
By: ~~Senators Pinsky, Britt, Conway, Exum, Frosh, Green, and Grosfeld~~
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Committee Report: Favorable with amendments
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CHAPTER _____

1 AN ACT concerning

2 ~~Public Schools – Student Health – Diabetes and Body Mass Index Screening~~
3 ~~and Nutrition Standards~~
4 The Healthy Student Promotion and Awareness Act of 2006

5 FOR the purpose of ~~requiring county boards of education to provide diabetes~~
6 ~~screening tests and body mass index calculations for each student in each public~~
7 ~~school at a certain time; requiring county boards of education to provide a report~~
8 ~~of a student's body mass index if a student has a body mass index above or below~~
9 ~~certain percentiles; requiring county boards of education to provide a copy of the~~
10 ~~diabetes screening report if a student is suspected of having diabetes;~~
11 ~~prohibiting county boards of education from requiring a student to be screened~~
12 ~~under certain circumstances; providing that a person who performs a screening~~
13 ~~or calculation has a certain immunity from liability; requiring county boards of~~
14 ~~education to establish a food service program, to prohibit the sale of certain~~
15 ~~foods and beverages during certain hours, to make certain limitations on foods~~
16 ~~and beverages sold in elementary schools, to adopt certain nutrition and~~
17 ~~wellness policies for high schools, and to form nutrition integrity teams;~~
18 ~~requiring county boards of education to require the choice of certain fruits and~~
19 ~~vegetables at certain locations and to limit the sizes of packages of certain foods~~
20 ~~and beverages; and generally relating to student health, diabetes, and body~~
21 ~~mass index screening and nutrition standards~~ establishing a Maryland Healthy
22 Student Promotion and Awareness Blue Ribbon Panel in the State Department
23 of Education; providing for the membership, chair, and staff of the panel;
24 providing that a member of the panel may not receive compensation but is
25 entitled to certain reimbursement; requiring the panel to study a certain plan
26 and recommend certain actionable measures to promote increased physical
27 activity and enhance obesity awareness and prevention among certain children

1 and youth; requiring a certain report; establishing a pilot program to explore the
 2 use of body mass index measurements to assess the health of students in certain
 3 middle schools in Prince George's County; requiring the Prince George's County
 4 Board of Education to design and implement a certain pilot program; requiring
 5 county boards of education to prohibit the sale, in vending machines, during
 6 certain times, of certain foods; providing for the termination of certain
 7 provisions of this Act; and generally relating to the promotion of healthy
 8 students.

9 BY adding to
 10 Article - Education
 11 Section 7-425 and 7-426
 12 Annotated Code of Maryland
 13 (2004 Replacement Volume and 2005 Supplement)

14 ~~BY adding to~~
 15 ~~Article — Courts and Judicial Proceedings~~
 16 ~~Section 5-642~~
 17 ~~Annotated Code of Maryland~~
 18 ~~(2002 Replacement Volume and 2005 Supplement)~~

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

21 (a) There is a Maryland Healthy Student Promotion and Awareness Blue
 22 Ribbon Panel in the State Department of Education.

23 (b) The purpose of the Blue Ribbon Panel is to develop recommendations for
 24 keeping students healthy which will include actionable measures to promote
 25 increased physical activity and enhance obesity awareness and prevention.

26 (c) The Blue Ribbon Panel consists of the following members:

27 (1) one member of the Senate of Maryland, appointed by the President of
 28 the Senate;

29 (2) one member of the House of Delegates, appointed by the Speaker of
 30 the House;

31 (3) the Secretary of Health and Mental Hygiene, or the Secretary's
 32 designee;

33 (4) the State Superintendent of Schools, or the State Superintendent's
 34 designee; and

35 (5) the following 14 members, appointed by the Governor:

1 (i) two representatives from two different nonprofit organizations
2 that work with obesity-related issues;

3 (ii) one public safety official;

4 (iii) one licensed dietician;

5 (iv) one physical fitness expert or a member of the State Physical
6 Fitness Council;

7 (v) one representative from a school of public health or a public
8 health official;

9 (vi) one family practice clinician;

10 (vii) one pediatrician;

11 (viii) one pediatric nurse;

12 (ix) one school nurse;

13 (x) one school health educator;

14 (xi) one psychiatrist or psychologist who works with a program that
15 treats eating disorders;

16 (xii) one representative from the child care community; and

17 (xiii) one active member of a parent teacher association.

18 (d) The Governor shall appoint members of the Blue Ribbon Panel so that the
19 membership of the Blue Ribbon Panel reflects the geographic, racial, ethnic, and
20 gender diversity of the State.

21 (e) The Governor shall designate the chair of the Blue Ribbon Panel.

22 (f) The Department of Health and Mental Hygiene and the State Department
23 of Education shall provide staff for the Blue Ribbon Panel.

24 (g) A member of the Blue Ribbon Panel:

25 (1) may not receive compensation as a member of the Blue Ribbon Panel;
26 but

27 (2) is entitled to reimbursement for expenses under the Standard State
28 Travel Regulations, as provided in the State budget.

29 (h) (1) The Blue Ribbon Panel shall study the State Department of
30 Education's 2006 Nutrition and Physical Activity Statewide Plan and recommend
31 actionable measures to promote increased physical activity and enhance obesity
32 awareness and prevention among school-aged children and youth in the State.

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

2 (III) ~~EXCEPT FOR DRIED FRUIT WITH NO ADDED SUGAR, MORE THAN~~
3 ~~15 GRAMS OF SUGAR;~~

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

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

12 (6) ~~FORM A NUTRITION INTEGRITY TEAM THAT INCLUDES~~
13 ~~REPRESENTATIVES FROM SCHOOL ADMINISTRATION, SCHOOL HEALTH, EDUCATION,~~
14 ~~PHYSICAL EDUCATION, AND SCHOOL AND NUTRITION SERVICES TO SUPPORT THE~~
15 ~~PRACTICE OF HEALTHY EATING, NUTRITION EDUCATION, AND PHYSICAL ACTIVITY~~
16 ~~IN SCHOOLS; AND~~

17 (7) ~~TO THE EXTENT PRACTICABLE, SELL PRODUCE OR FOODS MADE~~
18 ~~WITH PRODUCE GROWN IN THE STATE.~~

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

25 (1) ~~PROHIBIT THE SALE OF INDIVIDUAL FOOD AND BEVERAGE ITEMS~~
26 ~~THAT:~~

27 (1) ~~EXCEPT FOR NUTS, SEEDS, PEANUT BUTTER, AND OTHER NUT~~
28 ~~BUTTERS, HAVE MORE THAN 35% OF THE TOTAL CALORIES PER PACKAGE FROM FAT;~~

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

33 (III) ~~FOR CHIPS, CEREALS, CRACKERS, FRENCH FRIES, BAKED~~
34 ~~GOODS, AND OTHER SNACK ITEMS, CONTAIN MORE THAN 230 MILLIGRAMS OF~~
35 ~~SODIUM PER SERVING;~~

36 (IV) ~~FOR PASTAS, MEATS, AND SOUPS, CONTAIN MORE THAN 480~~
37 ~~MILLIGRAMS OF SODIUM PER SERVING; AND~~

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

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

5 (3) PROHIBIT THE SALE OF:

6 (I) SOFT DRINKS THAT CONTAIN ARTIFICIAL SWEETENERS;

7 (II) SPORTS DRINKS;

8 (III) ICED TEAS;

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

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

13 (4) LIMIT THE SIZES PER PACKAGE TO:

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

16 (II) 1 OUNCE FOR COOKIES;

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

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

21 (V) 8 OUNCES FOR NONFROZEN YOGURT;

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

23 (VII) EXCEPT FOR FRUITS AND NONFRIED VEGETABLES, FOR
24 ENTREES AND SIDE DISHES, A SIZE COMPARABLE TO THE SIZE FOR PORTIONS OF
25 COMPARABLE ITEMS OFFERED UNDER THE SUBSIDIZED AND FREE FEEDING
26 PROGRAMS ESTABLISHED UNDER SUBTITLE 6 OF THIS TITLE OR UNDER THE
27 BREAKFAST PROGRAM ESTABLISHED UNDER SUBTITLE 7 OF THIS TITLE.

28 **Article -- Courts and Judicial Proceedings**

29 ~~5-642.~~

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

1 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
2 remain effective for a period of 1 year and 6 months and, at the end of March 31, 2008,
3 with no further action required by the General Assembly, Section 1 of this Act shall be
4 abrogated and of no further force and effect.

5 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
6 remain effective for a period of 3 years and, at the end of September 30, 2009, with no
7 further action required by the General Assembly, Section 2 of this Act shall be
8 abrogated and of no further force and effect.

9 SECTION ~~2- 6~~. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect ~~July~~ October 1, 2006.