

SB 103 - AS INTRODUCED

2017 SESSION

17-0922

05/04

SENATE BILL            ***103***

AN ACT                limiting food and beverage advertising and marketing on school property.

SPONSORS:            Sen. Lasky, Dist 13; Sen. D'Allesandro, Dist 20; Sen. Fuller Clark, Dist 21; Sen. Hennessey, Dist 5; Sen. McGilvray, Dist 16; Sen. Reagan, Dist 17; Sen. Soucy, Dist 18; Sen. Watters, Dist 4; Rep. Gidge, Hills. 33

COMMITTEE:          Education

---

ANALYSIS

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

-----

Explanation:          Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    limiting food and beverage advertising and marketing on school property.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Section; School Boards; Limitations on Corporate Advertising and Marketing. Amend  
2 RSA 189 by inserting after section 15-a the following new section:

3            189:15-b Regulation of Food and Beverage Advertising in Schools.

4            I. Except as provided in paragraph II, a school district shall prohibit at any school within  
5 the district, during school hours:

6                    (a) The advertising of any food or beverage that may not be sold at school during the  
7 school day. For purposes of this section, food and beverages that may not be sold at school during  
8 the day are those that do not meet the minimum nutrition standards as set forth by the school  
9 district, following the nutritional standards as required under the department of education rules for  
10 nutritional foods. Advertising shall be prohibited on any property or facility owned or leased by the  
11 school district or a school and used any time for school-related activities, including but not limited  
12 to, school buildings, athletic fields, facilities, signs, scoreboards upon replacement, parking lots,  
13 school buses or other school district vehicles, equipment, vending machines upon contract renewal,  
14 school district-provided uniforms, school district-developed educational material or approved book  
15 covers for distribution.

16                    (b) The participation in a corporate incentive program that rewards children when they  
17 reach certain academic goals with free or discounted foods and beverages that may not be sold at  
18 school during the school day.

19            II. This section shall not apply to:

20                    (a) Advertising on broadcast, digital, or print media, unless the media are produced or  
21 controlled by the school district, school, faculty or its students.

22                    (b) Advertising on clothing with brand images worn on school grounds.

23                    (c) Advertising contained on product packaging of items brought in by students for self  
24 consumption.

25                    (d) Advertising on vehicles owned and operated by a food or beverage company on  
26 school property while in the process of delivering to the school or servicing company owned  
27 equipment leased to the school.

28                    (e) Advertising on vending machines located in faculty lounges or other areas with  
29 restricted student access.

30                    (f) Trademarks on items or literature when such materials are used as part of a school  
31 authorized educational event, activity, or presentation.

**SB 103 - AS INTRODUCED**

**- Page 2 -**

1        2 Effective Date. This act shall take effect 60 days after its passage.