
By: **Senators Pinsky, Frosh, Kelley, and Sfikas**
Introduced and read first time: February 1, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Commercialism in Schools Act of 2002 - Policy**

3 FOR the purpose of requiring county boards of education to develop and adopt certain
4 policies related to marketing and advertising in public schools; requiring county
5 boards to submit certain policies to the State Department of Education by a
6 certain date; providing that existing obligations or contract rights may not be
7 impaired by this Act; and generally relating to limiting and prohibiting
8 advertising and marketing in public schools.

9 BY adding to
10 Article - Education
11 Section 7-1101 to be under the new subtitle "Subtitle 11. Commercialism in
12 Schools"
13 Annotated Code of Maryland
14 (2001 Replacement Volume)

15 **Preamble**

16 WHEREAS, Schools are experiencing increasing financial hardships and are
17 compelled to accept commercial advertisements to receive goods and services
18 otherwise unavailable to the school due to high cost; and

19 WHEREAS, Maryland has the opportunity to address the issue of
20 commercialism in schools and to release Maryland students from their role as captive
21 audience to commercial interest; now therefore,

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Education**

2 SUBTITLE 11. COMMERCIALISM IN SCHOOLS.

3 7-1101.

4 (A) EACH COUNTY BOARD SHALL:

5 (1) DEVELOP AND ADOPT A POLICY PROHIBITING THE POSTING OF
6 COMMERCIAL ADVERTISEMENTS ON THE EXTERIOR OR INTERIOR OF SCHOOL BUSES
7 OWNED OR USED BY THE COUNTY;8 (2) DEVELOP AND ADOPT A POLICY PROHIBITING THE ENTERING INTO
9 OF A CONTRACT FOR ELECTRONIC PRODUCTS OR SERVICES THAT REQUIRES THE
10 DISSEMINATION OF ADVERTISING TO STUDENTS, UNLESS THE COUNTY BOARD:11 (I) ENTERS INTO THE CONTRACT AT A PUBLIC HEARING OF THE
12 COUNTY BOARD;13 (II) MAKES A FINDING THAT THE ELECTRONIC PRODUCTS OR
14 SERVICES PROVIDE OR WILL PROVIDE AN INTEGRAL COMPONENT OF THE
15 CURRICULUM;16 (III) MAKES A FINDING THAT THE COUNTY CANNOT AFFORD TO
17 PROVIDE THE ELECTRONIC PRODUCTS OR SERVICES UNLESS THE CONTRACT
18 PERMITS THE DISSEMINATION OF ADVERTISING TO STUDENTS;19 (IV) REQUIRES THAT A CONTRACT MAY NOT PROHIBIT EMPLOYEES
20 AND STUDENTS FROM DISPARAGING THE GOODS OR SERVICES OF THE PARTY
21 CONTRACTING WITH THE SCHOOL; AND22 (V) PROVIDES WRITTEN NOTICE TO THE PARENTS OR GUARDIANS
23 OF THE STUDENTS THAT THE ADVERTISING WILL BE USED IN CLASSROOMS AND
24 OTHER LEARNING CENTERS;25 (3) DEVELOP AND ADOPT A POLICY REGARDING THE RELEASE OF
26 STUDENT INFORMATION FOR MARKETING PURPOSES AND PROHIBITING THE
27 FOLLOWING:28 (I) REQUIRING STUDENTS TO COMPLETE SURVEYS TO PROVIDE
29 MARKETING INFORMATION TO VENDORS;30 (II) DISTRIBUTING TO VENDORS ANY PERSONAL INFORMATION OF
31 STUDENTS, INCLUDING NAMES, ADDRESSES, AND TELEPHONE NUMBERS; AND32 (III) ENTERING INTO ANY CONTRACT FOR ELECTRONIC MEDIA
33 SERVICES, OR OTHERWISE, IF THE TERMS OF THE CONTRACT REQUIRE THE COUNTY
34 BOARD TO PROVIDE STUDENTS' PERSONAL INFORMATION TO THE PROVIDER OF THE
35 SERVICES; AND

1 (4) DEVELOP AND ADOPT A POLICY RESTRICTING THE LEVEL OF
2 ADVERTISING IN THE CURRICULUM AND PROHIBITING THE FOLLOWING:

3 (I) REQUIRING OR ADVISING STUDENTS TO PURCHASE
4 CURRICULUM MATERIALS THAT CONTAIN BRAND NAMES, LOGOS, OR PROMOTIONAL
5 INFORMATION, UNLESS:

6 1. THE BASIS FOR THE REQUIREMENT OR ADVICE IS
7 INDEPENDENT OF A FINANCIAL INCENTIVE FOR THE TEACHER, SCHOOL, OR COUNTY
8 BOARD AND THE USE OF THE BRAND NAME OR LOGO IS NECESSARY TO THE
9 INSTRUCTION; OR

10 2. THE BRAND NAME OR LOGOS ARE AFFIXED TO DONATED
11 MATERIALS OR SUPPLIES AND MERELY IDENTIFIES THE DONATING SUPPLIER; AND

12 (II) ALLOWING TEACHERS TO USE ANY MATERIAL CONTAINING
13 COMMERCIAL SPONSORSHIP OR ADVERTISING THAT FAILS TO MEET REASONABLE
14 STANDARDS FOR OBJECTIVITY, ACCURACY, AND COMPLETENESS.

15 (B) SUBSECTION (A)(4) OF THIS SECTION IS NOT INTENDED TO AFFECT THE
16 PRODUCTION OR DISSEMINATION OF SCHOOL PUBLICATIONS.

17 (C) EACH COUNTY BOARD SHALL SUBMIT ITS POLICIES TO THE DEPARTMENT
18 ON OR BEFORE AUGUST 1, 2003.

19 (D) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO
20 IMPLEMENT THIS SECTION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That a presently existing
22 obligation or contract right may not be impaired in any way by this Act.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
24 effect October 1, 2002.