

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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-§3** is enacted to read:

3. Food and beverage advertising. Brand-specific advertising of food or beverages is prohibited in school buildings or on school grounds except for food and beverages meeting standards for sale or distribution on school grounds in accordance with rules adopted under subsection 2.

For the purposes of this subsection, "advertising" does not include advertising on broadcast media or in print media such as newspapers and magazines, clothing with brand images worn on school grounds or advertising on product packaging.

Sec. 2. 22 MRSA §1578-B, sub-§2, as enacted by PL 1987, c. 687, is amended to read:

2. Prohibition. Except as provided in subsections subsection 3 and 4, no student or school employee is allowed to use tobacco use in the buildings or on the grounds of any elementary or secondary school while school is in session is prohibited.

Sec. 3. 22 MRSA §1578-B, sub-§4, as amended by PL 1993, c. 342, §4 and affected by §9, is repealed.

Sec. 4. 22 MRSA §1578-B, sub-§5, as amended by PL 1993, c. 342, §4 and affected by §9, is repealed.

Sec. 5. Transition. When a school board and school employees have established a designated smoking area through collective bargaining in accordance with the Maine Revised Statutes, former Title 22, section 1578-B, subsection 4 and section 1580-A, subsection 3, use of tobacco may continue in that designated area until the effective date of the next contract negotiated after the effective date of this Act.’

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Education and Cultural Affairs. It expands the bill's exceptions to the ban on advertising by allowing advertising of food and beverages that meet the standards for foods and beverages to be sold or distributed on school grounds as established in Chapter 51 of the rules of the Department of Education. It clarifies that the prohibition on advertising does not apply to print or broadcast media, to clothing with brand images or to product packaging. The amendment also prohibits the use of tobacco on school grounds by members of the public and eliminates the right to establish designated smoking areas for school employees. It allows designated smoking areas negotiated through collective bargaining to remain until the next negotiated contract.

FISCAL NOTE REQUIRED

(See attached)