

HOUSE BILL 1148

F1

8lr2481

By: **Delegate Kaiser**

Introduced and read first time: February 7, 2008

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Vending Machines – Nutritional Foods and Beverages**

3 FOR the purpose of requiring each county board of education to develop and adopt
4 certain policies relating to vending machines in public schools; requiring each
5 county board to submit certain policies to the State Department of Education on
6 or before a certain date; requiring each school to install and use a certain timing
7 device on every vending machine to operate the vending machine in a certain
8 manner; providing for the application of this Act; and generally relating to
9 vending machines in public schools.

10 BY adding to

11 Article – Education

12 Section 7–1301 and 7–1302 to be under the new subtitle “Subtitle 13. Vending
13 Machines in Public Schools”

14 Annotated Code of Maryland

15 (2006 Replacement Volume and 2007 Supplement)

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

18 **Article – Education**

19 **SUBTITLE 13. VENDING MACHINES IN PUBLIC SCHOOLS.**

20 **7–1301.**

21 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
22 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “FOOD OF MINIMAL NUTRITIONAL VALUE” HAS THE MEANING**
2 **STATED IN REGULATIONS FOR THE NATIONAL SCHOOL LUNCH PROGRAM**
3 **ADOPTED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, UNDER 7**
4 **C.F.R. 210.11(A)(2).**

5 **(C) “NUTRITIOUS FOODS” MEANS FOODS THAT PROVIDE GREATER**
6 **THAN 5% OF THE REFERENCE DAILY INTAKES FOR EACH OF THE FOLLOWING**
7 **NUTRIENTS PER 100 CALORIES PER SERVING:**

8 **(1) PROTEIN;**

9 **(2) VITAMIN A;**

10 **(3) VITAMIN C;**

11 **(4) NIACIN;**

12 **(5) RIBOFLAVIN;**

13 **(6) THIAMINE;**

14 **(7) CALCIUM; AND**

15 **(8) IRON.**

16 **7-1302.**

17 **(A) EACH COUNTY BOARD SHALL DEVELOP AND ADOPT A POLICY**
18 **REGARDING VENDING MACHINES THAT INCLUDES:**

19 **(1) PROHIBITING ACCESS BY STUDENTS TO VENDING MACHINES**
20 **CONTAINING FOODS OF MINIMAL NUTRITIONAL VALUE FROM 12:01 A.M. UNTIL**
21 **THE END OF THE OFFICIAL SCHOOL DAY IN EACH SCHOOL;**

22 **(2) EXCEPT DURING ALL LUNCH PERIODS, ALLOWING STUDENTS**
23 **ACCESS TO VENDING MACHINES CONTAINING NUTRITIOUS FOODS THROUGHOUT**
24 **THE SCHOOL DAY;**

25 **(3) REQUIRING THAT AT LEAST 50% OF ALL FOOD AND DRINK**
26 **OPTIONS AVAILABLE IN VENDING MACHINES BE NUTRITIOUS FOODS;**

27 **(4) REQUIRING THAT BEVERAGES CONTAIN AT LEAST 50% REAL**
28 **FRUIT OR VEGETABLES;**

1 **(5) PROHIBITING FOODS THAT DERIVE MORE THAN 30% OF**
2 **THEIR CALORIES FROM FAT;**

3 **(6) LIMITING FOOD PORTIONS TO 210 CALORIES OR LESS;**

4 **(7) REQUIRING EACH CONTRACT THAT A SCHOOL ENTERS INTO**
5 **WITH A VENDOR FOR VENDING MACHINES AND PRODUCTS SOLD IN VENDING**
6 **MACHINES TO BE SUBMITTED TO THE COUNTY BOARD FOR REVIEW;**

7 **(8) CREATING A PROCEDURE THAT ALLOWS EACH CONTRACT**
8 **THAT A SCHOOL ENTERS INTO WITH A VENDOR FOR VENDING MACHINES AND**
9 **PRODUCTS SOLD IN VENDING MACHINES TO BE AVAILABLE FOR PUBLIC REVIEW;**

10 **(9) PROHIBITING CONTRACTS FOR VENDING MACHINES AND**
11 **PRODUCTS SOLD IN VENDING MACHINES FROM EXCEEDING A TERM OF 3 YEARS;**

12 **(10) PROHIBITING A SCHOOL FROM RENEWING AN EXISTING**
13 **CONTRACT OR ENTERING INTO A NEW CONTRACT IF THE SCHOOL:**

14 **(I) VIOLATES A COUNTY BOARD'S POLICY REGARDING**
15 **VENDING MACHINE ACCESS BY STUDENTS; OR**

16 **(II) FAILS TO SUBMIT THE CONTRACT TO THE COUNTY**
17 **BOARD FOR REVIEW; AND**

18 **(11) ENCOURAGING A REDUCTION IN STUDENT CONSUMPTION OF**
19 **FOODS OF MINIMAL NUTRITIONAL VALUE ON SCHOOL PREMISES.**

20 **(B) EACH COUNTY BOARD SHALL SUBMIT ITS POLICIES TO THE**
21 **DEPARTMENT ON OR BEFORE JULY 1, 2009.**

22 **(C) EACH SCHOOL SHALL INSTALL AND USE A TIMING DEVICE ON EACH**
23 **VENDING MACHINE TO AUTOMATICALLY PROHIBIT OR PERMIT ACCESS TO THE**
24 **VENDING MACHINE IN ACCORDANCE WITH THE POLICIES CREATED BY THE**
25 **COUNTY BOARD.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
27 construed to apply only prospectively and may not be applied or interpreted to have
28 any effect on or application to any obligation or contract right existing before the
29 effective date of this Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2008.