cups used and the cost of cups. Due to the use of reusable water bottles being encouraged under the bill, it is not anticipated that a significant number of cups will be required. The exact cost of bulk flat-bottomed, biodegradable cups for local school

systems is unknown, but based on the retail cost of paper cups, it is anticipated to be less than 5 cents per cup.

Frederick County Public Schools (FCPS) reports it currently offers free potable water in each of its cafeterias and, if a school does not have a drinking fountain available within the cafeteria, free potable water is available in a self-serve cooler with 5 oz. clear plastic cups. FCPS advises, therefore, the bill will have no fiscal impact. However, DLS advises that, under the bill, FCPS needs to provide flat-bottomed, biodegradable cups even in cafeterias with a water fountain, and needs to ensure that all cups provided are flat-bottomed and biodegradable.

Additional Information

Prior Introductions: None.

Cross File: HB 1023 (Delegate A. Miller, *et al.*) - Ways and Means.

Information Source(s): Maryland State Department of Education; Maryland Association of Boards of Education; Charles, Frederick, and Harford counties; Department of Legislative Services

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min/rhh

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