

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 457

(Senator Pinsky, *et al.*)

Education, Health, and Environmental Affairs

Ways and Means

The Healthy Student Promotion and Awareness Act of 2006

This bill prohibits the sale of foods of minimal nutritional value in public school vending machines between 12:01 a.m. and the end of the standard school day. In addition, the Prince George's County public school system is required to design and implement a pilot program to explore the use of body mass index (BMI) measurements to assess the health of students in up to 15 county middle schools. Finally, the bill establishes a Maryland Healthy Student Promotion and Awareness Blue Ribbon Panel to develop recommendations for keeping students healthy. The panel must study the Nutrition and Physical Activity Statewide Plan developed by the Maryland State Department of Education (MSDE) and recommend measures to promote increased physical activity and enhance obesity awareness and prevention. A final report is due from the panel by December 1, 2007. MSDE and the Department of Health and Mental Hygiene (DHMH) must provide staff support for the panel.

The bill takes effect October 1, 2006. The blue ribbon panel terminates March 31, 2008, and the Prince George's County BMI pilot program terminates September 30, 2009.

Fiscal Summary

State Effect: The blue ribbon panel could be staffed with existing MSDE and DHMH personnel, and expense reimbursements for panel members could be paid from existing budgeted resources.

Local Effect: Local school revenues from vending machine contracts and sales could decrease minimally. Prince George's County is already using BMI measurements in some county middle schools and could continue to do so with existing resources.

Small Business Effect: Minimal.

Analysis

Current Law: School breakfasts and lunches supported by State and federal funds must meet specific nutritional standards. A public school vending machine that sells foods of minimal nutritional value must use a timing device to automatically prohibit or allow access to the machine in accordance with nutritional policies established by the local board of education.

With the assistance of the local health department, each school system must provide adequate school health services, instruction in health education, and a healthful school environment. Additionally, each public school must have a program of physical education given in a planned and sequential manner.

Background: Numerous sources state that the percentage of children who are overweight has nearly tripled over the last 20 years. A National Conference of State Legislatures briefing reports that research on student performance and health suggests that academic achievement is positively correlated with nutrition and physical activity.

Optional school nutrition standards have been approved by the State Board of Education, and several school systems have adopted versions of the standards. The State board's standards recommend that vending machines in schools be turned off until after the end of the regular school day. The standards also limit the foods that may be sold in elementary and middle school cafeterias.

Local Revenues: Local school revenues from school vending machine contracts and sales could decrease minimally due to the limitation on times that foods of minimal nutritional value may be sold through the machines. Some local school systems and individual public schools in other systems contract with vending machine operators to receive a share of the proceeds from vending machine sales. The funds are usually used to support extra-curricular school activities. The time restriction could impact the terms of the vending machine contracts, the sales revenues derived from vending machines, or both. However, 22 of the 24 school systems have already adopted standards that limit the sale of foods of minimal nutritional value before the end of the school day. The bill would only impact Anne Arundel and Prince George's counties, which have not adopted this standard. The impact on these two school systems is not expected to be significant.

Local Expenditures: Prince George's County Public Schools is already using BMI measurements as a self-assessment tool for middle school students through a federal grant

that encourages wellness and physical fitness. The pilot program, therefore, would not increase county expenditures.

Additional Information

Prior Introductions: None.

Cross File: HB 1418 (Delegates Kaiser and Bozman) – Ways and Means.

Information Source(s): Maryland State Department of Education, Department of Health and Mental Hygiene, Department of Legislative Services

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