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**TO:** The Honorable Vanessa Atterbear  
Chair, Ways and Means Committee

**FROM:** Hannibal G. Williams II Kemerer  
Chief Counsel, Legislative Affairs, Office of the Attorney General

**RE:** HB628 – Primary and Secondary Education – Breakfast and Lunch  
Programs – Universal Expansion (Support)

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The Office of the Attorney General supports House Bill 628, Del. Reznik's bill to universally expand the State's Free Feeding Program in primary and secondary education beginning in fiscal year 2025. The results are in: among the studies examining universal free school lunches (with or without breakfast), positive associations were generally observed with students' diet quality and academic performance, particularly in the presence of strong nutrition standards that include fruits, vegetables, and/or whole grains.<sup>1</sup>In that same NIH study, findings consistently show student participation in school meal programs increases when meals are provided at no cost.<sup>2</sup>Further, the increase in participation tends to be largest among students who previously did not qualify for free or reduced-price meals.<sup>3</sup>

Universal school meals seek to improve the nutritional quality of children's diets and reduce food insecurity.<sup>4</sup> These programs have both direct and indirect benefits. Direct benefits include that these school meals may improve children's diets directly by providing healthy foods (i.e., fruits, vegetables, whole grains, etc.).<sup>5</sup> Indirect benefits include that healthy school meal

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<sup>1</sup> Cohen, J. F. W., Hecht, A. A., McLoughlin, G. M., Turner, L., & Schwartz, M. B. (2021). Universal School Meals and Associations with Student Participation, Attendance, Academic Performance, Diet Quality, Food Security, and Body Mass Index: A Systematic Review. *Nutrients*, 13(3), 911. <https://doi.org/10.3390/nu13030911>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Cullen K.W., Chen T.-A. The contribution of the USDA school breakfast and lunch program meals to student daily dietary intake. *Prev. Med. Rep.* 2017;5:82–85. doi: 10.1016/j.pmedr.2016.11.016.

<sup>5</sup> *Id.*

This bill letter is a statement of the Office of Attorney General's policy position on the referenced pending legislation. For a legal or constitutional analysis of the bill, Members of the House and Senate should consult with the Counsel to the General Assembly, Sandy Brantley. She can be reached at 410-946-5600 or sbrantley@oag.state.md.us

consumption is associated with decreased intake of less healthy foods outside of school, potentially attributable to increased satiety from nutrient dense, high fiber school meals.<sup>6</sup>

Critics may argue that there can be adverse impacts on children's Body Mass Index (BMI). However, if healthier meals are provided by schools, they may reduce the risk of obesity to the extent that they replace less nutritionally balanced foods with higher quality school meals.<sup>7</sup> Evidence suggesting school meals are on average healthier than lunches brought from home supports this theory.<sup>8</sup> Moreover, due to the reduction in time spent processing applications for free and reduced-price meals, cafeteria staff time was redirected to improving meal quality, nutrition education, and staff development, which can further the positive influence on students' dietary behaviors.<sup>9</sup>

For all of the foregoing reasons, the Office of Attorney General supports a favorable report on HB 628.

cc: Committee Members

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<sup>6</sup> Cohen J.F., Findling M.T.G., Rosenfeld L., Smith L., Rimm E.B., Hoffman J.A. The impact of 1 year of healthier school food policies on students' diets during and outside of the school day. *J. Acad. Nutr Diet.* 2018;118:2296–2301. doi: 10.1016/j.jand.2018.07.009.

<sup>7</sup> Kenney E.L., Barrett J.L., Bleich S.N., Ward Z.J., Cradock A.L., Gortmaker S.L. Impact Of The Healthy, HungerFree Kids Act On Obesity Trends: Study examines impact of the Healthy, Hunger-Free Kids Act of 2010 on childhood obesity trends. *Health Aff.* 2020;39:1122–1129. doi: 10.1377/hlthaff.2020.00133.

<sup>8</sup> Fox M.K., Gearan E., Cabili C., Dotter D., Niland K., Washburn L., Paxton N., Olsho L., LeClair L., Tran V. School Nutrition and Meal Cost Study Final Report Volume 4: Student Participation, Satisfaction, Plate Waste, and Dietary Intakes. [(accessed on 1 March 2020)];*Math. Policy Res.* 2019 Mar 1; Available online: <https://fnsprod.azureedge.net/sites/default/files/resource-files/SNMCS-Volume4.pdf>.

<sup>9</sup> Robinson R.A. *Food Assistance: Early Results of USDA's No-Fee School Meal Pilot Program*. Government Accountability Office (GAO); Washington, DC, USA: 1994. Report to U.S.