



Background and Justification for Caffeine Restriction across All Age/Grade Levels in the Maryland Nutrition Standards for All Foods Sold in School

Background on new nutrition standards, effective July 1, 2014:

1. The United States Department of Agriculture (USDA) “Smart Snacks” Proposed Rule was released on February 8, 2013. The Interim Final Rule (IFR) was released on June 28, 2013. The Rule went into effect on July 1, 2014
2. The USDA Rule is to be adopted by all agencies participating in the National School Lunch Program and School Breakfast Program. The USDA “Smart Snacks” Rule encourages state agencies overseeing these programs to consider adopting stronger policies in areas deemed appropriate in their region, and notes that school systems, and schools may decide to create stronger policies as well.
3. The Maryland State Department of Education (MSDE) Office of School and Community Nutrition Programs (OSCNP) began informing county school systems about this rule in the Spring of 2013.
4. OSCNP conducted a survey of School Food Service Directors in the Fall of 2013 prior to a statewide meeting to gauge impact of the USDA rule, as well as and level of need and interest for a stronger state policy.
 - The majority of respondents recommended creation of a Maryland-specific companion policy to address some of the discrepancies between the existing Maryland State Board of Education-approved policy regarding nutrition standards of foods outside of the School Meals Programs, in place since 2005.
5. The OSCNP began drafting a proposed revision to the Maryland policy which would incorporate the USDA Smart Snacks Rule, but retain some of the stronger elements from our existing policy.
6. In April 2014, the draft policy revision with invitation to comment was distributed to:
 - School Food Service Directors,
 - Superintendents, as well as a long list of strategic partners such as
 - The Maryland Associations of Secondary and Elementary Principals,
 - The Maryland PTA, and
 - The Maryland Department of Health and Mental Hygiene.
7. During the month-long comment period, the extension of the caffeine restriction to include high school students was not brought up as a problem by our school systems, outside partners, or stakeholders.
8. The policy underwent revision based on feedback, and was presented to the Maryland State Board of Education on June 27, 2014 where it was unanimously approved.
9. The final, approved policy was distributed to the same list noted above.

Justification for Caffeine Restriction:

1. Since schools are a protected environment in many ways, we feel that it is appropriate to limit the availability of items which could be harmful to student health, such as caffeine.
2. The Institute of Medicine (IOM) and the American Academy of Pediatrics (AAP) discourage consumption of caffeine by children and adolescents.
3. Adolescence is a period of critical physical and cognitive development. Caffeine is known to raise heart rate and blood pressure, contribute to anxiety, and may cause gastric distress in some people. These side effects may impact students behaviorally and academically.
4. The FDA recently began an investigation regarding the safety of caffeine in children and adolescence. While this investigation is still in progress, we felt it imprudent to open the school as a market for permitted sale of caffeinated beverages. Once the FDA releases the results of their investigation, MSDE OSCNP will reevaluate the current caffeine restriction.
5. It is important to acknowledge that in 2011, a 14 year old Maryland girl student's death after consuming just two energy drinks was one of the five fatalities which triggered the FDA investigation into the effect of caffeine in this population.
6. With no caffeine restrictions, high schools would have been permitted to sell low-calorie energy drinks. These products are aggressively marketed to young consumers, but carry risks with regard to high caffeine levels and additional, unregulated ingredients (herbals, etc.).

Efforts to address the concerns regarding sale of coffee at Patapsco High School:

1. There has been no order from MSDE that the Java Stop must close. The School's administration and the School System's Food and Nutrition Services staff are carrying out their responsibility for implementation of the revised policy, Maryland Nutrition Standards for All Foods Sold in School. The OSCNP has offered technical assistance and educational resources to our school systems regarding implementation.
2. After learning about the media coverage related to Patapsco High School's Java Stop, we reached out to the school system for an update. On September 26th we received an update that the school principal and teachers from the PS-FALS program had met to discuss resolution of the situation.
3. The school's staff are now considering some alternative items which the students could sell to gain the customer service and cash register skills while maintaining compliance with the new Maryland Nutrition Standards.
4. The Baltimore County Director of Food and Nutrition Services noted that her department has offered to help the student group evaluate product compliance by performing nutrition analysis for their offerings.
5. As with all rules and regulations for the NSLP and SBP, MSDE's OSCNP will continue to be available to address questions, concerns, and provide necessary training.