

# MAINE STATE LEGISLATURE

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SME  
R. & S.

Date: 5/19/15

(Filing No. H-157)

**EDUCATION AND CULTURAL AFFAIRS**

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**STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
127TH LEGISLATURE  
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 680, L.D. 985, Bill, "An Act To Align Maine's School Marketing Law with Current Federal Food Standards"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

**Sec. 1. 20-A MRSA §6662, sub-§2**, as amended by PL 2011, c. 224, §1, is repealed.

**Sec. 2. 20-A MRSA §6662, sub-§3**, as enacted by PL 2007, c. 156, §1, is repealed.

**Sec. 3. 20-A MRSA §6662, sub-§4** is enacted to read:

**4. Food and beverages sale and marketing.** The department shall adopt rules that limit the sale and marketing of foods and beverages in school buildings and on school grounds to those foods and beverages that may be sold in schools under the most recent federal regulations adopted pursuant to Section 204 of the federal Healthy, Hunger-Free Kids Act of 2010 and 42 United States Code, Section 1758b, except that diet soda may not be sold or marketed in a school.

For the purposes of this subsection, "marketing" means:

A. Any oral, written or graphic statement or representation, including a company logo or trademark that is made for the purpose of promoting the use or sale of a food or beverage item by the producer, manufacturer, distributor or seller of a food or beverage item or by any other entity with a commercial interest in the food or beverage item; or

B. A program that is sponsored by a person that:

(1) Provides students with free or discounted food or beverage items as a reward, such as for reaching specified academic goals; or

(2) Provides funding to schools or school districts in exchange for purchases of food or beverage items.

**COMMITTEE AMENDMENT**

R. of S.

1 "Marketing" does not include advertising on broadcast media or in print media such as  
2 newspapers and magazines, clothing with brand images worn on school grounds or  
3 advertising on product packaging.

4 Rules adopted pursuant to this subsection are major substantive rules as defined in Title  
5 5, chapter 375, subchapter 2-A.

6 **Sec. 4. Effective date.** This Act takes effect October 1, 2015.'

7 **SUMMARY**

8 This amendment replaces the bill. The amendment requires the Department of  
9 Education to adopt major substantive rules that limit the sale and marketing of foods and  
10 beverages in school buildings and on school grounds to those foods and beverages that  
11 may be sold in schools under federal regulations, with the exception of diet soda. This  
12 amendment sets an effective date of October 1, 2015.

13 **FISCAL NOTE REQUIRED**

14 **(See attached)**



# 127th MAINE LEGISLATURE

LD 985

LR 1514(02)

**An Act To Align Maine's School Marketing Law with Current Federal Food Standards**

**Fiscal Note for Bill as Amended by Committee Amendment**

**Committee: Education and Cultural Affairs**

**Fiscal Note Required: Yes**

*A (H-157)*

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Additional costs to the Department of Education associated with the rulemaking process can be absorbed within existing budgeted resources.