

# SENATE BILL 100

F1, J1, O4

9lr0449

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By: **Senator Stone**

Introduced and read first time: January 15, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Schools and Child Care Centers – Artificial Color Additives –**  
3 **Prohibition**

4 FOR the purpose of prohibiting certain schools and certain child care centers from  
5 purchasing, selling, using, or serving food products containing or consisting of  
6 certain artificial color additives on or after a certain date; authorizing the State  
7 Board of Education to adopt certain regulations; providing that certain child  
8 care centers may serve certain foods containing or consisting of certain artificial  
9 color additives under certain circumstances; defining a certain term; and  
10 generally relating to prohibiting food products with artificial color additives in  
11 public schools and child care centers.

12 BY adding to  
13 Article – Education  
14 Section 7–430  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume)

17 BY repealing and reenacting, with amendments,  
18 Article – Family Law  
19 Section 5–573  
20 Annotated Code of Maryland  
21 (2006 Replacement Volume and 2008 Supplement)

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

24 **Article – Education**

25 **7–430.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.





1 (ii) instructing licensees and staff concerning child abuse  
2 detection and reporting;

3 (iii) monitoring health practices to help prevent the spread of  
4 disease; and

5 (iv) monitoring the care of infants and children with special  
6 needs;

7 (4) promote the sound growth and development of children in child  
8 care centers;

9 (5) encourage the care of children in a homelike environment by  
10 reflecting the impracticability of conforming a residence to standards that are  
11 appropriate for institutions and otherwise providing for centers that are in residences  
12 or other facilities and serve between 7 and 12 children and facilities having 6 or fewer  
13 children required to be licensed under § 5-574 of this subtitle;

14 (6) carry out otherwise the purposes and requirements of this Part VII  
15 of this subtitle, including imposition of intermediate sanctions to ensure compliance;

16 (7) prohibit a child from remaining at a child care center for more than  
17 14 hours in 1 day unless the Department issues an exception for that child based on  
18 guidelines set by the State Superintendent;

19 (8) (i) require that a child care center have in attendance at all  
20 times at least 1 individual who is responsible for supervision of children, including  
21 children on field trips, and who holds a current certificate indicating successful  
22 completion of approved:

23 1. basic first aid training through the American Red  
24 Cross or through a program with equivalent standards; and

25 2. cardiopulmonary resuscitation (CPR) training  
26 through the American Heart Association or through a program with equivalent  
27 standards appropriate for the ages of children for whom care is provided in the child  
28 care center; and

29 (ii) require that a child care center serving more than 20  
30 children have in attendance certificate holders described in item (i) of this item in a  
31 ratio of at least 1 certificate holder for every 20 children; [and]

32 (9) (i) require that a child care center that receives notice of a  
33 contaminated drinking water supply from the child care center's supplier of water, in  
34 accordance with § 9-410 of the Environment Article or otherwise, send notice of the  
35 drinking water contamination to the parent or legal guardian of each child attending  
36 the child care center; and

- 1 (ii) require that the notice sent by the child care center shall:
- 2 1. be sent within 10 business days after receipt of the
- 3 notice of contamination from the child care center's water supplier;
- 4 2. be in writing;
- 5 3. identify the contaminants and their levels in the
- 6 center's water supply; and
- 7 4. describe the child care center's plan for dealing with
- 8 the water contamination problem until the child care center's water is determined by
- 9 the appropriate authority to be safe for consumption; AND

10 (10) ON OR AFTER JULY 1, 2010, EXCEPT FOR FOOD PRODUCTS

11 PROVIDED BY A PARENT OR GUARDIAN FOR CONSUMPTION BY THE PARENT'S OR

12 GUARDIAN'S CHILD AT THE CHILD CARE CENTER, PROHIBIT THE PURCHASE,

13 SALE, USE, OR SERVICE OF FOOD PRODUCTS CONTAINING OR CONSISTING OF

14 ONE OR MORE OF THE FOLLOWING ARTIFICIAL COLOR ADDITIVES:

- 15 (I) FD&C BLUE NO. 1;
- 16 (II) FD&C BLUE NO. 2;
- 17 (III) FD&C GREEN NO. 3;
- 18 (IV) FD&C ORANGE B;
- 19 (V) FD&C RED NO. 3;
- 20 (VI) FD&C RED NO. 40;
- 21 (VII) FD&C YELLOW NO. 5; OR
- 22 (VIII) FD&C YELLOW NO. 6.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

24 October 1, 2009.