

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 559

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “enhance” and substitute “explore the feasibility of enhancing”; strike beginning with “by” in line 5 down through “schools” in line 7 and substitute “; requiring a certain report on or before a certain date”; in line 7, after “of” insert “certain”; in line 8, after “times;” insert “authorizing the operation of certain vending machines at certain times under certain circumstances; requiring a certain branch of the State Department of Education to establish certain standards; requiring the submission of certain standards to the State Board;”; in the same line, strike “public schools to install” and substitute “vending machines to have and use”; in line 13, strike “defining a certain term” and substitute “requiring the State Superintendent of Schools to make certain determinations regarding certain classifications of certain schools; providing for the construction of this Act; requiring the State Board to adopt certain standards by a certain date”; in line 14, strike “providing for the effective date of this Act;”; and in line 28, strike “7-1203” and substitute “7-1202”.

AMENDMENT NO. 2

On page 3, in line 11, before “THE” insert “(A)”; in the same line, strike “ENHANCE” and substitute “EXPLORE THE FEASIBILITY OF ENHANCING”; in line 12, after “SUBTITLE” insert “BOTH DURING AND AFTER SCHOOL”; strike beginning with “BY” in line 12 down through “SECTION” in line 17; after line 17, insert:

“(B) ON OR BEFORE DECEMBER 1, 2004, THE STATE BOARD SHALL REPORT ITS FINDINGS UNDER SUBSECTION (A) OF THIS SECTION TO THE GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.”;

and strike in their entirety lines 20 through 24, inclusive.

AMENDMENT NO. 3

(Over)

On page 3, in line 25, strike “SUBSECTION (D)” and substitute “SUBSECTIONS (B) AND (F)”; in the same line, after “SECTION,” insert “BEGINNING WITH THE 2004-2005 SCHOOL YEAR,”; in line 26, strike “ARE PROHIBITED IN PUBLIC ELEMENTARY SCHOOLS” and substitute “MAY NOT BE OPERATED:”

(1) IN PUBLIC ELEMENTARY AND MIDDLE SCHOOLS, FROM 12:01 A.M. UNTIL ONE-HALF HOUR AFTER THE END OF THE LAST CLASS; AND

(2) IN PUBLIC HIGH SCHOOLS, FROM 12:01 A.M. UNTIL THE END OF THE LAST LUNCH PERIOD”;

strike in their entirety lines 27 through 32, inclusive; after line 32, insert:

“(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION:

(1) VENDING MACHINES THAT CONTAIN BEVERAGES MAY BE OPERATED FROM 12:01 A.M. UNTIL ONE-HALF HOUR AFTER THE END OF THE LAST CLASS ONLY IF THEY CONTAIN BEVERAGES THAT ARE WATER, MILK, INCLUDING FLAVORED OR SOY MILKS, OR 100% FRUIT JUICE;

(2) VENDING MACHINES THAT CONTAIN FOOD ITEMS MAY BE OPERATED IF THEY CONTAIN FOOD ITEMS THAT MEET THE NUTRITIONAL STANDARDS ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION AND ARE OPERATED UNDER THE DIRECTION OF THE SCHOOL FOOD SERVICE OFFICE OF THE SCHOOL AUTHORITY; AND

(3) BEGINNING WITH THE 2005-2006 SCHOOL YEAR, IN PUBLIC HIGH SCHOOLS, VENDING MACHINES THAT CONTAIN FOOD ITEMS MAY BE OPERATED AFTER THE LAST LUNCH PERIOD ONLY IF THEY CONTAIN FOOD ITEMS THAT MEET THE NUTRITIONAL STANDARDS ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

(C) (1) THE SCHOOL AND COMMUNITY NUTRITION PROGRAMS BRANCH OF THE DEPARTMENT SHALL ESTABLISH NUTRITIONAL STANDARDS FOR THE SALE

OF FOOD ITEMS IN PUBLIC SCHOOLS.

(2) THE NUTRITIONAL STANDARDS ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE STATE BOARD FOR ADOPTION.

(D) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE SALE, IN PUBLIC HIGH SCHOOLS AFTER THE LAST LUNCH PERIOD, AS PART OF A SCHOOL FUNDRAISING EVENT, OF FOOD ITEMS THAT MEET THE NUTRITIONAL STANDARDS ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.”;

and in line 33, strike “(C)” and substitute “(E)”.

AMENDMENT NO. 4

On page 3, in line 33, strike “EACH PUBLIC SCHOOL SHALL INSTALL” and substitute “VENDING MACHINES IN PUBLIC SCHOOLS SHALL HAVE”; and strike beginning with “ON” in line 33 down through “MACHINE” in line 34.

On page 4, in line 3, strike “(D)” and substitute “(F)”; in line 6, strike “7-1203” and substitute “7-1202”; strike in their entirety lines 13 through 18, inclusive; in lines 19, 22, 25, and 27, strike “(3)”, “(4)”, “(5)”, and “(6)”, respectively, and substitute “(1)”, “(2)”, “(3)”, and “(4)”, respectively; in line 26, strike “3” and substitute “5”; in the same line, after “YEARS;” insert “AND”; in line 32, strike the semicolon and substitute a period; and strike in their entirety lines 33 and 34.

AMENDMENT NO. 5

On page 5, strike in their entirety lines 1 through 3, inclusive; in line 6, after “That” insert “the State Superintendent of Schools shall make a determination regarding the classification of a public school that does not clearly fall into a classification of an elementary, middle, or high school for the purposes of implementing the provisions of this Act.”

SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act shall be construed to preempt a county board of education from implementing a more stringent policy regarding the operation of vending machines in public elementary, middle, and high schools in that county.

SECTION 4. AND BE IT FURTHER ENACTED, That the Maryland State Board of Education shall approve nutritional standards submitted by the School and Community Nutrition Programs Branch of the State Department of Education for the sale of food items in public schools in accordance with this Act on or before August 1, 2004. The State Board shall report these nutritional standards to the General Assembly in accordance with § 2-1246 of the State Government Article of the Annotated Code, on or before September 1, 2004.

SECTION 5. AND BE IT FURTHER ENACTED, That”;

and in line 7, strike “August” and substitute “July”.