

# HOUSE . . . . . No. 489

By Mr. Koutoujian of Waltham, petition (accompanied by bill, House, No. 489) of Peter J. Koutoujian and Jennifer M. Callahan relative to the public health impact of commercialism in schools. Education.

## The Commonwealth of Massachusetts

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PETITION OF:  
Peter J. Koutoujian  
Jennifer M. Callahan

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In the Year Two Thousand and Seven.

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### REDRAFT

AN ACT RELATIVE TO THE PUBLIC HEALTH IMPACT OF COMMERCIALISM IN SCHOOLS.
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*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows*

SECTION 1. Chapter 71 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 2A the following section:-

Section 2A1/2. As used in this section, the following words shall have the following meanings:

“Mark”, any brand name, alone or in conjunction with any other word, logo, symbol, motto, selling message, signage, recognizable color or pattern of colors, spokesperson, spokes character, or any other indicia of product identification identical or similar to, or identifiable with, those used for any consumer products or services.

“Public school”, an elementary, middle, high school or charter school as defined in this chapter.

“School buildings”, any building or facility located on public school grounds, including all interior and exterior walls, surfaces, or fixtures.

No manufacturer or distributor shall advertise in any manner consumer products or consumer services on public school grounds, buildings, or real property owned or leased by a public school from one-half hour before the beginning of the school day, during the school day and one-half hour after the school day. Advertisements shall include, but not be limited to, placement of manufacturer marks, or manufacturers’ or distributors’ consumer products or services marks for the purpose of promoting purchase of products or promoting brand loyalty by a student or a student’s family.

Placement of manufacturer marks, or manufacturers' or distributors' consumer products or services marks shall not be permitted on school grounds including, but not limited to, equipment dispensing products, posters, trademark cups, book covers, banners, beverage coolers, sporting equipment, as screen savers on computers, or displayed on other electronic equipment or on any items located within school buildings, or on school building exteriors.

Advertising using marks or other advertising means on school grounds is prohibited in analog and digital formats including, but not limited to, audio and video formats.

Manufacturers or distributors may not provide any type of information or donate any promotional items or offer gifts, other than the manufacturer's own primary consumer products, which bear the mark or brand name of the manufacturer's products.

This section shall not apply to manufacturers' or distributors' primary consumer products package labels.

SECTION 2. Section 197 of Chapter 184 of the Acts of 2002 is hereby amended by inserting after the word "buses", in the first sentence, the following words:- "including advertising in analog and digital formats including, but not limited to, audio and video formats."

SECTION 3. Notwithstanding any special or general law to the contrary, the department of education shall have the authority to promulgate rules and regulations to carry out section 1 of this act and shall implement enforcement provisions for violations of said rules and regulations.

SECTION 4. Notwithstanding any special or general law to the contrary, the commissioner of public health shall convene a study and investigation within the department of public health to assess the impact of advertising and marketing on behavioral risk factors utilizing data collected through the national Behavioral Risk Factor Surveillance System (BRFSS). The commissioner of public health shall advise the commissioner of education and file a report with the house and senate chairs of the joint committee on public health of the findings within six months of the inception of this act.

SECTION 5. This act shall take effect on August 31, 2008.