

Senate Education Committee

Kat Bourque 271-3093

SB 103, limiting food and beverage advertising and marketing on school property.

Hearing Date: January 31, 2017

Time Opened: 9:56 A.M.

Time Closed: 10:15 A.M.

Members of the Committee Present: Senators Reagan, Ward, Kahn and Watters

Members of the Committee Absent : Senator Giuda

Bill Analysis : This bill restricts the advertising and marketing of food and beverages that may not be sold on school property during the school day.

Sponsors :

Sen. Lasky

Sen. D'Allesandro

Sen. Fuller Clark

Sen. Hennessey

Sen. McGilvray

Sen. Reagan

Sen. Soucy

Sen. Watters

Rep. Gidge

Who supports the bill: Senator Lasky, Christina D'Allesandro (MomsRising), Senator Fuller Clark, Senator Soucy, Nancy Vaughan (American Heart Association), Rep. Somssich, J.J. Smith (NH Public Health Association), Mike Rollo (American Cancer Society)

Who opposes the bill: Carl Ladd (NHSAA), Barrett Christina (NHSBA)

Who is neutral on the bill: No one

Summary of testimony presented in support :

Senator Lasky

Prime Sponsor

- This bill restricts the advertising and marketing of food and beverages that may not be sold on school property during the school day.
- This bill was tabled last session.
- The purpose of this bill is simple: if food and beverage cannot be sold in school because it does not meet nutritional criteria, then it cannot be advertised or marketed there.
- Allowing marketing like this in schools undermines parents' efforts in encouraging their students to eat healthy foods.
- This bill allows for schools to help change the habits of unhealthy eating and allows for healthy products of food and beverage companies to be favored in place of unhealthy products.
- This version of the bill includes the amendments agreed to last year at the time the

bill was tabled.

- Stakeholders are in favor of this version of the bill.
- Senator Ward asked who will be deciding what is healthy, unhealthy and the like. Senator Lasky stated that since this is local control, the school district will decide.

Michael Rollo

American Cancer Society

- The American Cancer Society submitted written testimony in support of SB 103.

Christina D'Allesandro

MomsRising

- MomsRising submitted written testimony in support of SB 103.

Nancy Vaughan

American Heart Association

- Ms. Vaughan stated that the American Heart Association is in support of SB 103 and provided written testimony for the committee.
- Ms. Vaughan clarified that this bill does not influence food and drink in vending machineS, as these standards are already clearly set up. This strictly deals with marketing. Schools will make choices based on nutrition guidelines. This specifically means soda products and logos that are on scoreboards.
- This bill would go into effect when such sponsoring contracts are up for negotiation. The company could substitute a soda, for example, for sponsorship with a water product's logo or a fruit juice's logo instead.
- This bill helps to stress the importance of wanting a lifetime of health for students.
- It is not the intent to make this bill centered around losing money for school districts.
- There have been conversations with food and beverage associations that have been addressed in this bill and this industry does not have a problem with this bill going forward.
- Senator Reagan asked if she could describe some successes with this program in other states. Ms. Vaughn stated that no other bills like this have been passed in the country in order to provide facts and figures. However, many districts around the country are working to better healthy advertising in their schools. This bill contributes to a greater effort to try to make schools healthier.
- In terms of statistics, it is clear that sugar is one ingredient that is directly tied to the future development of heart disease, diabetes and some forms of cancer. Reducing sugar in schools will help with the long-term goal of prolonged health.

Dr. Smith

New Hampshire Public Health Association

- NHPHA is in strong support of SB 103.
- The Association submitted written testimony in support of the bill.
- Dr. Smith reminded the committee that they could always specifically iron out any issues in advertising for companies within the legislation.

Summary of testimony presented in opposition :

Carl Ladd

New Hampshire School Administrators Association

- Mr. Ladd is concerned about this bill as legislative overreach into local school board's decision making.
- Advertisements in some of these schools work to provide scholarships. One example is McDonald's, who sponsors a scholarship in New Hampshire. If this bill were to pass, the school would not be able to advertise this scholarship with McDonald's.
- Senator Kahn asked if this was limited, what the local revenue loss might be to districts. Mr. Ladd stated this would vary from district to district, depending on their advertising opportunities. For example, if Coca Cola did not sponsor a score board, a smaller district would have to struggle to bear the cost of that themselves.
- School districts currently decide what will be sold and advertised. If the food or drink cannot be offered because of federal guidelines, then the school cannot offer it. However, this bill states that Coca Cola, for example, could not advertise on a scoreboard. It would have to be paid for by the school themselves or find an alternative for sponsorship.

Neutral Information Presented: N/A

Future Action: Pending

KAB

Date Hearing Report completed: January 31, 2017