

SENATE BILL 828

F5, O4

EMERGENCY BILL

0lr3423
CF HB 1135

By: **Senator McCray**

Introduced and read first time: February 3, 2020

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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.**

21 **(A) IN THIS SECTION, “SFSP” MEANS THE FREE SUMMER FOOD SERVICE**
22 **PROGRAM ADMINISTERED BY THE U.S. DEPARTMENT OF AGRICULTURE.**

23 **(B) (1) ON OR BEFORE APRIL 1, 2020, AND EACH APRIL 1 THEREAFTER,**
24 **IF REQUIRED, THE DEPARTMENT, ON BEHALF OF ALL SFSP SPONSORS IN THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



STATE, SHALL PREPARE AND SUBMIT TO THE U.S. DEPARTMENT OF AGRICULTURE
WAIVER REQUESTS FROM THE REGULATIONS LISTED IN PARAGRAPH (2) OF THIS
SUBSECTION REGARDING REQUIREMENTS FOR THE FEDERAL SUMMER FOOD
SERVICE PROGRAM.

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

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

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

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

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

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

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

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

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

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