
By: **Delegates Stern, Barve, Benson, Boutin, Branch, Bronrott, Cardin,
G. Clagett, V. Clagett, Costa, Cryor, Donoghue, Goldwater, Gordon,
Harrison, Haynes, Hubbard, McConkey, McHale, Murray,
Nathan-Pulliam, Oaks, Owings, Parker, Petzold, Ramirez, Taylor, and
V. Turner**

Introduced and read first time: January 28, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - School Nutrition Program**

3 FOR the purpose of establishing a School Nutrition Program for certain purposes;
4 prohibiting certain beverages and certain foods from being served in public
5 schools during certain hours; authorizing certain local school systems to
6 implement certain measures; providing for certain delayed effective dates for
7 certain provisions of this Act; and generally relating to the School Nutrition
8 Program.

9 BY adding to
10 Article - Education
11 Section 7-420
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2003 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Education
16 Section 7-420(c)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2003 Supplement)
19 (As enacted by Section 1 of this Act)

20 Preamble

21 WHEREAS, Obesity is a major public health issue in both the United States and
22 in Maryland; and

23 WHEREAS, Approximately 25% of all children and adolescents are overweight
24 or obese and the total number of overweight or obese children and adolescents has
25 tripled since 1980; and

1 WHEREAS, Overweight children and adolescents have a 70% chance of
2 becoming overweight or obese adults; and

3 WHEREAS, There are more overweight and obese adults in Maryland (20.5%)
4 than in the United States on average (17.9%); and

5 WHEREAS, The Surgeon General has stated that 50% of African American and
6 Hispanic children and 33% of Caucasian children born in the year 2000 will become
7 diabetics if they fail to change their lifestyles; and

8 WHEREAS, Approximately 16 million Americans have Type II diabetes and the
9 number has risen by 50% in the past 10 years; and

10 WHEREAS, Obesity may contribute to diabetes, cardiovascular disease,
11 hypertension, arthritis, birth defects, gall bladder disease, gout, liver disease, low
12 back pain, sleep apnea, stroke, urinary incontinence, surgical complications, and
13 certain forms of cancer; and

14 WHEREAS, These trends in obesity already are associated with dramatic
15 increases in conditions such as asthma and Type II diabetes among children; and

16 WHEREAS, In 2000, the cost of obesity in the United States totaled an
17 estimated \$117 billion in medical costs and lost productivity; and

18 WHEREAS, The cost of obesity in Maryland is estimated to be \$2.5 billion per
19 year including both direct costs for health care and indirect costs for lost productivity;
20 and

21 WHEREAS, Three out of four high school students in the United States do not
22 eat the recommended 5 or more servings of fruits and vegetables each day; and

23 WHEREAS, Three out of four children consume more saturated fat than is
24 recommended in the Dietary Guidelines for Americans; now, therefore,

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

27 **Article - Education**

28 7-420.

29 (A) (1) THERE IS A SCHOOL NUTRITION PROGRAM.

30 (2) THE PURPOSE OF THE PROGRAM IS TO ENCOURAGE LOCAL SCHOOL
31 SYSTEMS TO:

32 (I) SERVE MORE FRESH FRUITS AND VEGETABLES IN PUBLIC
33 SCHOOLS;

34 (II) ELIMINATE FRIED FOODS IN PUBLIC SCHOOLS;

1 (III) OFFER HEALTHY FOOD CHOICES AT ALL PUBLIC SCHOOL
2 ACTIVITIES;

3 (IV) REVIEW PORTION SIZES; AND

4 (V) EXCEED THE REQUIREMENTS OF THIS SECTION.

5 (B) BETWEEN THE HOURS OF 12:01 A.M. AND THE END OF THE LAST LUNCH
6 PERIOD IN A PUBLIC SCHOOL, THE ONLY BEVERAGES THAT MAY BE SERVED ARE:

7 (1) WATER;

8 (2) FRUIT JUICES WITH AT LEAST 50% FRUIT JUICE AND NO ADDED
9 NATURAL OR ARTIFICIAL SWEETENER;

10 (3) ISOTONIC BEVERAGES THAT REPLENISH ELECTROLYTES AND DO
11 NOT CONTAIN MORE THAN 42 GRAMS OF ADDED SWEETENER PER 20 OUNCE
12 SERVING; OR

13 (4) MILK, INCLUDING LOW-FAT MILK, NONFAT MILK, FLAVORED MILK,
14 SOY MILK, RICE MILK, AND OTHER NONDAIRY MILK VARIETIES.

15 (C) EXCEPT AS PROVIDED UNDER THE NATIONAL SCHOOL LUNCH PROGRAM
16 OR IN SUBTITLE 6 OR SUBTITLE 7 OF THIS TITLE, BETWEEN THE HOURS OF 12:01 A.M.
17 AND THE END OF THE LAST LUNCH PERIOD IN A PUBLIC SCHOOL, FOOD MAY NOT BE
18 SERVED IF:

19 (1) EXCEPT FOR NUTS AND SEEDS, MORE THAN 35% OF THE TOTAL
20 CALORIES PER PACKAGE ARE FROM FAT;

21 (2) MORE THAN 10% OF THE TOTAL CALORIES PER PACKAGE ARE FROM
22 SATURATED FAT; OR

23 (3) EXCEPT FOR FRUITS AND VEGETABLES, MORE THAN 35% OF THE
24 TOTAL CALORIES PER PACKAGE ARE FROM SUGAR.

25 (D) A LOCAL SCHOOL SYSTEM MAY IMPLEMENT MORE STRINGENT MEASURES
26 THAN CONTAINED WITHIN THIS SECTION IN ORDER TO IMPROVE NUTRITION IN THE
27 PUBLIC SCHOOLS.

28 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
29 read as follows:

30 **Article - Education**

31 7-420.

32 (c) Except as provided under the National School Lunch Program or in
33 Subtitle 6 or Subtitle 7 of this title, between the hours of 12:01 a.m. and the end of the
34 last lunch period in a public school, food may not be served if:

1 (1) Except for nuts and seeds, more than 35% of the total calories per
2 package are from fat;

3 (2) More than 10% of the total calories per package are from saturated
4 fat; [or]

5 (3) Except for fruits and vegetables, more than 35% of the total calories
6 per package are from [sugar] SUGAR; OR

7 (4) THE FOOD CONTAINS LESS THAN 10% OF THE RECOMMENDED
8 DIETARY ALLOWANCE FOR VITAMIN A, VITAMIN C, IRON, OR CALCIUM PER SERVING.

9 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
10 take effect July 1, 2009.

11 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
12 Section 3 of this Act, this Act shall take effect July 1, 2006.