

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 346 (Delegate Stern, *et al.*)  
Ways and Means

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**Public Schools - School Nutrition Program**

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This bill establishes a school nutrition program that prohibits public elementary and secondary schools from serving non-nutritious drinks and food between 12:01 a.m. and the end of the last lunch period.

The bill takes effect July 1, 2006.

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**Fiscal Summary**

**State Effect:** The Maryland State Department of Education could monitor compliance with the school nutrition program with existing resources.

**Local Effect:** Local school revenues from the sale of foods and drinks could decrease minimally.

**Small Business Effect:** Potential minimal.

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**Analysis**

**Bill Summary:** Between 12:01 a.m. and the end of the last lunch period, the only drinks that may be served in public schools are water, milk, fruit juices, and isotonic beverages that meet specified standards. During the same time frame, food may not be served if: (1) except for nuts and seeds, more than 35% of the total calories per package are from fat; (2) more than 10% of the total calories per package are from saturated fat; or (3) except for fruits and vegetables, more than 35% of the total calories per package are from sugar. Beginning July 1, 2009, foods served between 12:01 a.m. and the end of the last

lunch period must also contain at least 10% of the recommended dietary allowance for vitamin A, vitamin C, iron, or calcium per serving.

Local school systems may choose to implement more stringent nutritional requirements than required by this bill.

**Current Law:** School breakfasts and lunches supported by State and federal funds must meet specific nutritional standards. In order to receive funding through the school nutrition programs, schools are prohibited from selling foods of minimal nutritional value from 12:01 a.m. until the end of the last lunch period each day. Foods of minimal nutritional value include soda water, water ice, chewing gum, certain candies, and candy-coated popcorn.

**Background:** Many schools and local school systems in Maryland and other states have turned to vending machine sales in order to raise additional school revenue. As the number of obese and overweight children has increased, a concern has been raised about the foods that are commonly sold in vending machines, as well as some of the foods that are served in lunchroom cafeterias. According to a briefing prepared by the National Conference of State Legislatures, two states, Delaware and California, have recently enacted legislation to improve the nutritional standards of food sold or served to students. The briefing also notes, however, that no states have enacted legislation to ban vending machines completely. Although bills that would have required some form of nutrition education in schools were introduced in many states, California was the only state to pass such legislation.

**Local Revenues:** Many local school systems, including Baltimore, Montgomery, and Prince George's counties, allow school administrators to raise revenue by contracting with vending and soda machine companies. The supplemental revenue is often used to support extra-curricular activities in schools. Other local school systems, like Charles and Kent counties, have exclusive systemwide contracts with vendors that supply county schools with vending machines and products sold in vending machines. It is not known what impact, if any, this bill would have on the contracts or the revenues that would be raised if healthier products are sold in vending machines. There is no evidence, however, that revenues would decrease significantly.

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### **Additional Information**

**Prior Introductions:** SB 396 of 2003 and SB 680 of 2002 would have required local boards of education to develop and adopt policies regarding vending machines for the purpose of encouraging a reduction in student consumption of foods of minimal

nutritional value. The 2003 bill received an unfavorable report from the Senate Education, Health, and Environmental Affairs Committee, and the 2002 bill was not reported out of the committee. SB 435 of 2001 would have placed limitations on vending machine contracts and required local school systems to develop policies encouraging a reduction in student consumption of foods of minimal nutritional value. The bill received a favorable with amendments report from the Senate Economic and Environmental Affairs Committee but was not approved by the full Senate.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 5, 2004  
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