

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 528
Ways and Means

(Delegate Ebersole, *et al.*)

Primary and Secondary Education - Sensible Sugar in Schools Act

This bill requires each local board of education to develop a plan for reducing students' total sugar intake per school meal by August 1, 2017, based on recommendations from the American Heart Association and the workgroup established by the bill. Each local board must convene a workgroup to study the best practices of lowering students' total sugar intake per school meal, consider whether the best practices would be appropriate to implement in the local school system, and make recommendations. An existing school health council, wellness committee, or wellness team that satisfies the requirements of the bill may constitute the workgroup.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: None. The bill is directed at local boards of education.

Local Effect: Local school system expenditures may increase minimally to convene workgroups to study best practices to lower students' total sugar intake, hold public hearings, make recommendations on whether the best practices would be appropriate to implement, and develop plans to reduce students' total sugar intake.

Small Business Effect: None.

Analysis

Bill Summary: Each workgroup must include parents, students, teachers, school administrators, medical professionals, and nonprofit organizations. A member of each

board's workgroup must be a resident of the county in which the local board is located. Each workgroup must hold at least two public hearings and provide an opportunity for public testimony at each meeting.

Current Law: 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 other programs for students who are eligible for free and reduced-price meals and free milk in schools. The Maryland State Department of Education (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 (USDA) for the purpose of evaluating the administration of a food and nutrition program.

NSLP requires schools to provide nutritious and well-balanced meals to all the children they serve. The federal Healthy, Hunger-Free Kids Act of 2010 requires schools to offer nutritious, well-balanced, and age-appropriate meals to all the children they serve to improve their diets and safeguard their health. Children age five and older must be offered lunches that meet the following nutrition standards for their age/grade group: specified food components and food quantities; zero grams of trans fat per serving or a minimal amount of naturally occurring trans fat; less than 10% of total calories from saturated fat; reduced amount of sodium; and follow the applicable recommendations from the 2010 Dietary Guidelines for Americans.

School food authorities have several ways to plan menus. The minimum levels of nutrients and calories that lunches must offer depend on the menu planning approach used and the ages/grades served.

Schools must keep production and menu records for the meals they produce. These records must show how the meals contribute to the required food components, food items, or menu items every day. In addition, for lunches, these records must show how the lunches contribute to the nutrition standards and the appropriate calorie and nutrient levels for the ages or grades of the children in the school over the school week. If applicable, schools or school food authorities must maintain nutritional analysis records to demonstrate that lunches meet, when averaged over each school week, (1) nutrition standards and (2) the nutrient and calorie levels for children for each age or grade group served. Local schools are encouraged but not required to inform students, parents, and the public about efforts they are making to meet the nutrition standards for school lunches.

USDA prohibits schools from selling foods of minimal nutritional value (FMNV) during meal periods anywhere reimbursable meals are sold or eaten. Chapter 312 of 2005, the Student Health Promotion Act of 2005, requires Maryland public school vending machines

that sell FMNV to have and use timing devices that automatically prohibit or allow access to vending machines in accordance with policies established by local boards of education. Also, one semester of health education is among the high school graduation requirements for Maryland students.

According to the Maryland Nutrition Standards for All Foods Sold in Schools adopted by the State Board of Education on June 27, 2014, and effective July 1, 2014, all foods and beverages sold to students on the school campus, including cafeteria a la carte items, vending machines, school stores, and fundraising activities, from 12:01 am until 30 minutes after the end of the official school day, must meet the nutrition standards described below.

All foods (other than foods offered in the NSLP and SBP) must fall into one of the following categories:

- be whole grain-rich ($\geq 50\%$ whole grain by weight or listed as first ingredient);
- first ingredient must be a fruit, vegetable, dairy product, or protein food;
- be a combination of food that consists of $\geq \frac{1}{4}$ cup of fruit and/or vegetable; *or*
- contain at least 10% of the daily value of a nutrient of public health concern – *i.e.*, calcium, potassium, vitamin D, or dietary fiber (this criterion will expire on July 1, 2016).

Foods must also meet all of the standards shown in **Exhibit 1**.

Exhibit 1
Maryland Nutrition Standards for All Foods Sold in Schools

Calories		Sodium		Fats			Sugar
Snack/Side Dish	Entrees	Snack/ Side Dish	Entrees	Total Fat	Saturated Fat	Trans Fat	Weight Sugar/ Total Weight
≤ 200 calories	≤ 350 calories	230 mg (After 7/1/2016 ≤ 200 mg)	480 mg	35% of calories	<10% of calories	Zero grams	35% of total weight from sugar

Source: Maryland State Department of Education

Beverages must also meet the standards shown in **Exhibit 2**.

Exhibit 2
Beverage Standards for Maryland Schools

	Elementary	Middle	High School
Plain Water or Plain Carbonated Water	Any size	Any size	Any size
Low-fat Milk, unflavored Nonfat Milk, flavored or unflavored	≤ 8 fl. oz.	≤ 12 fl. oz.	≤ 12 fl. oz.
100% Fruit/Vegetable Juice	≤ 8 fl. oz.	≤ 12 fl. oz.	≤ 12 fl. oz.
100% Fruit/Vegetable Juice -diluted with water, with or without carbonation -with no added sweeteners	≤ 8 fl. oz.	≤ 12 fl. oz.	≤ 12 fl. oz.
Other flavored and/or carbonated beverages -soda is not allowed	Not allowed	Not allowed	If ≤ 12 fl. oz. must meet: ≤40 calories/8 oz. ≤60 calories/ 12 oz.
			If ≤ 20 fl. oz. must meet: ≤5 calories/8 oz. ≤10 calories/ 12 oz.
Caffeine, beyond naturally occurring trace amounts	Not allowed	Not allowed	Not allowed

Source: Maryland State Department of Education

Background: In our foods there are two types of sugars: naturally occurring sugars (*e.g.*, fructose in fruit, lactose in milk) and added sugars (*e.g.*, white sugar, brown sugar, corn syrup). Over the past 30 years, Americans have steadily consumed more and more added sugars in their diets, which has contributed to the obesity epidemic according to the American Heart Association. Reducing the amount of added sugars can help control weight and improve heart health. The American Heart Association recommends limiting the amount of added sugars consumed to no more than half of daily discretionary calorie allowance.

According to the U.S. Centers for Disease Control and Prevention (CDC), childhood obesity has more than tripled in the past 30 years. CDC reports that childhood obesity has increased from 6.5% in 1980 to 19.6% in 2008 among children ages 6 to 11 and from 5.0% to 18.1% among children ages 12 to 19 for this time period. Obesity generally results from an imbalance between calories consumed and calories expended. Obese youth are more

likely than others to be obese or overweight in adulthood, and obesity is linked to increased risk of future cardiovascular disease, diabetes, stroke, and other serious health conditions.

The *2015-2020 Dietary Guidelines for Americans* written by the U.S. Department of Health and Human Services recommends that less than 10% of the calories consumed by Americans per day come from added sugars. The *Dietary Guidelines* is designed for professionals to help all individuals age two years and older and their families consume a healthy, nutritionally adequate diet.

Additional Information

Prior Introductions: A similar bill, SB 505 of 2015 received a hearing in the Senate Education, Health, and Environmental Affairs Committee, but no further action was taken. Its cross file, HB 894 received a hearing in the House Ways and Means Committee, but no further action was taken.

Cross File: None. Although, SB 65 (Senator Young – Education, Health, and Environmental Affairs) is similar.

Information Source(s): Maryland State Department of Education, U.S. Department of Health and Human Services, American Heart Association, U.S. Centers for Disease Control and Prevention, Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2016
min/rhh

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510