
By: **Delegates Stern, Barve, Benson, Bobo, Branch, Bronrott, Burns, Cardin,
V. Clagett, Conroy, Cryor, Frush, Goldwater, Hubbard, Lee, Madaleno,
Marriott, Montgomery, Murray, Nathan-Pulliam, Petzold, Taylor,
V. Turner, and Vaughn**

Introduced and read first time: February 3, 2005

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 in the local public
4 schools systems in the State; requiring local school systems to serve certain
5 required foods that follow certain requirements; prohibiting certain beverages
6 and certain foods from being served in public schools during certain hours;
7 authorizing certain local school systems to implement certain measures;
8 providing for certain delayed effective dates for certain provisions of this Act;
9 and generally relating to the School Nutrition Program.

10 BY adding to

11 Article - Education
12 Section 7-421
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2004 Supplement)

15 BY repealing and reenacting, with amendments,

16 Article - Education
17 Section 7-421(c)
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2004 Supplement)
20 (As enacted by Section 1 of this Act)

21 **Preamble**

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

24 WHEREAS, Approximately 25% of all children and adolescents are overweight
25 or obese and the total number of overweight or obese children and adolescents has
26 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 7-421.

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

30 (2) THE PROGRAM SHALL REQUIRE LOCAL PUBLIC SCHOOL SYSTEMS TO:

31 (I) SERVE MORE FRESH FRUITS AND VEGETABLES;

32 (II) ELIMINATE FRIED FOODS;

33 (III) OFFER HEALTHY FOOD CHOICES AT ALL SCHOOL ACTIVITIES;

1 (IV) EXCEPT AS PROVIDED IN ITEM (VII) OF THIS PARAGRAPH,
2 REVIEW FOOD PORTION SIZES;

3 (V) SERVE AT LEAST ONE FRUIT AND ONE VEGETABLE, EXCLUDING
4 A FRIED POTATO FOOD, WITH EACH MEAL;

5 (VI) 1. LIMIT TO 150 MILLIGRAMS THE AMOUNT OF SODIUM IN
6 CHIPS, CEREALS, CRACKERS, BAKERY FOODS, AND OTHER SNACK FOODS; AND

7 2. LIMIT TO 480 MILLIGRAMS THE AMOUNT OF SODIUM IN
8 SOUPS, PASTAS, PIZZA, MEATS, AND OTHER MAIN ENTREE FOODS; AND

9 (VII) LIMIT THE FOLLOWING FOOD ITEMS TO THE REQUIRED
10 PORTION SIZES:

11 1. CHIPS, CRACKERS, POPCORN, CEREAL, TRAIL MIX, NUTS,
12 SEEDS, DRIED FRUIT, AND JERKY TO PORTIONS OF ONE AND ONE-QUARTER OUNCES;

13 2. COOKIES AND CEREAL BARS TO PORTIONS OF 2 OUNCES;

14 3. BAKERY ITEMS, INCLUDING PASTRIES, MUFFINS,
15 DONUTS, AND BAGELS TO PORTIONS OF 2 OUNCES;

16 4. FROZEN DESSERTS, INCLUDING ICE CREAM TO PORTIONS
17 OF 3 FLUID OUNCES;

18 5. NONFROZEN YOGURT TO PORTIONS OF 8 OUNCES; AND

19 6. EXCLUDING WATER, BEVERAGES TO PORTIONS OF 12
20 OUNCES.

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

23 (1) WATER;

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

26 (3) ISOTONIC BEVERAGES THAT REPLENISH ELECTROLYTES AND DO
27 NOT CONTAIN MORE THAN 42 GRAMS OF ADDED SWEETENER PER 20-OUNCE
28 SERVING; OR

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

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

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

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

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

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

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

12 **Article - Education**

13 7-421.

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

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

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

21 (3) Except for fruits and vegetables, more than 35% of the total calories
22 per package are from sugar; OR

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

25 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
26 take effect July 1, 2010.

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