

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Ways and Means --

Introduced by **Senators Pinsky, Britt, and Grosfeld**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Student Health Promotion Act of 2005**

3 FOR the purpose of requiring certain county boards of education to include certain
4 information in certain health instruction; ~~requiring certain county boards to~~
5 ~~establish a certain nutrition policy by a certain date; providing that a certain~~
6 ~~nutrition policy does not apply to certain foods and beverages; requiring the~~
7 ~~nutrition policy to be implemented by a certain school year; requiring certain~~
8 ~~county boards to provide the State Department of Education with a copy of a~~
9 ~~certain nutrition policy and to report certain modifications to the Department;~~
10 requiring certain vending machines to have and use certain timing devices in
11 accordance with a ~~certain policy~~ *certain policies*; and generally relating to *health*
12 *and* nutrition policies in public schools.

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 7-401(a)
16 Annotated Code of Maryland

1 (2004 Replacement Volume and 2004 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article - Education
4 Section 7-409
5 Annotated Code of Maryland
6 (2004 Replacement Volume and 2004 Supplement)

7 BY adding to
8 Article - Education
9 Section 7-421
10 Annotated Code of Maryland
11 (2004 Replacement Volume and 2004 Supplement)

12 Preamble

13 WHEREAS, The Centers for Disease Control and Prevention estimate that
14 61% of Americans are overweight; and

15 WHEREAS, According to the United States Surgeon General, in the last 20
16 years the number of overweight children has doubled and the number of overweight
17 adolescents has tripled; and

18 WHEREAS, The causes of obesity have been linked to an increasing
19 consumption of high-caloric processed foods with high levels of saturated fats and
20 sugars combined with a decreasing amount of physical activity; and

21 WHEREAS, Nonfatal but debilitating effects of obesity include respiratory
22 difficulty, high cholesterol, high blood pressure, chronic musculoskeletal problems,
23 skin problems, and infertility; and

24 WHEREAS, Potentially life-threatening effects of obesity include
25 cardiovascular disease including hypertension and stroke, conditions associated with
26 insulin resistance such as Type 2 diabetes mellitus, breast cancer, colon cancer, and
27 gallbladder disease; now, therefore,

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

30 **Article - Education**

31 7-401.

32 (a) With the assistance of the county health department, each county board
33 shall provide:

34 (1) Adequate school health services;

1 (2) Instruction in health education, INCLUDING THE IMPORTANCE OF
2 PHYSICAL ACTIVITY IN MAINTAINING GOOD HEALTH; and

3 (3) A healthful school environment.

4 7-409.

5 Each public school shall have a program of physical education that is given in a
6 planned and sequential manner to all students, kindergarten through grade 12, to
7 develop their good health and physical fitness and improve their motor coordination
8 and physical skills.

9 7-421.

10 ~~(A) EACH COUNTY BOARD SHALL ESTABLISH A NUTRITION POLICY ON OR~~
11 ~~BEFORE JANUARY 31, 2006, THAT APPLIES TO ALL FOODS AND BEVERAGES MADE~~
12 ~~AVAILABLE TO STUDENTS DURING THE SCHOOL DAY, INCLUDING FOODS AND~~
13 ~~BEVERAGES SOLD:~~

14 ~~(1) IN VENDING MACHINES;~~

15 ~~(2) AS SEPARATE, NONMEAL RELATED ORDERS IN THE SCHOOL~~
16 ~~CAFETERIA;~~

17 ~~(3) IN SCHOOL STORES; AND~~

18 ~~(4) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AT~~
19 ~~SCHOOL FUNDRAISERS.~~

20 ~~(B) THE NUTRITION POLICY ESTABLISHED UNDER SUBSECTION (A) OF THIS~~
21 ~~SECTION DOES NOT APPLY TO FOODS AND BEVERAGES SOLD FOR FUNDRAISING~~
22 ~~PURPOSES OFF THE SCHOOL GROUNDS.~~

23 ~~(B) (C) THE NUTRITION POLICY ESTABLISHED UNDER SUBSECTION (A) OF~~
24 ~~THIS SECTION SHALL BE IMPLEMENTED ON OR BEFORE THE FIRST DAY OF THE~~
25 ~~2006-2007 SCHOOL YEAR.~~

26 ~~(C) (D) EACH COUNTY BOARD SHALL:~~

27 ~~(1) PROVIDE THE DEPARTMENT WITH A COPY OF THE NUTRITION~~
28 ~~POLICY ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION; AND~~

29 ~~(2) REPORT TO THE DEPARTMENT ANY SUBSEQUENT MODIFICATIONS~~
30 ~~TO THE NUTRITION POLICY.~~

31 ~~(A) THIS SECTION ONLY APPLIES TO VENDING MACHINES IN PUBLIC~~
32 ~~SCHOOLS THAT SELL FOOD ITEMS OF MINIMAL NUTRITIONAL VALUE, AS DEFINED~~
33 ~~BY THE DEPARTMENT.~~

34 ~~(D) (E) (B) BY AUGUST 1, 2006, ALL VENDING MACHINES IN PUBLIC~~
35 ~~SCHOOLS SHALL HAVE AND USE A TIMING DEVICE TO AUTOMATICALLY PROHIBIT OR~~

1 ALLOW ACCESS TO VENDING MACHINES IN ACCORDANCE WITH THE NUTRITION
2 ~~POLICY ESTABLISHED AND IMPLEMENTED UNDER THIS SECTION~~ POLICIES
3 ESTABLISHED BY THE COUNTY BOARD.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2005.