

HOUSE BILL 1486

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By: **Delegates Tarrant, Braveboy, Glenn, Oaks, Rice, and Walker**

Introduced and read first time: February 18, 2008

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Maryland School–Based Wellness Program**

3 FOR the purpose of establishing the Maryland School–Based Wellness Program in the
4 State Department of Education; requiring the State Superintendent of Schools
5 or a designee to develop, implement, and administer the Program in
6 consultation with a certain advisory board; authorizing the State
7 Superintendent to accept certain grants and donations; establishing the
8 Advisory Board on School–Based Wellness Initiatives; establishing the
9 composition and duties of the Advisory Board; establishing the Maryland
10 School–Based Wellness Program Fund; specifying the terms of certain initial
11 members of the Advisory Board; defining certain terms; and generally relating
12 to the establishment of the Maryland School–Based Wellness Program.

13 BY adding to

14 Article – Education

15 Section 7–1301 through 7–1304 to be under the new subtitle “Subtitle 13.
16 Maryland School–Based Wellness Program”

17 Annotated Code of Maryland

18 (2006 Replacement Volume and 2007 Supplement)

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

21 **Article – Education**

22 **SUBTITLE 13. MARYLAND SCHOOL–BASED WELLNESS PROGRAM.**

23 **7–1301.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (B) "ADVISORY BOARD" MEANS THE ADVISORY BOARD ON
4 SCHOOL-BASED WELLNESS INITIATIVES.

5 (C) "AT-RISK CHILDREN" MEANS CHILDREN AT RISK OF:

6 (1) A CHRONIC DISEASE, INCLUDING CHILDHOOD OBESITY; OR

7 (2) EXPOSURE TO SECONDHAND SMOKE AT HOME.

8 (D) "CHRONIC DISEASE" MEANS A DISEASE THAT PERSISTS FOR 3
9 MONTHS OR MORE.

10 (E) "FUND" MEANS THE MARYLAND SCHOOL-BASED WELLNESS
11 PROGRAM FUND.

12 (F) "PROGRAM" MEANS THE MARYLAND SCHOOL-BASED WELLNESS
13 PROGRAM.

14 7-1302.

15 (A) THERE IS A MARYLAND SCHOOL-BASED WELLNESS PROGRAM IN
16 THE DEPARTMENT.

17 (B) THE STATE SUPERINTENDENT OR THE STATE SUPERINTENDENT'S
18 DESIGNEE, IN CONSULTATION WITH THE ADVISORY BOARD ON SCHOOL-BASED
19 WELLNESS INITIATIVES ESTABLISHED UNDER § 7-1303 OF THIS SUBTITLE,
20 SHALL BE RESPONSIBLE FOR DEVELOPING, IMPLEMENTING, AND
21 ADMINISTERING THE PROGRAM.

22 (C) THE STATE SUPERINTENDENT MAY ACCEPT GRANTS AND
23 DONATIONS TO FUND THE PROGRAM.

24 (D) THE PURPOSE OF THE PROGRAM IS TO:

25 (1) INSTITUTE CHANGES TO THE NUTRITIONAL STATUS OF FOOD
26 SERVED AS PART OF THE SCHOOL BREAKFAST PROGRAMS UNDER SUBTITLE 7
27 OF THIS TITLE AND FOR LUNCH IN PUBLIC SCHOOLS THAT WOULD ENCOURAGE
28 A CHILD TO MAKE FOOD CHOICES THAT WOULD:

29 (I) IMPROVE THE HEALTH OF THE CHILD; AND

1 (II) ASSIST IN THE PREVENTION OF CHRONIC DISEASE;

2 (2) INSTITUTE CHANGES TO PHYSICAL EDUCATION CURRICULUM
3 IN PUBLIC SCHOOLS THAT WOULD HELP TO REDUCE RATES OF CHILDHOOD
4 OBESITY AND OTHER CHRONIC DISEASE;

5 (3) INSTITUTE CHANGES TO BEFORE- AND AFTER-SCHOOL
6 PROGRAMS IN PUBLIC SCHOOLS THAT WOULD ENCOURAGE:

7 (I) CHILDREN AND THEIR FAMILIES TO MAKE CHOICES
8 THAT WOULD HELP TO REDUCE RATES OF CHRONIC DISEASE FOR ALL FAMILY
9 MEMBERS; AND

10 (II) ENROLLMENT OF PARENTS AND GUARDIANS IN WEIGHT
11 MANAGEMENT, SMOKING CESSATION, AND CHRONIC DISEASE MANAGEMENT
12 CLASSES;

13 (4) ESTABLISH GRANTS FOR SCHOOLS THAT PARTICIPATE IN THE
14 PROGRAM;

15 (5) CONDUCT TARGETED OUTREACH TO IDENTIFY CHILDREN AND
16 THEIR FAMILIES WHO COULD BENEFIT FROM PARTICIPATION IN THE PROGRAM;

17 (6) ESTABLISH FINANCIAL INCENTIVES TO ENCOURAGE
18 CHILDREN AND THEIR FAMILIES TO PARTICIPATE IN THE PROGRAM; AND

19 (7) MAKE REFERRALS TO LICENSED PROVIDERS OF HEALTH
20 CARE WHO ARE WILLING TO SERVE AS A MEDICAL HOME THAT WOULD DELIVER
21 PRIMARY CARE THAT IS ACCESSIBLE, CONTINUOUS, COMPREHENSIVE,
22 FAMILY-CENTERED, COORDINATED, COMPASSIONATE, AND CULTURALLY
23 EFFECTIVE FOR CHILDREN AND THEIR FAMILIES WHO PARTICIPATE IN THE
24 PROGRAM.

25 7-1303.

26 (A) THERE IS AN ADVISORY BOARD ON SCHOOL-BASED WELLNESS
27 INITIATIVES.

28 (B) (1) THE ADVISORY BOARD CONSISTS OF THE FOLLOWING 12
29 MEMBERS:

30 (2) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED
31 BY THE PRESIDENT OF THE SENATE;

1 **(3) ONE MEMBER OF THE HOUSE OF DELEGATES, APPOINTED BY**
2 **THE SPEAKER OF THE HOUSE;**

3 **(4) THE SECRETARY OF HEALTH AND MENTAL HYGIENE, OR THE**
4 **SECRETARY'S DESIGNEE;**

5 **(5) A REPRESENTATIVE OF THE MARYLAND HEALTH CARE**
6 **COMMISSION; AND**

7 **(6) THE FOLLOWING EIGHT MEMBERS, APPOINTED BY THE**
8 **GOVERNOR:**

9 **(I) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER**
10 **OF THE AMERICAN ACADEMY OF PEDIATRICS;**

11 **(II) ONE REPRESENTATIVE OF THE CHILDREN'S NATIONAL**
12 **MEDICAL CENTER;**

13 **(III) ONE REPRESENTATIVE OF THE JOHNS HOPKINS**
14 **CHILDREN'S CENTER;**

15 **(IV) ONE REPRESENTATIVE OF THE MARYLAND**
16 **ASSOCIATION OF BOARDS OF EDUCATION;**

17 **(V) ONE LICENSED DIETITIAN-NUTRITIONIST;**

18 **(VI) ONE SCHOOL NURSE;**

19 **(VII) ONE PHYSICAL EDUCATION TEACHER; AND**

20 **(VIII) ONE REPRESENTATIVE OF A PARENT-TEACHER**
21 **ASSOCIATION.**

22 **(C) IN PERFORMING ITS DUTIES, THE ADVISORY BOARD MAY CONSULT**
23 **WITH INDIVIDUALS AND ENTITIES THAT THE STATE SUPERINTENDENT DEEMS**
24 **APPROPRIATE.**

25 **(D) (1) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE**
26 **ADVISORY BOARD FROM THE DEPARTMENT.**

27 **(2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO**
28 **THE ADVISORY BOARD SHALL REASONABLY REFLECT THE GEOGRAPHIC,**
29 **RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.**

1 **2. ENROLLMENT IN COMPUTER TRAINING**
2 **PROGRAMS, WEIGHT MANAGEMENT PROGRAMS, AND APPROVED SUMMER**
3 **CAMPS; AND**

4 **(II) STIPENDS TOWARD TUITION AT A PUBLIC INSTITUTION**
5 **OF HIGHER EDUCATION AT WHICH A CHILD QUALIFIES FOR ENROLLMENT; AND**

6 **(7) INVESTIGATING PRACTICES IN OTHER STATES.**

7 **(F) A MEMBER OF THE ADVISORY BOARD MAY NOT RECEIVE**
8 **COMPENSATION AS A MEMBER OF THE ADVISORY BOARD BUT IS ENTITLED TO**
9 **REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL**
10 **REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

11 **(G) (1) THE TERM OF A MEMBER IS 2 YEARS.**

12 **(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**
13 **THE TERMS PROVIDED FOR MEMBERS OF THE ADVISORY BOARD ON OCTOBER**
14 **1, 2008.**

15 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
16 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

17 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
18 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
19 **APPOINTED AND QUALIFIES.**

20 **7-1304.**

21 **(A) THERE IS A MARYLAND SCHOOL-BASED WELLNESS PROGRAM**
22 **FUND.**

23 **(B) THE PURPOSE OF THE FUND IS TO COVER THE COSTS OF**
24 **FULFILLING THE STATUTORY DUTIES OF THE PROGRAM FOR CHILDREN AND**
25 **THEIR FAMILIES.**

26 **(C) THE STATE SUPERINTENDENT OR THE STATE SUPERINTENDENT'S**
27 **DESIGNEE SHALL ADMINISTER THE FUND.**

28 **(D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**
29 **SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

30 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY**
31 **AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

1 **(E) THE FUND CONSISTS OF:**

2 **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**

3 **(2) ANY INVESTMENT EARNINGS OF THE FUND; AND**

4 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
5 **FOR THE BENEFIT OF THE FUND.**

6 **(F) THE FUND MAY BE USED ONLY FOR THE COSTS OF FULFILLING THE**
7 **DUTIES OF THE PROGRAM FOR CHILDREN AND THEIR FAMILIES AS PROVIDED**
8 **UNDER THIS SUBTITLE.**

9 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
10 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

11 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID**
12 **INTO THE FUND.**

13 **(H) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN**
14 **ACCORDANCE WITH THE STATE BUDGET.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
16 members of the Advisory Board on School-Based Wellness Initiatives who are
17 appointed by the Governor shall expire as follows:

18 (1) four members in 2010; and

19 (2) four members in 2011.

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