

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 112

Ways and Means

(Delegate Grammer)

Education, Health, and Environmental Affairs

Baltimore County - Career Exploration and Development Activities in Public High Schools - Coffee

This bill prohibits an Executive Branch agency from banning or regulating the sale of coffee in conjunction with a career exploration and development activity in a public high school in Baltimore County. The bill only applies if the activity is directed at (or organized by) students with individualized education programs. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: None.

Local Effect: The bill does not materially affect Baltimore County Public School System operations or finances.

Small Business Effect: None.

Analysis

Current Law: Generally, an Executive Branch agency is authorized to ban or regulate the sale of coffee in conjunction with a career exploration and development activity in a public high school in Baltimore County. However, this authorization does not apply to a public high school that allowed such coffee sales on or before June 30, 2018.

Background: Local school systems are subject to federal law and regulations through participation in federal food and nutrition programs, including (among others) the National School Lunch Program, School Breakfast Program, and other programs for free and reduced-price meals and free milk in schools. The federal Healthy, Hunger-Free Kids Act of 2010 requires schools to offer nutritious, well-balanced, and age-appropriate meals to all the children they serve to improve their diets and safeguard their health.

Children age five and older must be offered lunches that meet the following nutrition standards for their age/grade group: specified food components and food quantities; zero grams of trans fat per serving or a minimal amount of naturally occurring trans fat; less than 10% of total calories from saturated fat; reduced amount of sodium; and following the applicable recommendations from the 2010 Dietary Guidelines for Americans.

The Maryland State Department of Education (MSDE) monitors local school compliance with federal law regarding school food and nutrition programs. The Maryland Code of Regulations indicates that local school systems are subject to administrative review by MSDE and/or the U.S. Department of Agriculture for the purpose of evaluating the administration of a food and nutrition program.

According to the Maryland Nutrition Standards for All Foods Sold in Schools adopted by the State Board of Education on June 27, 2014, and effective July 1, 2014, all foods and beverages sold to students on the public school campus, including cafeteria *a la carte* items, vending machines, school stores, and fundraising activities, from 12:01 a.m. until 30 minutes after the end of the official school day must meet specified nutrition standards. Beverages must meet the standards shown in **Exhibit 1**.

Exhibit 1 **Beverage Standards for Maryland Schools**

| | <u>Elementary</u> | <u>Middle</u> | <u>High</u> |
|---|-------------------|---------------|---|
| Plain water or plain carbonated water | Any Size | Any Size | Any Size |
| Low-fat milk, flavored or unflavored | ≤ 8 fl. oz. | ≤ 12 fl. oz. | ≤ 12 fl. oz. |
| Nonfat milk, flavored or unflavored | | | |
| 100% Fruit/vegetable juice | ≤ 8 fl. oz. | ≤ 12 fl. oz. | ≤ 12 fl. oz. |
| 100% Fruit/vegetable juice - diluted with water, with or without carbonation - with no added sweeteners | ≤ 8 fl. oz. | ≤ 12 fl. oz. | ≤ 12 fl. oz. |
| Other flavored and/or carbonated beverages - soda is not allowed | Not allowed | Not allowed | If ≤ 12 fl. oz. must meet: ≤ 40 calories/8 oz. ≤ 60 calories/12 oz. If >12 and ≤ 20 fl. oz. must meet: < 5 calories/8 oz. ≤ 10 calories/20 oz. |
| Caffeine, beyond naturally occurring trace amounts | Not allowed | Not allowed | Not allowed |

Source: Maryland State Department of Education

With regard to caffeine, the Maryland Nutrition Standards for All Foods Sold in Schools go beyond the requirements for the federal Healthy, Hunger-Free Kids Act of 2010. The Maryland Nutrition Standards for All Foods Sold in Schools prohibit caffeine (beyond naturally occurring trace amounts) in elementary, middle, and high schools. The federal regulations for the Healthy, Hunger-Free Kids Act of 2010 prohibit caffeine beyond naturally occurring trace amounts in elementary and middle schools but permit caffeine beverages in high schools.

In 2014, students in a special education program at Patapsco High School (Baltimore County) were operating a coffee shop at their school as part of a vocational training program. However, the coffee shop was closed after the implementation of new beverage standards for Maryland schools that were adopted by the State Board of Education in 2014. Due to the State regulations, the coffee shop was temporarily replaced with a shop selling slushies, made of fruit concentrates and no added sugar. However, with the enactment of Chapter 717 of 2016, the coffee shop at Patapsco High School resumed selling coffee. As of January 2020, the shop continues to operate but only allows sales to faculty members.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Baltimore County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - January 28, 2020
rh/lhb Third Reader - March 17, 2020
Revised - Amendment(s) - March 17, 2020

Analysis by: Eric F. Pierce

Direct Inquiries to:
(410) 946-5510
(301) 970-5510