

2016 -- S 2673

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LC004232
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Senators Sosnowski, Crowley, Goldin, Conley, and Archambault

Date Introduced: March 08, 2016

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-21 of the General Laws entitled "Health and Safety of Pupils" is
2 hereby amended by adding thereto the following section:

3 **16-21-7.1. Unhealthy food and beverage advertising prohibited in schools. – (a)**
4 Except as provided in subsection (b) of this section, a school district shall prohibit at any school
5 within the district:

6 (1) The advertising of any food or beverage that may not be sold on the school campus
7 during the school day. For purposes of this section, food and beverages that may not be sold on
8 the school campus during the school day are those that do not meet the minimum nutrition
9 standards as set forth by the United States Department of Agriculture under the Healthy, Hunger-
10 Free Kids Act of 2010 [Pub. L. No. 111-296] and federal regulations implementing the Act [42
11 U.S.C. §1779(b)], and as set forth by the board of education and local school committee.
12 Advertising is prohibited on any property or facility owned or leased by the school district or
13 school and used at any time for school-related activities, including, but not limited to, school
14 buildings, athletic fields, facilities, signs, scoreboards, parking lots, school buses or other
15 vehicles, equipment, vending machines, uniforms, educational material, or supplies;

16 (2) The advertising of any corporate brand, unless every food and beverage product
17 manufactured, sold, or distributed under the corporate brand name can be served or sold on the
18 school campus during the school day. A corporate brand may advertise an individual product or
19 product line that can be served or sold on the school campus during the school day as set forth in

1 subsection (a)(1) of this section.

2 (3) The participation in a corporate incentive program that rewards children with free or
3 discounted foods or beverages that may not be sold on the school campus during the school day
4 when they reach certain academic goals; and

5 (4) The participation in corporate-sponsored programs that provide funds to schools in
6 exchange for consumer purchases of foods and beverages that may not be sold on the school
7 campus during the school day.

8 (b) Exceptions. The restriction on advertising in subsection (a) of this section shall not
9 apply to:

10 (1) Advertising on broadcast, digital, or print media, unless the media are produced or
11 controlled by the local education agency, school, faculty, or its students;

12 (2) Advertising on clothing with brand images worn on school grounds; or

13 (3) Advertising contained on product packaging.

14 (c) Implementation as contracts or leases are renewed, or as permanent fixtures are
15 replaced. The restriction on advertising in subsection (a) of this section shall take effect on
16 September 1, 2016 with the following limited exceptions:

17 (1) For advertising that occurs under a contract or lease, the restrictions in subsection (a)
18 of this section apply to advertising that occurs under a contract or lease that was entered into or
19 renewed on or after the effective date of this section; and

20 (2) Nothing in this section requires the removal, from a permanent fixture, of advertising
21 that does not comply with the restrictions in subsection (a) of this section until the permanent
22 fixture is removed or replaced, provided the advertising or display is a permanent feature of the
23 permanent fixture.

24 (d) Definitions as used in this section.

25 (1) "Advertising" means an oral, written, or graphic statement or representation,
26 including a company logo or trademark, made for the purpose of promoting the use or sale of a
27 product by the producer, manufacturer, distributor, seller, or any other entity with a commercial
28 interest in the product.

29 (2) "Brand" means a corporate or product name, a business image, or a mark, regardless
30 of whether it may legally qualify as a trademark used by a seller or manufacturer to identify
31 goods or services and to distinguish them from competitors' goods.

32 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

1 This act would prohibit the advertising of unhealthy food and beverage products in
2 schools, that may not be sold on the school campus during the school day, since they do not meet
3 the minimum nutrition standards.

4 This act would take effect upon passage.

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