

2017 -- H 5580

LC001314

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS--FOOD AND BEVERAGES

Introduced By: Representative Joseph M. McNamara

Date Introduced: February 16, 2017

Referred To: House Health, Education & Welfare

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.**

4 (a) Except as provided in subsection (b) of this section, a school district shall prohibit at
5 any school 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) federal regulations implementing the Act [42
11 U.S.C. §1779(b)], and as set forth by the Rhode Island board of education and local school
12 committees. Advertising is prohibited on any property or facility owned or leased by the school
13 district or school and used at any time for school-related activities, including, but not limited to,
14 school 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.

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

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

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

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

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

12 (3) Advertising contained on product packaging.

13 (4) Advertising on a food truck that sells foods and beverages on school property, after
14 the end of the school day, as defined in §16-21-7.

15 (5) A corporate brand may advertise an individual product or product line, including with
16 brand identification, that can be served or sold on the school campus during the school day as set
17 forth in subsection(a)(1) of this section.

18 (c) Implementation.

19 The restriction on advertising in subsection (a) of this section shall take effect on
20 September 1, 2017, with the following limited exceptions:

21 (1) For advertising that occurs pursuant to a contract or lease, the restrictions in
22 subsection (a) of this section and apply to advertising that occurs pursuant to a contract or lease
23 that was entered into or renewed on or after the effective date of this section; and

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

28 (f) Definitions as used in this section.

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

33 (2) "Brand" means a corporate or product name, a business image, or a mark, regardless
34 of whether it legally qualifies as a trademark used by a seller or manufacturer to identify their

1 [goods or services and to distinguish them from competitors' goods.](#)

2 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--FOOD AND
BEVERAGES

- 1 This act would prohibit the sale and advertising of unhealthy food and beverage products
2 in schools during the school day, since they do not meet minimum federal governmental nutrition
3 standards.
4 This act would take effect upon passage.

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