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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO EDUCATION -- HEALTH AND SAFETY OF PUPILS

Introduced By: Senators Sosnowski, Goldin, Ottiano, Nesselbush, and Satchell

Date Introduced: February 25, 2015

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 **16-21-7.4. Legislative findings.** – The general assembly finds and declares as follows:

4 (1) Childhood obesity rates in the United States have risen dramatically over the past
5 thirty (30) years and today almost one-third (1/3) of American children are obese or overweight.
6 In 2013, sixteen percent (16%) of Rhode Island high school students were overweight and eleven
7 percent (11%) were obese. Poor diet and physical inactivity increase the risk for certain chronic
8 health conditions, including high blood pressure, type 2 diabetes, and obesity.

9 (2) The medical costs of obesity are rising rapidly in the United States and are estimated
10 to be one hundred forty-seven billion dollars (\$147,000,000,000) per year. Roughly half of these
11 obesity-related costs are paid by Medicare and Medicaid, indicating that taxpayers foot the bill
12 for obesity's medical costs. Obesity-related health care spending accounts for eight and one-half
13 percent (8.5%) of Medicare spending, eleven and eight tenths percent (11.8%) of Medicaid
14 spending, and twelve and nine tenths percent (12.9%) of private payer spending.

15 (3) The marketing of foods of poor nutritional value to American children contributes to
16 the rise in obesity by affecting children's food preferences, choices, and diet. The amount of
17 money that the food industry currently spends on marketing and advertising to influence what
18 children choose to eat is twice the amount spent a decade ago. Young children ages twelve (12)
19 and under are especially vulnerable to these marketing and advertising strategies because they are

1 developmentally less able to comprehend their intent.

2 (4) The mission of our schools is to educate our children. Increasingly, studies
3 demonstrate a relationship between healthy eating, regular physical activity, and students'
4 academic success. The Centers for Disease Control and Prevention reports that students who are
5 physically active and eat a nutritious diet receive higher grades than their classmates who are
6 physically inactive and eat foods that are less nutritious. Helping students to stay healthy
7 promotes academic success.

8 (5) While national, state, and local efforts have improved the nutritional quality of foods
9 provided and sold in schools, some schools permit the marketing of foods high in calories, fat,
10 and sugar and of minimal nutritional value. That marketing includes sales, free samples, and
11 advertising of unhealthy foods; corporate-sponsored fundraising programs which encourage
12 students and their families to sell, purchase, and consume foods and beverages with little
13 nutritional value; incentive programs, which reward children with free or discounted foods or
14 beverages when they reach certain academic goals; sponsorship of school programs or events;
15 and branded educational materials.

16 (6) Permitting the advertising of foods and beverages at schools that may not be sold
17 there interferes with school messages promoting good health and academic success. If children
18 are taught through school health and nutrition curriculum to limit their intake of these foods and
19 at the same time the foods are promoted by school-based advertising and marketing, the lessons
20 of school health and nutrition curricula are undermined. The marketing also undermines parents'
21 efforts to feed their children a healthy diet.

22 **16-21-7.5. Definitions.** – As used in this section:

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

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

30 **16-21-7.6. Unhealthy food and beverage advertising prohibited in schools.** – (a)
31 Except as provided in subsection (b) of this section, a school district shall prohibit at any school
32 within the district:

33 (1) The advertising of any food or beverage that may not be sold on the school campus
34 during the school day or of any corporate brand, unless every food and beverage product

1 manufactured, sold, or distributed under the corporate brand name can be served or sold on the
2 school campus during the school day. For purposes of this section, food and beverages that may
3 not be sold on the school campus during the school day are those that do not meet the minimum
4 nutrition standards as set forth by the United States Department of Agriculture under the Healthy,
5 Hunger-Free Kids Act of 2010 and federal regulations implementing the Act [42 U.S.C. section
6 1779(b)], and as set forth by the board of education or local school committee. Advertising is
7 prohibited on any property or facility owned or leased by the school district or school and used at
8 any time for school-related activities, including, but not limited to, school buildings, athletic
9 fields, facilities, signs, scoreboards, parking lots, school buses or other vehicles, equipment,
10 vending machines, uniforms, educational material, or supplies;

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

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

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

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

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

22 (3) Advertising contained on product packaging.

23 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 beverages in schools not
2 sold on the school campus during the school day and certain corporate incentive or promotional
3 programs.

4 This act would take effect upon passage.

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