
By: **Senators Pinsky, Britt, and Grosfeld**

Introduced and read first time: February 4, 2005

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2005

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; and generally relating to nutrition policies in
 12 public schools.

13 BY repealing and reenacting, with amendments,
 14 Article - Education
 15 Section 7-401(a)
 16 Annotated Code of Maryland
 17 (2004 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, without amendments,
 19 Article - Education
 20 Section 7-409
 21 Annotated Code of Maryland
 22 (2004 Replacement Volume and 2004 Supplement)

23 BY adding to
 24 Article - Education

1 Section 7-421
2 Annotated Code of Maryland
3 (2004 Replacement Volume and 2004 Supplement)

4 Preamble

5 WHEREAS, The Centers for Disease Control and Prevention estimate that
6 61% of Americans are overweight; and

7 WHEREAS, According to the United States Surgeon General, in the last 20
8 years the number of overweight children has doubled and the number of overweight
9 adolescents has tripled; and

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

13 WHEREAS, Nonfatal but debilitating effects of obesity include respiratory
14 difficulty, high cholesterol, high blood pressure, chronic musculoskeletal problems,
15 skin problems, and infertility; and

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

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

22 **Article - Education**

23 7-401.

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

26 (1) Adequate school health services;

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

29 (3) A healthful school environment.

30 7-409.

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

1 7-421.

2 (A) EACH COUNTY BOARD SHALL ESTABLISH A NUTRITION POLICY ON OR
3 BEFORE JANUARY 31, 2006, THAT APPLIES TO ALL FOODS AND BEVERAGES MADE
4 AVAILABLE TO STUDENTS DURING THE SCHOOL DAY, INCLUDING FOODS AND
5 BEVERAGES SOLD:

6 (1) IN VENDING MACHINES;

7 (2) AS SEPARATE, NONMEAL RELATED ORDERS IN THE SCHOOL
8 CAFETERIA;

9 (3) IN SCHOOL STORES; AND

10 (4) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AT
11 SCHOOL FUNDRAISERS.

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

15 ~~(B)~~ (C) THE NUTRITION POLICY ESTABLISHED UNDER SUBSECTION (A) OF
16 THIS SECTION SHALL BE IMPLEMENTED ON OR BEFORE THE FIRST DAY OF THE
17 2006-2007 SCHOOL YEAR.

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

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

21 (2) REPORT TO THE DEPARTMENT ANY SUBSEQUENT MODIFICATIONS
22 TO THE NUTRITION POLICY.

23 ~~(D)~~ (E) BY AUGUST 1, 2006, ALL VENDING MACHINES IN PUBLIC SCHOOLS
24 SHALL HAVE AND USE A TIMING DEVICE TO AUTOMATICALLY PROHIBIT OR ALLOW
25 ACCESS TO VENDING MACHINES IN ACCORDANCE WITH THE NUTRITION POLICY
26 ESTABLISHED AND IMPLEMENTED UNDER THIS SECTION.

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