

BY: Economic and Environmental Affairs

AMENDMENTS TO SENATE BILL NO. 435

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Captive Audience/Stop”; in the same line, after “2001” insert “Policy”; in lines 4 and 5, strike “creating a certain definition” and substitute “defining a certain term”; in line 5, before “requiring” insert “requiring the Department to adopt certain regulations;”; strike beginning with “prohibiting” in line 6 down through “buses;” in line 10; in line 10, before “and” insert “providing that existing obligations or contract rights may not be impaired by this Act;”; and in line 14, strike “through 7-1105” and substitute “and 7-1102”.

AMENDMENT NO. 2

On page 1, strike beginning with “WHEREAS” in line 19 down through “and” in line 25; and strike beginning with “and” in line 27 down through “companies” in line 28.

On page 2, before line 1, insert:

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

and strike beginning with “and” in line 2 down through “interests” in line 3.

AMENDMENT NO. 3

On pages 2 through 5, strike in their entirety the lines beginning with line 9 on page 2 through line 3 on page 5, and substitute:

“IN THIS SUBTITLE, “FOOD OF MINIMAL NUTRITIONAL VALUE” HAS THE MEANING STATED IN REGULATIONS FOR THE NATIONAL SCHOOL LUNCH PROGRAM ADOPTED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, UNDER 7 CFR

(Over)

210.11(A)(2).

7-1102.

(A) EACH COUNTY BOARD SHALL:

(1) DEVELOP AND ADOPT A POLICY REGARDING VENDING MACHINES THAT INCLUDES:

(I) ENCOURAGING A REDUCTION IN STUDENT CONSUMPTION OF FOODS OF MINIMAL NUTRITIONAL VALUE ON SCHOOL PREMISES;

(II) PROHIBITING ACCESS BY STUDENTS TO VENDING MACHINES CONTAINING FOODS OF MINIMAL NUTRITIONAL VALUE FROM 12:01 A.M. UNTIL THE END OF THE LAST LUNCH PERIOD IN EACH SCHOOL EVERY SCHOOL DAY;

(III) REQUIRING EACH CONTRACT THAT A SCHOOL ENTERS INTO WITH A VENDOR FOR VENDING MACHINES AND PRODUCTS SOLD IN VENDING MACHINES BE SUBMITTED TO THE COUNTY BOARD FOR REVIEW;

(IV) PROHIBITING CONTRACTS FOR VENDING MACHINES AND PRODUCTS SOLD IN VENDING MACHINES FROM EXCEEDING A TERM OF 5 YEARS;

(V) PROHIBITING THE SCHOOL FROM RENEWING AN EXISTING CONTRACT OR ENTERING INTO A NEW CONTRACT IF A SCHOOL:

1. VIOLATES A COUNTY BOARD'S POLICY REGARDING VENDING MACHINE ACCESS BY STUDENTS; OR

2. FAILS TO SUBMIT THE CONTRACT TO THE COUNTY BOARD FOR REVIEW; AND

(VI) PROHIBITING ANY PROVISION OF A CONTRACT THAT PROHIBITS EMPLOYEES AND STUDENTS FROM DISPARAGING THE GOODS OR SERVICES OF THE PARTY CONTRACTING WITH THE SCHOOL;

(2) DEVELOP AND ADOPT A POLICY PROHIBITING THE POSTING OF

COMMERCIAL ADVERTISEMENTS ON THE EXTERIOR OR INTERIOR OF SCHOOL BUSES OWNED OR USED BY THE COUNTY;

(3) DEVELOP AND ADOPT A POLICY PROHIBITING THE ENTERING INTO OF A CONTRACT FOR ELECTRONIC PRODUCTS OR SERVICES THAT REQUIRES THE DISSEMINATION OF ADVERTISING TO STUDENTS, UNLESS THE COUNTY BOARD:

(I) ENTERS INTO THE CONTRACT AT A PUBLIC HEARING OF THE COUNTY BOARD;

(II) MAKES A FINDING THAT THE ELECTRONIC PRODUCTS OR SERVICES PROVIDE OR WILL PROVIDE AN INTEGRAL COMPONENT OF THE CURRICULUM;

(III) MAKES A FINDING THAT THE COUNTY CANNOT AFFORD TO PROVIDE THE ELECTRONIC PRODUCTS OR SERVICES UNLESS THE CONTRACT PERMITS THE DISSEMINATION OF ADVERTISING TO STUDENTS;

(IV) REQUIRES THAT A CONTRACT MAY NOT PROHIBIT EMPLOYEES AND STUDENTS FROM DISPARAGING THE GOODS OR SERVICES OF THE PARTY CONTRACTING WITH THE SCHOOL; AND

(V) PROVIDES WRITTEN NOTICE TO THE PARENTS OR GUARDIANS OF THE STUDENTS THAT THE ADVERTISING WILL BE USED IN CLASSROOMS AND OTHER LEARNING CENTERS;

(4) DEVELOP AND ADOPT A POLICY REGARDING THE RELEASE OF STUDENT INFORMATION FOR MARKETING PURPOSES AND PROHIBITING THE FOLLOWING:

(I) REQUIRING STUDENTS TO COMPLETE SURVEYS TO PROVIDE MARKETING INFORMATION TO VENDORS;

(II) DISTRIBUTING TO VENDORS ANY PERSONAL INFORMATION

OF STUDENTS, INCLUDING NAMES, ADDRESSES, AND TELEPHONE NUMBERS; AND

(III) ENTERING INTO ANY CONTRACT FOR ELECTRONIC MEDIA SERVICES, OR OTHERWISE, IF THE TERMS OF THE CONTRACT REQUIRE THE COUNTY BOARD TO PROVIDE STUDENTS' PERSONAL INFORMATION TO THE PROVIDER OF THE SERVICES; AND

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

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

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

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

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

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

(C) EACH COUNTY BOARD SHALL SUBMIT ITS POLICIES TO THE DEPARTMENT ON OR BEFORE AUGUST 1, 2002.

(D) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO

IMPLEMENT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That each county board shall report to the Department of Education on or before August 1, 2002 on the proceeds collected and the expenditures made using the proceeds collected from the sale of products in vending machines in the previous 3 years.

SECTION 3. AND BE IT FURTHER ENACTED, That a presently existing obligation or contract right may not be impaired in any way by this Act.”;

and in line 4, strike “2.” and substitute “4.”.