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By: **Senators Pinsky, Britt, and Grosfeld**  
Introduced and read first time: February 4, 2005  
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

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; requiring the nutrition  
6 policy to be implemented by a certain school year; requiring certain county  
7 boards to provide the State Department of Education with a copy of a certain  
8 nutrition policy and to report certain modifications to the Department; requiring  
9 certain vending machines to have and use certain timing devices in accordance  
10 with a certain policy; and generally relating to nutrition policies in public  
11 schools.

12 BY repealing and reenacting, with amendments,  
13 Article - Education  
14 Section 7-401(a)  
15 Annotated Code of Maryland  
16 (2004 Replacement Volume and 2004 Supplement)

17 BY repealing and reenacting, without amendments,  
18 Article - Education  
19 Section 7-409  
20 Annotated Code of Maryland  
21 (2004 Replacement Volume and 2004 Supplement)

22 BY adding to  
23 Article - Education  
24 Section 7-421  
25 Annotated Code of Maryland  
26 (2004 Replacement Volume and 2004 Supplement)

1 Preamble

2 WHEREAS, The Centers for Disease Control and Prevention estimate that  
3 61% of Americans are overweight; and

4 WHEREAS, According to the United States Surgeon General, in the last 20  
5 years the number of overweight children has doubled and the number of overweight  
6 adolescents has tripled; and

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

10 WHEREAS, Nonfatal but debilitating effects of obesity include respiratory  
11 difficulty, high cholesterol, high blood pressure, chronic musculoskeletal problems,  
12 skin problems, and infertility; and

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

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

19 **Article - Education**

20 7-401.

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

23 (1) Adequate school health services;

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

26 (3) A healthful school environment.

27 7-409.

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

32 7-421.

33 (A) EACH COUNTY BOARD SHALL ESTABLISH A NUTRITION POLICY ON OR  
34 BEFORE JANUARY 31, 2006, THAT APPLIES TO ALL FOODS AND BEVERAGES MADE

1 AVAILABLE TO STUDENTS DURING THE SCHOOL DAY, INCLUDING FOODS AND  
2 BEVERAGES SOLD:

3 (1) IN VENDING MACHINES;

4 (2) AS SEPARATE, NONMEAL RELATED ORDERS IN THE SCHOOL  
5 CAFETERIA;

6 (3) IN SCHOOL STORES; AND

7 (4) AT SCHOOL FUNDRAISERS.

8 (B) THE NUTRITION POLICY ESTABLISHED UNDER SUBSECTION (A) OF THIS  
9 SECTION SHALL BE IMPLEMENTED ON OR BEFORE THE FIRST DAY OF THE 2006-2007  
10 SCHOOL YEAR.

11 (C) EACH COUNTY BOARD SHALL:

12 (1) PROVIDE THE DEPARTMENT WITH A COPY OF THE NUTRITION  
13 POLICY ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION; AND

14 (2) REPORT TO THE DEPARTMENT ANY SUBSEQUENT MODIFICATIONS  
15 TO THE NUTRITION POLICY.

16 (D) BY AUGUST 1, 2006, ALL VENDING MACHINES IN PUBLIC SCHOOLS SHALL  
17 HAVE AND USE A TIMING DEVICE TO AUTOMATICALLY PROHIBIT OR ALLOW ACCESS  
18 TO VENDING MACHINES IN ACCORDANCE WITH THE NUTRITION POLICY  
19 ESTABLISHED AND IMPLEMENTED UNDER THIS SECTION.

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