

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 222

(Frederick County Delegation)

Ways and Means

Education, Energy, and the Environment

Baltimore County and Frederick County - Career Activities in Public High Schools - Sale of Coffee by Students With Individualized Education Programs

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 and Frederick County. The bill applies only if the activity is created for or organized by students with individualized education programs (IEPs). **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None.

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

Small Business Effect: Small businesses that sell coffee are not materially affected.

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. This provision is repealed by the bill.

[Maryland Nutrition Standards for All Foods Sold in School](#) prohibit the sale of caffeine to students from 12:01 a.m. through 30 minutes after the end of the school day.

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an individualized family service plan (IFSP) or IEP specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5 under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities from age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 771 and SB 702 of 2022; and HB 309 and SB 317 of 2020.

Designated Cross File: None.

Information Source(s): Frederick County Public Schools; Maryland State Department of Education; Maryland Department of Health; Maryland Department of Labor; Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2023
km/mcr Third Reader - March 20, 2023

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