

By: Shapleigh

S.B. No. 1528

A BILL TO BE ENTITLED

AN ACT

relating to advertising to promote good health by certain persons who advertise food or beverages in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 38, Education Code, is amended by adding Section 38.028 to read as follows:

Sec. 38.028. ADVERTISING TO PROMOTE GOOD HEALTH. (a) A vendor of a food or beverage that advertises a food or beverage on school property or at a school-sponsored or school-related activity on or off of school property and that directs any food or beverage advertising in this state to children younger than 12 years of age shall use at least 50 percent of the person's total expenditures for school and school-related food and beverage advertising in this state directed to children younger than 12 years of age to promote healthy dietary choices, general good nutrition, or healthy lifestyles. That advertising must be based on established scientific or government standards for good nutrition or healthy lifestyles.

(b) The commissioner of education, in consultation with the commissioner of agriculture and persons with expertise in children's nutrition or health, shall adopt rules as necessary to administer this section, including rules to:

(1) ensure that information used in any advertisement under Subsection (a) promoting good nutrition or a healthy

1 lifestyle is based on well-researched and validated science;

2 (2) define the advertising expenditures to which
3 Subsection (a) applies; and

4 (3) enforce the use of advertising expenditures in
5 compliance with Subsection (a).

6 SECTION 2. This Act takes effect September 1, 2009.