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H.376

Introduced by Representatives Zagar of Barnard, Bartholomew of Hartland,
Berry of Manchester, Bissonnette of Winooski, Christie of
Hartford, Deen of Westminster, French of Randolph,
McCormack of Burlington, Sullivan of Burlington, Till of
Jericho, and Townsend of South Burlington

Referred to Committee on

Date:

Subject: Education; nutrition; advertising

Statement of purpose of bill as introduced: This bill proposes to limit
advertising of food and beverages on public elementary school grounds.

An act relating to the limitation of food and beverage advertising on public
elementary school grounds

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE INTENT

It is the intent of the General Assembly to create and maintain a learning
environment in public elementary schools that minimizes commercial
distractions, protects and promotes students' health and welfare, and minimizes
the commercial exploitation of Vermont's students.

1 Sec. 2. 16 V.S.A. § 1264a is added to read:

2 § 1264a. PROHIBITION ON FOOD ADVERTISING

3 (a) As used in this section:

4 (1) “Advertising” means an oral, written, or graphic statement made for
5 the purpose of promoting the sale of a branded food or beverage product made
6 by the producer, manufacturer, seller, or any other entity with a commercial
7 interest in the product.

8 (2) “Brand” means a corporate or product name, a business image, or a
9 mark, regardless of whether it may legally qualify as a trademark used by a
10 seller or manufacturer to identify goods or services and to distinguish them
11 from competitors’ goods.

12 (b) Except as provided in subsection (c) of this section, advertising of any
13 food or beverage is prohibited on public elementary school grounds, including
14 school buildings, school buses, areas adjacent to school buildings, athletic
15 fields, and parking lots, or at public school sponsored events.

16 (c) The prohibition on advertising in subsection (b) of this section shall not
17 apply to:

18 (1) advertising on broadcast or digital media, unless the media are
19 produced or controlled by the Agency, Board, school district, public school,
20 faculty, or students;

1 (2) advertising on clothing with brand images worn on school
2 grounds; and

3 (3) advertising of State agricultural programs.

4 Sec. 3. AGENCY OF EDUCATION NOTIFICATION

5 On or before August 1, 2015, the Agency of Education shall notify each
6 public elementary school in the State of the limitation on food and beverage
7 advertising described in Sec. 1 of this act.

8 Sec. 4. EFFECTIVE DATE

9 This act shall take effect on July 1, 2015.