
By: **Senators Pinsky, Britt, Conway, Exum, Frosh, Green, and Grosfeld**

Introduced and read first time: February 2, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools - Student Health - Diabetes and Body Mass Index Screening**
3 **and Nutrition Standards**

4 FOR the purpose of requiring county boards of education to provide diabetes
5 screening tests and body mass index calculations for each student in each public
6 school at a certain time; requiring county boards of education to provide a report
7 of a student's body mass index if a student has a body mass index above or below
8 certain percentiles; requiring county boards of education to provide a copy of the
9 diabetes screening report if a student is suspected of having diabetes;
10 prohibiting county boards of education from requiring a student to be screened
11 under certain circumstances; providing that a person who performs a screening
12 or calculation has a certain immunity from liability; requiring county boards of
13 education to establish a food service program, to prohibit the sale of certain
14 foods and beverages during certain hours, to make certain limitations on foods
15 and beverages sold in elementary schools, to adopt certain nutrition and
16 wellness policies for high schools, and to form nutrition integrity teams;
17 requiring county boards of education to require the choice of certain fruits and
18 vegetables at certain locations and to limit the sizes of packages of certain foods
19 and beverages; and generally relating to student health, diabetes, and body
20 mass index screening and nutrition standards.

21 BY adding to
22 Article - Education
23 Section 7-425 and 7-426
24 Annotated Code of Maryland
25 (2004 Replacement Volume and 2005 Supplement)

26 BY adding to
27 Article - Courts and Judicial Proceedings
28 Section 5-642
29 Annotated Code of Maryland
30 (2002 Replacement Volume and 2005 Supplement)

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

3 **Article - Education**

4 7-425.

5 (A) A COUNTY BOARD, IN CONJUNCTION WITH THE COUNTY HEALTH
6 DEPARTMENT, SHALL PROVIDE DIABETES SCREENING TESTS AND BODY MASS INDEX
7 CALCULATIONS FOR EACH STUDENT IN EACH PUBLIC SCHOOL AT THE SAME TIME A
8 SCOLIOSIS SCREENING TEST, REQUIRED UNDER § 7-405 OF THIS SUBTITLE, IS
9 PERFORMED ON THE STUDENT.

10 (B) (1) IF A STUDENT HAS A BODY MASS INDEX UNDER THE 5TH
11 PERCENTILE OR ABOVE THE 85TH PERCENTILE FOR THE STUDENT'S AGE AND
12 GENDER, THE COUNTY BOARD SHALL PROVIDE THE PARENT OR GUARDIAN OF THE
13 STUDENT WITH A REPORT OF THE STUDENT'S BODY MASS INDEX THAT INCLUDES
14 THE STUDENT'S BODY MASS INDEX AND INFORMATION ASSOCIATED WITH HAVING A
15 VERY LOW OR VERY HIGH BODY MASS INDEX.

16 (2) IF A STUDENT IS SUSPECTED OF HAVING DIABETES, THE COUNTY
17 BOARD SHALL PROVIDE THE PARENT OR GUARDIAN OF THE STUDENT WITH A COPY
18 OF THE SCREENING REPORT THAT INCLUDES INFORMATION ABOUT:

19 (I) THE DISEASE OF DIABETES; AND

20 (II) THE SIGNIFICANCE OF TREATING DIABETES AT AN EARLY
21 STAGE.

22 (C) A COUNTY BOARD MAY NOT REQUIRE A STUDENT WHOSE PARENT OR
23 GUARDIAN OBJECTS IN WRITING TO A SCREENING OR CALCULATION REQUIRED
24 UNDER SUBSECTION (A) OF THIS SECTION TO BE SCREENED.

25 (D) A PERSON WHO PERFORMS ANY SCREENING OR CALCULATION UNDER
26 THIS SECTION SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §
27 5-642 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE.

28 7-426.

29 (A) A COUNTY BOARD SHALL:

30 (1) ESTABLISH A SCHOOL FOOD SERVICE PROGRAM THAT SHALL
31 REVIEW AND APPROVE ALL FOODS SOLD ON SCHOOL PROPERTY;

32 (2) PROHIBIT THE SALE, BETWEEN 12:01 A.M. AND THE END OF THE
33 STANDARD SCHOOL DAY, OF FOODS OF MINIMAL NUTRITIONAL VALUE, AS
34 ESTABLISHED IN REGULATIONS ADOPTED BY THE DEPARTMENT;

35 (3) IN ELEMENTARY AND MIDDLE SCHOOLS, PROHIBIT THE SALE OF
36 ANY FOOD, OTHER THAN MAIN COURSE FOOD ITEMS OFFERED AS AN ALTERNATIVE

1 TO THE FOODS OFFERED UNDER THE SUBSIDIZED AND FREE FEEDING PROGRAMS
2 ESTABLISHED UNDER SUBTITLE 6 OF THIS TITLE OR UNDER THE BREAKFAST
3 PROGRAM ESTABLISHED UNDER SUBTITLE 7 OF THIS TITLE, TO CONTAIN:

4 (I) EXCEPT FOR PACKAGED NUTS AND SEEDS, MORE THAN 9
5 GRAMS OF TOTAL FAT;

6 (II) MORE THAN 2 GRAMS OF SATURATED FAT; AND

7 (III) EXCEPT FOR DRIED FRUIT WITH NO ADDED SUGAR, MORE THAN
8 15 GRAMS OF SUGAR;

9 (4) LIMIT FOOD AND BEVERAGES SOLD INDIVIDUALLY IN ELEMENTARY
10 SCHOOLS TO LOW-FAT AND NONFAT MILK, FRUITS, AND NONFRIED VEGETABLES;

11 (5) ADOPT NUTRITION AND WELLNESS POLICIES FOR HIGH SCHOOLS
12 THAT REFLECT THE IMPORTANCE OF CHOOSING FOODS AND BEVERAGES WITH LOW
13 FAT AND SUGAR CONTENT, APPROPRIATE SERVING SIZES, HEALTHY DECISION
14 MAKING BY STUDENTS REGARDING FOOD AND BEVERAGE CHOICES, THE ROLE OF
15 NUTRITION EDUCATION IN THE SCHOOL CURRICULUM, AND DEVELOPING AND
16 PROMOTING OPPORTUNITIES FOR PHYSICAL ACTIVITY;

17 (6) FORM A NUTRITION INTEGRITY TEAM THAT INCLUDES
18 REPRESENTATIVES FROM SCHOOL ADMINISTRATION, SCHOOL HEALTH, EDUCATION,
19 PHYSICAL EDUCATION, AND SCHOOL AND NUTRITION SERVICES TO SUPPORT THE
20 PRACTICE OF HEALTHY EATING, NUTRITION EDUCATION, AND PHYSICAL ACTIVITY
21 IN SCHOOLS; AND

22 (7) TO THE EXTENT PRACTICABLE, SELL PRODUCE OR FOODS MADE
23 WITH PRODUCE GROWN IN THE STATE.

24 (B) EXCEPT FOR FOODS OFFERED UNDER THE SUBSIDIZED AND FREE
25 FEEDING PROGRAMS ESTABLISHED UNDER SUBTITLE 6 OF THIS TITLE OR UNDER
26 THE BREAKFAST PROGRAM ESTABLISHED UNDER SUBTITLE 7 OF THIS TITLE, FOR
27 ALL FOOD AND BEVERAGE ITEMS SOLD INDIVIDUALLY IN MIDDLE OR SECONDARY
28 SCHOOLS BETWEEN 12:01 A.M. AND THE END OF THE SCHOOL DAY OR DURING A
29 PROGRAM FOR STUDENTS AFTER THE SCHOOL DAY, A COUNTY BOARD SHALL:

30 (1) PROHIBIT THE SALE OF INDIVIDUAL FOOD AND BEVERAGE ITEMS
31 THAT:

32 (I) EXCEPT FOR NUTS, SEEDS, PEANUT BUTTER, AND OTHER NUT
33 BUTTERS, HAVE MORE THAN 35% OF THE TOTAL CALORIES PER PACKAGE FROM FAT;

34 (II) EXCEPT FOR FRUITS, VEGETABLES, AND DAIRY FOODS, HAVE
35 MORE THAN 35% OF THE TOTAL PACKAGE WEIGHT FROM ADDED SUGAR OR, IF THE
36 PACKAGING DOES NOT PROVIDE THE ADDED SUGAR CONTENT OF A FOOD ITEM,
37 FROM TOTAL SUGAR;

1 (III) FOR CHIPS, CEREALS, CRACKERS, FRENCH FRIES, BAKED
2 GOODS, AND OTHER SNACK ITEMS, CONTAIN MORE THAN 230 MILLIGRAMS OF
3 SODIUM PER SERVING;

4 (IV) FOR PASTAS, MEATS, AND SOUPS, CONTAIN MORE THAN 480
5 MILLIGRAMS OF SODIUM PER SERVING; AND

6 (V) FOR PIZZA, SANDWICHES, AND MAIN DISHES, CONTAIN MORE
7 THAN 600 MILLIGRAMS OF SODIUM PER SERVING;

8 (2) REQUIRE THAT A CHOICE OF AT LEAST TWO FRUITS OR NONFRIED
9 VEGETABLES BE OFFERED FOR SALE AT ANY LOCATION WHERE FOODS ARE SOLD;

10 (3) PROHIBIT THE SALE OF:

11 (I) SOFT DRINKS THAT CONTAIN ARTIFICIAL SWEETENERS;

12 (II) SPORTS DRINKS;

13 (III) ICED TEAS;

14 (IV) FRUIT-BASED BEVERAGES THAT CONTAIN LESS THAN 50%
15 REAL FRUIT JUICE OR THAT CONTAIN ADDITIONAL CALORIC SWEETENERS; AND

16 (V) EXCEPT FOR LOW-FAT OR NONFAT CHOCOLATE MILK,
17 BEVERAGES THAT CONTAIN CAFFEINE; AND

18 (4) LIMIT THE SIZES PER PACKAGE TO:

19 (I) 1.25 OUNCES FOR CHIPS, CRACKERS, POPCORN, CEREAL, TRAIL
20 MIX, NUTS, SEEDS, DRIED FRUIT, AND JERKY;

21 (II) 1 OUNCE FOR COOKIES;

22 (III) 2 OUNCES FOR CEREAL BARS, GRANOLA BARS, PASTRIES,
23 MUFFINS, DOUGHNUTS, BAGELS, AND OTHER BAKERY ITEMS;

24 (IV) 4 FLUID OUNCES FOR FROZEN DESSERTS, INCLUDING LOW-FAT
25 OR NONFAT ICE CREAM;

26 (V) 8 OUNCES FOR NONFROZEN YOGURT;

27 (VI) EXCEPT FOR WATER, 12 FLUID OUNCES FOR BEVERAGES; AND

28 (VII) EXCEPT FOR FRUITS AND NONFRIED VEGETABLES, FOR
29 ENTREES AND SIDE DISHES, A SIZE COMPARABLE TO THE SIZE FOR PORTIONS OF
30 COMPARABLE ITEMS OFFERED UNDER THE SUBSIDIZED AND FREE FEEDING
31 PROGRAMS ESTABLISHED UNDER SUBTITLE 6 OF THIS TITLE OR UNDER THE
32 BREAKFAST PROGRAM ESTABLISHED UNDER SUBTITLE 7 OF THIS TITLE.

1

Article - Courts and Judicial Proceedings

2 5-642.

3 A PERSON WHO PERFORMS ANY DIABETES SCREENING OR BODY MASS INDEX
4 CALCULATION REQUIRED UNDER § 7-425 OF THE EDUCATION ARTICLE IS NOT LIABLE
5 FOR ANY CIVIL DAMAGES RESULTING FROM ACTS OR OMISSIONS IN THE SCREENING
6 OR CALCULATION NOT AMOUNTING TO GROSS NEGLIGENCE.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2006.