

2018 -- H 7419

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LC004245  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

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

Introduced By: Representatives McNamara, Donovan, Ackerman, and O'Brien

Date Introduced: February 02, 2018

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; provided, a corporate brand may advertise an individual

1 product or product line, including with brand identification, that can be served or sold on the  
2 school campus during the school day as set forth in subsection (a)(1) of this section; and

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

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

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

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

11 (3) Advertising contained on product packaging; or

12 (4) Advertising on a food truck that sells foods and beverages on school property after the  
13 end of the school day, as defined in § 16-21-7(3).

14 (c) Implementation. The restriction on advertising in subsection (a) of this section shall  
15 take effect on September 1, 2018, with the following limited exceptions:

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

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

23 (d) Definitions. As used in this section:

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

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

31 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

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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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