

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 183
Ways and Means

(Baltimore County Delegation)

Education, Health, and Environmental Affairs

Education - Career Exploration and Development Activities - Coffee (Java Act)

This bill authorizes an Executive Branch agency to ban or regulate the sale of coffee in conjunction with a career exploration and development activity in a public high school in Baltimore County. However, any career exploration and development activity that allowed the sale of coffee on or before June 30, 2017, is exempt from the bill's authorization.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect Baltimore County Public School System operations or finances.

Small Business Effect: None.

Analysis

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, School Breakfast Program, and other programs for free and reduced-price meals and free milk in schools. 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 following the applicable recommendations from the 2010 Dietary Guidelines for Americans.

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.

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.

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 public school campus, including cafeteria a la carte items, vending machines, school stores, and fundraising activities, from 12:01 a.m. until 30 minutes after the end of the official school day must meet specified nutrition standards. Beverages must meet the standards shown in **Exhibit 1**.

Exhibit 1
Beverage Standards for Maryland Schools

	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>	
Plain water or plain carbonated water	Any Size	Any Size	Any Size	
Low-fat milk, unflavored	≤ 8 fl oz	≤ 12 fl oz	≤ 12 fl oz	
Nonfat milk, flavored or unflavored				
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 regard to caffeine, the Maryland Nutrition Standards for All Foods Sold in Schools by MSDE goes beyond the requirements for the federal Healthy, Hunger-Free Kids Act of 2010. The Maryland Nutrition Standards for All Foods Sold in Schools prohibits caffeine, beyond naturally occurring trace amounts in elementary, middle, and high schools. The federal regulations for the Healthy, Hunger-Free Kids Act of 2010 prohibit caffeine beyond naturally occurring trace amounts in elementary and middle schools, but permit caffeine beverages in high schools.

Students in a special education program at Patapsco High School (Baltimore County) were operating a coffee shop at their school as part of a vocational training program. The coffee shop was closed after the implementation of new beverage standards for Maryland schools that were adopted by the State Board of Education in 2014. MSDE advises that the State board policy restricts the sale of caffeinated beverages to students, but it does not regulate the sale of caffeinated beverages to adults. Due to the State regulations, the coffee shop was temporarily replaced with a shop selling slushies, made of fruit concentrates and no added sugar. However, with the enactment of Chapter 717 of 2016, the coffee shop at Patapsco High School resumed selling coffee.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Baltimore County; Maryland State Department of Education; U.S. Department of Agriculture; Department of Legislative Services

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