

SENATE BILL 395

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SB 679/02 - EHE

2003 Regular Session  
3r0818

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By: **Senators Pinsky, Britt, Frosh, and Grosfeld**  
Introduced and read first time: January 31, 2003  
Assigned to: Education, Health, and Environmental Affairs

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A BILL ENTITLED

1 AN ACT concerning

2 **Commercialism in Schools Act of 2003 - 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 7-1201 to be under the new subtitle "Subtitle 12. Commercialism in  
12 Schools"  
13 Annotated Code of Maryland  
14 (2001 Replacement Volume and 2002 Supplement)

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:

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**Article - Education**

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## SUBTITLE 12. COMMERCIALISM IN SCHOOLS.

3 7-1201.

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; AND

22 (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 ANY PERSONAL INFORMATION OF STUDENTS,  
31 INCLUDING NAMES, ADDRESSES, AND TELEPHONE NUMBERS TO VENDORS; AND

32 (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 IDENTIFY 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, 2004.

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, 2003.