
By: **Senators Pinsky, Frosh, Kelley, and Sfikas**
Introduced and read first time: February 1, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Vending Machines in Schools - Policy**

3 FOR the purpose of requiring county boards of education to develop and adopt certain
4 policies relating to vending machines in public schools; requiring county boards
5 to submit certain policies to the State Department of Education by a certain
6 date; requiring county boards to submit a certain report to the State
7 Department of Education by a certain date; providing that existing obligations
8 or contract rights may not be impaired by this Act; and generally relating to
9 vending machines in public schools.

10 BY adding to

11 Article - Education
12 Section 7-1101 and 7-1102 to be under the new subtitle "Subtitle 11. Vending
13 Machines in Public Schools"
14 Annotated Code of Maryland
15 (2001 Replacement Volume)

16 Preamble

17 WHEREAS, Students are consuming, throughout the school day, low-nutrient
18 foods purchased from vending machines at school and this trend has been accelerated
19 by the pervasive advertising in school by snack food and beverage companies; now,
20 therefore,

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Education**

24 **SUBTITLE 11. VENDING MACHINES IN PUBLIC SCHOOLS.**

25 7-1101.

26 IN THIS SUBTITLE, "FOOD OF MINIMAL NUTRITIONAL VALUE" HAS THE
27 MEANING STATED IN REGULATIONS FOR THE NATIONAL SCHOOL LUNCH PROGRAM

1 ADOPTED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, UNDER 7 CFR
2 210.11(A)(2).

3 7-1102.

4 (A) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A POLICY REGARDING
5 VENDING MACHINES THAT INCLUDES:

6 (1) ENCOURAGING A REDUCTION IN STUDENT CONSUMPTION OF
7 FOODS OF MINIMAL NUTRITIONAL VALUE ON SCHOOL PREMISES;

8 (2) PROHIBITING ACCESS BY STUDENTS TO VENDING MACHINES
9 CONTAINING FOODS OF MINIMAL NUTRITIONAL VALUE FROM 12:01 A.M. UNTIL THE
10 END OF THE LAST LUNCH PERIOD IN EACH SCHOOL EVERY SCHOOL DAY;

11 (3) REQUIRING EACH CONTRACT THAT A SCHOOL ENTERS INTO
12 WITH A VENDOR FOR VENDING MACHINES AND PRODUCTS SOLD IN VENDING
13 MACHINES BE SUBMITTED TO THE COUNTY BOARD FOR REVIEW;

14 (4) PROHIBITING CONTRACTS FOR VENDING MACHINES AND
15 PRODUCTS SOLD IN VENDING MACHINES FROM EXCEEDING A TERM OF 5 YEARS;

16 (5) PROHIBITING THE SCHOOL FROM RENEWING AN EXISTING
17 CONTRACT OR ENTERING INTO A NEW CONTRACT IF A SCHOOL:

18 1. VIOLATES A COUNTY BOARD'S POLICY REGARDING
19 VENDING MACHINE ACCESS BY STUDENTS; OR

20 2. FAILS TO SUBMIT THE CONTRACT TO THE COUNTY BOARD
21 FOR REVIEW; AND

22 (6) PROHIBITING ANY PROVISION OF A CONTRACT THAT
23 PROHIBITS EMPLOYEES AND STUDENTS FROM DISPARAGING THE GOODS OR
24 SERVICES OF THE PARTY CONTRACTING WITH THE SCHOOL.

25 (B) EACH COUNTY BOARD SHALL SUBMIT ITS POLICIES TO THE DEPARTMENT
26 ON OR BEFORE AUGUST 1, 2003.

27 SECTION 2. AND BE IT FURTHER ENACTED, That each county board of
28 education shall report to the State Department of Education on or before August 1,
29 2003 on the proceeds collected and the expenditures made using the proceeds
30 collected from the sale of products in vending machines in the previous 3 years.

31 SECTION 3. AND BE IT FURTHER ENACTED, That an obligation or contract
32 right existing before July 1, 2002 may not be impaired in any way by this Act.

33 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 July 1, 2002.