

# SENATE BILL 828

F5, O4

EMERGENCY BILL

0lr3423  
CF HB 1135

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By: **Senator McCray**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 25, 2020

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Department of Education – Summer Food Service Program – Regulatory**  
3 **Waivers**  
4 **(Summer Meals Waiver Act)**

5 FOR the purpose of requiring the State Department of Education, on behalf of certain  
6 sponsors, to submit to the U.S. Department of Agriculture certain waivers relating  
7 to the federal Summer Food Service Program; requiring the Department to prepare  
8 and submit certain waiver requests in accordance with certain guidelines; requiring  
9 the Department to apply to renew certain waivers under certain circumstances;  
10 making this Act an emergency measure; and generally relating to regulatory waivers  
11 and the federal Summer Food Service Program.

12 BY adding to  
13 Article – Education  
14 Section 7–606  
15 Annotated Code of Maryland  
16 (2018 Replacement Volume and 2019 Supplement)

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

19 **Article – Education**

20 **7–606.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) IN THIS SECTION, "SFSP" MEANS THE FREE SUMMER FOOD SERVICE  
2 PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF AGRICULTURE.

3 (B) (1) ON OR BEFORE APRIL 1, 2020, AND EACH APRIL 1 THEREAFTER,  
4 IF REQUIRED, THE DEPARTMENT, ON BEHALF OF ALL SFSP SPONSORS IN THE  
5 STATE, SHALL PREPARE AND SUBMIT TO THE U.S. DEPARTMENT OF AGRICULTURE  
6 WAIVER REQUESTS FROM THE REGULATIONS LISTED IN PARAGRAPH (2) OF THIS  
7 SUBSECTION REGARDING REQUIREMENTS FOR THE FEDERAL SUMMER FOOD  
8 SERVICE PROGRAM.

9 (2) THE FOLLOWING REGULATIONS AUTHORIZE A WAIVER FROM THE  
10 DESCRIBED SFSP REQUIREMENTS:

11 (I) 7 C.F.R. § 210.10(E) AUTHORIZES A WAIVER FROM:

12 1. THE REQUIREMENT THAT A SPONSOR CONDUCT SITE  
13 VISITS DURING THE FIRST WEEK OF SITE OPERATIONS FOR SITES THAT OPERATED  
14 SUCCESSFULLY DURING THE PREVIOUS SUMMER AND HAD NO SERIOUS DEFICIENCY  
15 FINDINGS; AND

16 2. THE REQUIREMENT FOR A FIRST WEEK SITE VISIT BY  
17 A SCHOOL FOOD AUTHORITY SPONSOR, IF THE SPONSOR IS IN GOOD STANDING WITH  
18 THE SFSP;

19 (II) 7 C.F.R. § 210.8(E) AND 7 C.F.R. § 210.10(E) AUTHORIZE A  
20 WAIVER FOR THE EXTENSION OF THE OFFER VERSUS SERVE POLICY TO  
21 NONSCHOOL FOOD AUTHORITY SPONSORS;

22 (III) 7 C.F.R. § 225.16(C) AUTHORIZES A WAIVER OF MEAL  
23 SERVICE TIME REQUIREMENTS; AND

24 (IV) 7 C.F.R. § 225.2 AUTHORIZES A WAIVER TO ALLOW CLOSED  
25 ENROLLED SITES TO QUALIFY BASED ON AREA ELIGIBILITY.

26 (C) A WAIVER REQUEST REQUIRED UNDER THIS SECTION SHALL BE  
27 PREPARED AND SUBMITTED IN ACCORDANCE WITH THE GUIDELINES PROVIDED BY  
28 THE U.S. DEPARTMENT OF AGRICULTURE FOR COMPLIANCE WITH § 12(L) OF THE  
29 RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT.

30 (D) IF A WAIVER REQUESTED IN ACCORDANCE WITH THIS SECTION WAS  
31 GRANTED AND LATER LAPSES OR IS TERMINATED, THE DEPARTMENT SHALL APPLY  
32 TO RENEW THE WAIVER.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency  
2 measure, is necessary for the immediate preservation of the public health or safety, has  
3 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
4 each of the two Houses of the General Assembly, and shall take effect from the date it is  
5 enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.