

HOUSE No. 489

By Mr. Koutoujian of Waltham, petition of Peter J. Koutoujian and Jennifer M. Callahan relative to the public health impact of commercialism in schools. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE PUBLIC HEALTH IMPACT OF COMMERCIALISM IN SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing in
2 the 2004 Official Edition, is hereby amended by inserting after
3 section 219, the following new section 220:—

4 The commissioner shall convene a study and investigation within
5 the department to assess the impact of advertising and marketing on
6 behavioral risk factors utilizing data collected through the Behav-
7 ioral Risk Factor Surveillance System (BRFSS). The commissioner
8 shall advise the commissioner of education and the house and senate
9 chairs of the joint committee on public health of the findings within
10 six months of the inception of this act.

1 SECTION 2. Chapter 71 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by inserting after section
3 2A, the following new section 2A½:—

4 As used in this section, the following words shall have the
5 following meanings:—

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

9 “mark”, any brand name, alone or in conjunction with any other
10 word, logo, symbol, motto, selling message, signage, recognizable
11 color or pattern of colors, spokesperson, spokes character, or any
12 other indicia of product identification identical or similar to, or iden-
13 tifiable with, those used for any consumer products or services.

14 No manufacturer or distributor shall advertise in any manner con-
15 sumer products or consumer services on public school grounds,
16 buildings, or property owned or leased by a public school. Adver-
17 tisements shall include, but not be limited to, placement of manufac-
18 turer marks, or manufacturers' or distributors' consumer products or
19 services marks for the purpose of promoting purchase of products or
20 promoting brand loyalty by a student or a student's family.

21 Placement of manufacturer marks, or manufacturers' or distribu-
22 tors' consumer products or services marks shall not be permitted on
23 school grounds including, but not limited to, equipment dispensing
24 products, posters, trademark cups, book covers, banners, beverage
25 coolers, sporting equipment, as screen savers on computers, or dis-
26 played on other electronic equipment or on any items located within
27 school buildings, or on school building exteriors.

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

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

35 This section shall not apply to manufacturers' or distributors' pri-
36 mary consumer products package labels.

1 SECTION 3. The department of education shall have the
2 authority to promulgate rules and regulations to carry out section
3 two of this act and shall implement enforcement provisions for vio-
4 lations of said rules and regulations.