

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 473

(Senator Pinsky, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

Student Health Promotion Act of 2005

This bill requires public school vending machines that sell food items of minimal nutritional value to have and use timing devices that automatically prohibit or allow access to vending machines in accordance with policies established by local boards of education. The timing devices must be in place by August 1, 2006. The bill also requires health education programs in public schools to include instruction on the importance of physical activity in maintaining good health.

Fiscal Summary

State Effect: None.

Local Effect: Local school revenues would not be affected. Local school expenditures could increase minimally in FY 2007 to purchase and install timing devices on vending machines. Nutrition policies could be developed, adopted, implemented, and enforced with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: With the assistance of the local health department, each local board of education must provide adequate school health services, instruction in health education, and a healthful school environment. Every public school must have a program of physical education that is given in a planned and sequential manner to all students in

order to develop their good health and physical fitness and improve their motor coordination and physical skills.

In order to receive funding through the school nutrition programs, schools are prohibited from selling foods of minimal nutritional value, as defined in federal guidelines, from 12:01 a.m. until the end of the last lunch period each day.

Background: Numerous sources state that the percentage of children who are overweight has nearly tripled over the last 20 years. The preamble to the bill notes that weight problems have been linked to poor nutrition and a lack of physical activity. A National Conference of State Legislatures briefing reports that recent studies suggest that academic achievement is positively correlated with nutrition and physical activity.

In a July 2004 presentation, the American Heart Association (AHA) reported that State legislatures have begun to address the increasing prevalence of child obesity. AHA claimed that 75 bills were filed in 32 states addressing the issue in 2004, an increase of more than 50% from 2003. The report also notes that successful legislation to date has generally begun with resolutions, recommendations, and studies and has emphasized collaboration between state and local education agencies.

Optional school nutrition standards recently approved by the State Board of Education strongly recommend that vending machines in schools be turned off until after the end of the regular school day. The standards would also limit the foods that could be sold in elementary and middle school cafeterias.

Local Revenues: Many local school systems allow school administrators to raise revenues by contracting with vending and soda machine companies. The bill would not restrict this practice and is not expected to materially impact the value of the contracts.

Local Expenditures: Local school systems could incur additional expenditures to install timing devices on vending machines. The Maryland State Department of Education advises that vending machine companies often supply these devices and that many school vending machines are already on timers. The additional expenses for local school systems, if any, would be minimal.

Additional Information

Prior Introductions: SB 559 of 2004, as amended by the Education, Health, and Environmental Affairs Committee, would have required the State Board of Education to adopt and disseminate a model policy regarding vending machines in public schools and explore the possibility of enhancing physical education programs for public school

students. The bill received a favorable report from the Education, Health, and Environmental Affairs Committee, but failed on second reader in the Senate.

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 same 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

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