F1 6lr1551 CF 6lr3339

By: Senators Pinsky, Britt, Conway, Exum, Frosh, Green, and Grosfeld Grosfeld, and Lawlah Introduced and read first time: February 2, 2006 Assigned to: Education, Health, and Environmental Affairs Committee Report: Favorable with amendments Senate action: Adopted Read second time: March 26, 2006 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 screening tests and body mass index calculations for each student in each public 6 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 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 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 mass index screening and nutrition standards establishing a Maryland Healthy 21 Student Promotion and Awareness Blue Ribbon Panel in the State Department 22 23 of Education; providing for the membership, chair, and staff of the panel;

providing that a member of the panel may not receive compensation but is

entitled to certain reimbursement; requiring the panel to study a certain plan

activity and enhance obesity awareness and prevention among certain children

and recommend certain actionable measures to promote increased physical

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1 2 3 4 5 6 7 8	and youth; requiring a certain report; establishing a pilot program to explore the use of body mass index measurements to assess the health of students in certain middle schools in Prince George's County; requiring the Prince George's County Board of Education to design and implement a certain pilot program; requiring county boards of education to prohibit the sale, in vending machines, during certain times, of certain foods; providing for the termination of certain provisions of this Act; and generally relating to the promotion of healthy students.				
9 10 11 12 13	Section 7-425 and 7-426 Annotated Code of Maryland				
14 15 16 17 18	6 Section 5-642 7 Annotated Code of Maryland				
19 20			IT ENACTED BY THE GENERAL ASSEMBLY OF the Laws of Maryland read as follows:		
21 22	(a) Ribbon Pane		s a Maryland Healthy Student Promotion and Awareness Blue State Department of Education.		
	3 (b) The purpose of the Blue Ribbon Panel is to develop recommendations for keeping students healthy which will include actionable measures to promote increased physical activity and enhance obesity awareness and prevention.				
26	<u>(c)</u>	The Blu	e Ribbon Panel consists of the following members:		
27 28	the Senate;	<u>(1)</u>	one member of the Senate of Maryland, appointed by the President of		
29 30	the House;	<u>(2)</u>	one member of the House of Delegates, appointed by the Speaker of		
31 32	designee;	<u>(3)</u>	the Secretary of Health and Mental Hygiene, or the Secretary's		
33 34	designee; ar	(4) nd	the State Superintendent of Schools, or the State Superintendent's		

the following 14 members, appointed by the Governor:

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1 2 that work with obesi	<u>(i)</u> ty-related	two representatives from two different nonprofit organizations issues:		
3	<u>(ii)</u>	one public safety official;		
4	<u>(iii)</u>	one licensed dietician;		
5 6 Fitness Council;	<u>(iv)</u>	one physical fitness expert or a member of the State Physical		
7 8 <u>health official;</u>	<u>(v)</u>	one representative from a school of public health or a public		
9	<u>(vi)</u>	one family practice clinician;		
10	<u>(vii)</u>	one pediatrician;		
11	(viii)	one pediatric nurse;		
12	<u>(ix)</u>	one school nurse;		
13	<u>(x)</u>	one school health educator;		
1415 treats eating disorder	<u>(xi)</u> rs;	one psychiatrist or psychologist who works with a program that		
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 <u>(e)</u> <u>The Go</u>	overnor sl	nall 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 <u>(g)</u> <u>A mem</u>	ber of the	e Blue Ribbon Panel:		
25 (1) 26 <u>but</u>	may no	t receive compensation as a member of the Blue Ribbon Panel;		
27 (2) 28 Travel Regulations,		ed to reimbursement for expenses under the Standard State ed 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.				

UNOFFICIAL COPY OF SENATE BILL 457 1 (2) These actionable measures may include: 2 establishment of school-based childhood obesity prevention (i) 3 nutrition education programs; development of an implementation plan for increasing physical 4 (ii) education programs in the public schools; 5 establishment of community-based childhood obesity 6 (iii) prevention nutrition education and physical activity programs that involve parents and guardians; 9 (iv) examination of the role that body mass index measurements 10 play as a screening tool for school-aged children and youth; 11 (v) development of an implementation plan for assessing health at 12 the school level on an annual basis; 13 (vi) development of training programs for health care professionals; 14 and 15 (vii) any other measures that the Blue Ribbon Panel considers 16 appropriate. 17 (i) On or before December 1, 2007, the Blue Ribbon Panel shall report its 18 findings and recommendations regarding actionable measures to promote increased 19 physical activity and enhance obesity awareness and prevention among school-aged 20 children and youth to the Governor and, in accordance with § 2-1246 of the State 21 Government Article, to the General Assembly. 22 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland 23 read as follows: 24 **Article - Education** 25 7-425. A COUNTY BOARD, IN CONJUNCTION WITH THE COUNTY HEALTH 27 DEPARTMENT, SHALL PROVIDE DIABETES SCREENING TESTS AND BODY MASS INDEX 28 CALCULATIONS FOR EACH STUDENT IN EACH PUBLIC SCHOOL AT THE SAME TIME A 29 SCOLIOSIS SCREENING TEST, REQUIRED UNDER § 7 405 OF THIS SUBTITLE, IS 30 PERFORMED ON THE STUDENT.

- 31 (B) (1) IF A STUDENT HAS A BODY MASS INDEX UNDER THE 5TH
- 32 PERCENTILE OR ABOVE THE 85TH PERCENTILE FOR THE STUDENT'S AGE AND
- 33 GENDER, THE COUNTY BOARD SHALL PROVIDE THE PARENT OR GUARDIAN OF THE
- 34 STUDENT WITH A REPORT OF THE STUDENT'S BODY MASS INDEX THAT INCLUDES
- 35 THE STUDENT'S BODY MASS INDEX AND INFORMATION ASSOCIATED WITH HAVING A
- 36 VERY LOW OR VERY HIGH BODY MASS INDEX.

		PROVIDE T	UDENT IS SUSPECTED OF HAVING DIABETES, THE COUNTY THE PARENT OR GUARDIAN OF THE STUDENT WITH A COPY RT THAT INCLUDES INFORMATION ABOUT:
4		(I)	THE DISEASE OF DIABETES; AND
5 6	STAGE.	(II)	THE SIGNIFICANCE OF TREATING DIABETES AT AN EARLY
	GUARDIAN OBJ	ECTS IN W	ARD MAY NOT REQUIRE A STUDENT WHOSE PARENT OR RITING TO A SCREENING OR CALCULATION REQUIRED OF THIS SECTION TO BE SCREENED.
	THIS SECTION S	SHALL HA	O PERFORMS ANY SCREENING OR CALCULATION UNDER VE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER § D JUDICIAL PROCEEDINGS ARTICLE.
		DY MASS	DRGE'S COUNTY, THERE IS A PILOT PROGRAM TO EXPLORE INDEX MEASUREMENTS TO ASSESS THE HEALTH OF HOOLS.
16 17			BOARD IN PRINCE GEORGE'S COUNTY SHALL DESIGN AND ROGRAM IN UP TO 15 MIDDLE SCHOOLS IN THE COUNTY.
18 19	SECTION 3. A read as follows:	AND BE IT	FURTHER ENACTED, That the Laws of Maryland
20			Article - Education
21	7-426.		
		DING THE	VITH THE RECOMMENDATIONS MADE BY THE STATE BOARD SALE OF FOODS OF MINIMAL NUTRITIONAL VALUE, A
25 26			LISH A SCHOOL FOOD SERVICE PROGRAM THAT SHALL LL FOODS SOLD ON SCHOOL PROPERTY;
		OF THE ST.	BIT THE SALE, <u>IN VENDING MACHINES</u> , BETWEEN 12:01 A.M. ANDARD SCHOOL DAY, OF FOODS OF MINIMAL NUTRITIONAL IN REGULATIONS ADOPTED BY THE DEPARTMENT; <u>VALUE</u> .
32 33	TO THE FOODS ESTABLISHED U	HER THAN OFFERED UNDER SU	MENTARY AND MIDDLE SCHOOLS, PROHIBIT THE SALE OF MAIN COURSE FOOD ITEMS OFFERED AS AN ALTERNATIVE UNDER THE SUBSIDIZED AND FREE FEEDING PROGRAMS BTITLE 6 OF THIS TITLE OR UNDER THE BREAKFAST UNDER SUBTITLE 7 OF THIS TITLE, TO CONTAIN:
35 36	GRAMS OF TOT	(I) 'AL FAT;	EXCEPT FOR PACKAGED NUTS AND SEEDS, MORE THAN 9

1		(II)	MORE THAN 2 GRAMS OF SATURATED FAT; AND
2 3	15 GRAMS OF SUGA	(III) \R;	EXCEPT FOR DRIED FRUIT WITH NO ADDED SUGAR, MORE THAN
4 5	\ /		FOOD AND BEVERAGES SOLD INDIVIDUALLY IN ELEMENTARY ID NONFAT MILK, FRUITS, AND NONFRIED VEGETABLES;
8 9 10	THAT REFLECT THE FAT AND SUGAR CO MAKING BY STUDI NUTRITION EDUCA	E IMPOI ONTEN' ENTS RI ATION I	NUTRITION AND WELLNESS POLICIES FOR HIGH SCHOOLS RTANCE OF CHOOSING FOODS AND BEVERAGES WITH LOW I, APPROPRIATE SERVING SIZES, HEALTHY DECISION EGARDING FOOD AND BEVERAGE CHOICES, THE ROLE OF N THE SCHOOL CURRICULUM, AND DEVELOPING AND FIES FOR PHYSICAL ACTIVITY;
14 15	REPRESENTATIVE PHYSICAL EDUCA	S FROM FION, A	A NUTRITION INTEGRITY TEAM THAT INCLUDES I SCHOOL ADMINISTRATION, SCHOOL HEALTH, EDUCATION, ND SCHOOL AND NUTRITION SERVICES TO SUPPORT THE ATING, NUTRITION EDUCATION, AND PHYSICAL ACTIVITY
17 18	WITH PRODUCE GI		E EXTENT PRACTICABLE, SELL PRODUCE OR FOODS MADE N-THE STATE.
21 22 23	FEEDING PROGRAMENTHE BREAKFAST FOLL FOOD AND BE SCHOOLS BETWEE	MS EST PROGRA EVERACEN 12:01	OODS OFFERED UNDER THE SUBSIDIZED AND FREE ABLISHED UNDER SUBTITLE 6 OF THIS TITLE OR UNDER AM ESTABLISHED UNDER SUBTITLE 7 OF THIS TITLE, FOR E ITEMS SOLD INDIVIDUALLY IN MIDDLE OR SECONDARY A.M. AND THE END OF THE SCHOOL DAY OR DURING A S AFTER THE SCHOOL DAY, A COUNTY BOARD SHALL:
25 26	THAT:	PROHII	BIT THE SALE OF INDIVIDUAL FOOD AND BEVERAGE ITEMS
27 28		(I) ORE TI	EXCEPT FOR NUTS, SEEDS, PEANUT BUTTER, AND OTHER NUT HAN 35% OF THE TOTAL CALORIES PER PACKAGE FROM FAT;
31	MORE THAN 35% C	NOT PI	EXCEPT FOR FRUITS, VEGETABLES, AND DAIRY FOODS, HAVE FOTAL PACKAGE WEIGHT FROM ADDED SUGAR OR, IF THE ROVIDE THE ADDED SUGAR CONTENT OF A FOOD ITEM,
			FOR CHIPS, CEREALS, CRACKERS, FRENCH FRIES, BAKED CK ITEMS, CONTAIN MORE THAN 230 MILLIGRAMS OF
36 37		(IV) ODIUM	FOR PASTAS, MEATS, AND SOUPS, CONTAIN MORE THAN 480 PER SERVING; AND

1	THAN 600 MILLIGR	(V) AMS OI	FOR PIZZA, SANDWICHES, AND MAIN DISHES, CONTAIN MORE SODIUM PER SERVING;
3 4	(2) VEGETABLES BE C		RE THAT A CHOICE OF AT LEAST TWO FRUITS OR NONFRIED FOR SALE AT ANY LOCATION WHERE FOODS ARE SOLD;
5	(3)	PROHII	BIT THE SALE OF:
6		(I)	SOFT DRINKS THAT CONTAIN ARTIFICIAL SWEETENERS;
7		(II)	SPORTS DRINKS;
8		(III)	ICED TEAS;
9 10	REAL FRUIT JUICE	(IV) E OR TH	FRUIT BASED BEVERAGES THAT CONTAIN LESS THAN 50% AT CONTAIN ADDITIONAL CALORIC SWEETENERS; AND
l 1 l 2	BEVERAGES THAT	(V) F-CONT/	EXCEPT FOR LOW FAT OR NONFAT CHOCOLATE MILK, AIN CAFFEINE; AND
13	(4)	LIMIT 7	THE SIZES PER PACKAGE TO:
14 15	MIX, NUTS, SEEDS	(I) , DRIED	1.25 OUNCES FOR CHIPS, CRACKERS, POPCORN, CEREAL, TRAIL FRUIT, AND JERKY;
16		(II)	1 OUNCE FOR COOKIES;
17 18	MUFFINS, DOUGH	(III) NUTS, B	2 OUNCES FOR CEREAL BARS, GRANOLA BARS, PASTRIES, AGELS, AND OTHER BAKERY ITEMS;
19 20	OR NONFAT ICE C	(IV) REAM;	4 FLUID OUNCES FOR FROZEN DESSERTS, INCLUDING LOW FAT
21		(V)	8 OUNCES FOR NONFROZEN YOGURT;
22		(VI)	EXCEPT FOR WATER, 12 FLUID OUNCES FOR BEVERAGES; AND
25 26	COMPARABLE ITE PROGRAMS ESTAI	MS OFF BLISHEI	EXCEPT FOR FRUITS AND NONFRIED VEGETABLES, FOR ES, A SIZE COMPARABLE TO THE SIZE FOR PORTIONS OF ERED UNDER THE SUBSIDIZED AND FREE FEEDING OUNDER SUBTITLE 6 OF THIS TITLE OR UNDER THE STABLISHED UNDER SUBTITLE 7 OF THIS TITLE.
28			Article - Courts and Judicial Proceedings
29	5-642.		
32	CALCULATION REFOR ANY CIVIL DA	QUIREE AMAGES	ORMS ANY DIABETES SCREENING OR BODY MASS INDEX O UNDER § 7 425 OF THE EDUCATION ARTICLE IS NOT LIABLE S RESULTING FROM ACTS OR OMISSIONS IN THE SCREENING MOUNTING TO GROSS NEGLIGENCE.

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- 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.