

HOUSE No. 3329

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote healthy alternatives to sugary drinks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/20/2017</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/1/2017</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/2/2017</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/31/2017</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>1/31/2017</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/2/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/27/2017</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/25/2017</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>	<i>2/2/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/31/2017</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/3/2017</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>1/31/2017</i>

HOUSE No. 3329

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 3329) of Kay Khan and others for legislation to establish a tiered system of tax incentives to promote healthy alternatives to sugary drinks. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to promote healthy alternatives to sugary drinks.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The Massachusetts General Laws, as appearing in the 2014 Official Edition,
2 are hereby amended by inserting after chapter 64N the following new chapter:-

3 Chapter 64O. SUGARY DRINK TAX

4 Section 1. Definitions.

5 (a) For the purposes of this section, the following words shall have the following
6 meanings:

7 (1) "Beverage for medical use" means a beverage suitable for human consumption and
8 manufactured for use as an oral nutritional therapy for persons who cannot absorb or metabolize
9 dietary nutrients from food or beverages, or for use as an oral rehydration electrolyte solution for
10 infants and children formulated to prevent or treat dehydration due to illness. "Beverage for
11 medical use" shall also mean a "medical food" as defined in section 5(b)(3) of the Orphan Drug

12 Act (21 U.S.C. 360ee(b)(3)); this Act defines medical food as “a food which is formulated to be
13 consumed or administered enterally under the supervision of a physician and which is intended
14 for the specific dietary management of a disease or condition for which distinctive nutritional
15 requirements, based on recognized scientific principles, are established by medical evaluation.”
16 “Beverage for medical use” shall not include drinks commonly referred to as “sports drinks” or
17 any other common names that are derivations thereof.

18 (2) “Bottle” means any closed or sealed container regardless of size or shape, including,
19 without limitation, those made of glass, metal, paper, plastic or any other material or
20 combination of materials.

21 (3) “Bottled sugary drink” means any sugary drink contained in a bottle that is ready for
22 consumption without further processing such as, without limitation, dilution or carbonation.

23 (4) “Caloric sweetener” means any caloric substance suitable for human consumption that
24 humans perceive as sweet and includes, without limitation, sucrose, fructose, glucose, fruit juice
25 concentrate or other sugars. “Caloric sweetener” excludes non-caloric sweeteners. For purposes
26 of this definition, “caloric” means a substance which adds calories to the diet of a person who
27 consumes that substance.

28 (5) “Commissioner” means the commissioner of revenue and his or her authorized agents
29 and employees.

30 (6) “Commonwealth” means the commonwealth of Massachusetts.

31 (7) “Consumer” means a person who purchases a sugary drink for consumption and not
32 for sale to another.

33 (8) "Department" means the department of public health.

34 (9) "Distributor" means any person, including manufacturers and wholesale dealers, who
35 receives, stores, manufactures, bottles and/or distributes bottled sugary drinks, syrups or
36 powders, for sale to retailers doing business in the commonwealth, whether or not that person
37 also sells such products to consumers.

38 (10) "Fund" means the Children's Health Promotion Fund, established pursuant to section
39 5.

40 (11) "Milk" means natural liquid milk regardless of animal or plant source or butterfat
41 content; natural milk concentrate, whether or not reconstituted; or dehydrated natural milk,
42 whether or not reconstituted.

43 (12) "Natural fruit juice" means the original liquid resulting from the pressing of fruits, or
44 the liquid resulting from the dilution with water of dehydrated natural fruit juice.

45 (13) "Natural vegetable juice" means the original liquid resulting from the pressing of
46 vegetables, or the liquid resulting from the dilution with water of dehydrated natural vegetable
47 juice.

48 (14) "Non-caloric sweetener" means any non-caloric substance suitable for human
49 consumption that humans perceive as sweet and includes, without limitation, aspartame,
50 acesulfame-K, neotame, saccharin, sucralose and stevia. "Non-caloric sweetener" excludes
51 caloric sweeteners. For purposes of this definition, "non-caloric" means a substance that contains
52 fewer than 5 calories per serving.

53 (15) "Person" means any natural person, partnership, cooperative association, limited
54 liability company, corporation, personal representative, receiver, trustee, assignee or any other
55 legal entity.

56 (16) "Place of business" means any place where sugary drinks, syrups or powders are
57 manufactured or received for sale in the commonwealth.

58 (17) "Powder" means any solid mixture of ingredients used in making, mixing, or
59 compounding sugary drinks by mixing the powder with any one or more other ingredients,
60 including without limitation water, ice, syrup, simple syrup, fruits, vegetables, fruit juice,
61 vegetable juice, carbonation or other gas.

62 (18) "Retailer" means any person who sells or otherwise dispenses in the commonwealth
63 a sugary drink to a consumer whether or not that person is also a distributor as defined in this
64 section.

65 (19) "Sale" means the transfer of title or possession for valuable consideration regardless
66 of the manner by which the transfer is completed.

67 (20) "Sugary drink" means any nonalcoholic beverage, carbonated or noncarbonated,
68 which is intended for human consumption and contains any added caloric sweetener. As used in
69 this definition, "nonalcoholic beverage" means any beverage that contains less than one-half of
70 one percent alcohol per volume.

71 (21) "Syrup" means a liquid mixture of ingredients used in making, mixing, or
72 compounding sugary drinks using one or more other ingredients including, without limitation,

73 water, ice, a powder, simple syrup, fruits, vegetables, fruit juice, vegetable juice, carbonation or
74 other gas.

75 (22) “Water”, means no-calorie, and non-flavored or flavored with natural fruit essence
76 or natural flavor. The source of the water may be artesian, mineral, spring or well. “Water” may
77 be carbonated, still, distilled or purified, including distilled, demineralized, deionized or reverse
78 osmosis.

79 Section 2. Tax imposed.

80 (a) There is hereby imposed an excise tax on every distributor for the privilege of selling
81 the products governed by this chapter in the commonwealth, calculated as follows:

82 (1) The tax shall be calculated using the following tiered system.

83 (i.) Beverages with less than 5 grams of sugar per 12 fluid ounces will not be taxed.

84 (ii.) Beverages with 5 grams or more but less than 20 grams of sugar per 12 fluid ounces
85 will be taxed at a rate of \$0.01 per ounce.

86 (iii.) Beverages with 20 grams of sugar or more per 12 fluid ounces will be taxed at a rate
87 of \$0.02 per ounce.

88 (2) Syrups and powders sold or offered for sale to a retailer for sale in the State to a
89 consumer, either as syrup or powder or as a sugary drink derived from that syrup or powder, are
90 taxable. Syrups and powders shall be taxed using the following tiered system:

91 (i.) If the beverages made from the syrup or powder have less than 5 grams of sugar per
92 12 fluid ounces, the syrup or powder will not be taxed.

93 (ii.) If the beverages made from the syrup or powder have 5 grams or more but less than
94 20 grams of sugar per 12 fluid ounces, the syrup or powder will be taxed at a rate equal to \$0.01
95 per ounce for each gallon of sugary drink produced from that syrup or powder.

96 (iii.) If the beverages made from the syrup or powder have 20 grams of sugar or more per
97 12 fluid ounces, the syrup or powder will be taxed at a rate equal to \$0.02 per ounce for each
98 gallon of sugary drink produced from that syrup or powder.

99 For purposes of calculating the tax, the volume of sugary drink produced from syrups or
100 powders shall be the larger of (i) the largest volume resulting from use of the syrups or powders
101 according to any manufacturer's instructions, or (ii) the volume actually produced by the retailer,
102 as reasonably determined by the commissioner;

103 (3) The tax amounts set forth in this section shall be adjusted annually by the
104 commissioner in proportion with the Consumer Price Index: All Urban Consumers for All Items
105 for the Northeast Region Statistical Area as reported by the United States Bureau of Labor
106 Statistics or any successor to that index.

107 (4) Manufacturers, bottlers, wholesalers or distributors shall add the amount of the tax
108 imposed by this section to the retail price of sugary drinks.

109 (b) A retailer who sells bottled sugary drinks, syrups, or powders in the commonwealth to
110 a consumer, on which the tax imposed by this section has not been paid by a distributor, is liable
111 for the tax imposed in subsection (a) at the point of sale to a consumer.

112 (c) The taxes imposed by this section are in addition to any other taxes that may apply to
113 persons or products subject to this chapter.

114 Section 3. Report of Sales and Tax Remittances.

115 Any distributor or retailer liable for the tax imposed by this chapter shall, on or before the
116 last day of March, June, October, and December of each year, return to the commissioner under
117 oath of a person with legal authority to bind the distributor or retailer, a statement containing his
118 or her name and place of business, the quantity of sugary drinks, syrups and powders subject to
119 the excise tax imposed by this chapter sold or offered for sale in the 3 months immediately
120 preceding the month in which the report is due, and any other information required by the
121 commissioner, along with the tax due.

122 Section 4. Records of Distributors

123 Every distributor, and every retailer subject to this chapter, shall maintain for not less
124 than 2 years accurate records, showing all transactions that gave rise, or may have given rise, to
125 tax liability under this chapter. Such records are subject to inspection by the commissioner at all
126 reasonable times during normal business hours.

127 Section 5. Exemptions.

128 (a) The following shall be exempt from the tax imposed by this chapter:

129 (1) Bottled sugary drinks, syrups, and powders sold to the United States Government and
130 American Indian Tribal Governments;

131 (2) Bottled sugary drinks, syrups, and powders sold by a distributor to another distributor
132 that holds a permit issued pursuant to this chapter if the sales invoice clearly indicates that the
133 sale is exempt. If the sale is to a person who is both a distributor and a retailer, the sale shall also

134 be tax exempt and the tax shall be paid when the purchasing distributor or retailer resells the
135 product to a retailer or a consumer. This exemption does not apply to any other sale to a retailer;

136 (3) Beverages sweetened solely with non-caloric sweeteners;

137 (4) Beverages consisting of 100 per cent natural fruit or vegetable juice with no added
138 caloric sweetener;

139 (5) Beverages in which milk, or soy, rice or similar milk substitute, is the primary
140 ingredient or the first listed ingredient on the label of the beverage;

141 (6) Coffee or tea without added caloric sweetener;

142 (7) Infant formula;

143 (8) Beverages for medical use;

144 (9) Water without any caloric sweeteners.

145 Section 6. Unpaid Taxes and Debt.

146 All taxes imposed under the provisions of this chapter remaining due and unpaid shall
147 constitute a debt to the commonwealth, which may be collected from the person owing same by
148 suit or otherwise.

149 Section 7. Records of commissioner.

150 At the end of each month, the auditor of the commonwealth shall carefully check the
151 books and records of the commissioner and his accounts with any bank or banks, and shall verify
152 the amounts collected pursuant to this chapter and paid into the Children's Health Promotion

153 Fund. Any duty herein required of the auditor of the commonwealth may be performed by any
154 duly trained clerk in his office, designated by the auditor of the commonwealth for that purpose.

155 Section 8. Exercise of Powers and Duties.

156 Whenever in this chapter any reference is made to any power or duty of the
157 commissioner, the reference is construed to mean that the power or duty shall be exercised by the
158 commissioner, under the supervision and direction of the commissioner.

159 Section 9. Rules and Regulations.

160 The commissioner is hereby empowered to make such rules and regulations, and provide
161 such procedural measures, in cooperation with the auditor of the commonwealth, as may be
162 reasonably necessary to accomplish the purposes of this chapter.

163 Section 10. Severability.

164 If any provision of this chapter, any rule or regulation made under this chapter, or the
165 application of this chapter to any person or circumstance is held invalid by any court of
166 competent jurisdiction, the remainder of the chapter, rule, or regulation, and the application of
167 the provision to other persons or circumstances shall not be affected. The invalidity of any
168 section or sections or parts of any section of this chapter shall not affect the validity of the
169 remainder of the chapter.

170 SECTION 2. The Massachusetts General Laws, as appearing in the 2014 Official Edition,
171 are hereby amended by inserting after Section 2I of Chapter 111 the following new chapter:-

172 Section 2J. CHILDRENS HEALTH PROMOTION FUND

173 (a) There shall be established and set up on the books of the commonwealth a separate
174 fund to be known as the Children’s Health Promotion Fund. The department of public health
175 shall administer the fund. The fund shall consist of revenues from the commonwealth generated
176 by the tax imposed by Chapter 64O, section 2. The fund shall be expended first for the
177 implementation, administration, and enforcement of Chapter 64O. Unexpended balances shall be
178 allocated in a proportion to be determined by the department of public health. Qualifying
179 programs funded under Chapter 64O shall include but not be limited to

180 (i.) Expansion of Mass in Motion as funded in item 4513-1111 of section 2 of chapter
181 133 of the acts of 2016.

182 (ii.) Expansion of the Prevention and Wellness Trust Fund established in section 2G of
183 chapter 111.

184 (iii.) A municipal grant program for the fluoridation of public water supplies.

185 (iv.) Funding for the department of early education and care to support and promote
186 nutrition programs for preschools, nursery schools, and child care facilities serving low-income
187 communities.

188 (v.) Development and promotion of educational materials with the intent of educating
189 citizens about the health effects of consuming sugary drinks and to promote the consumption of
190 tap water.

191 (vi.) A municipal grant program for the creation and improvement of water fountains,
192 improvement of water quality, and increasing water access in schools and municipal parks and
193 facilities.

194 (vii.) Other evidence-based methods of improving children’s health and wellness.

195 SECTION 3. The second paragraph of Section 1 of Chapter 71 of the General Laws, as
196 appearing in the 2014 Official Edition, is hereby amended by adding the following sentence: -

197 (a) The department of elementary and secondary education shall encourage school
198 districts to implement instruction in media literacy skills from the third grade to the twelfth
199 grade, and in any of the core subjects or other subjects, to equip students with skills for
200 accessing, analyzing, evaluating, and creating all types of media. Instruction shall include, but
201 not be limited to, teaching of skills for analyzing and evaluating advertising content for food,
202 beverages, drugs and alcohol.

203 SECTION 4. Chapter 71 of the General Laws, as appearing in the 2014 Official Edition,
204 is hereby amended by inserting after section 97 the following section:-

205 Section 98. PROHIBITION OF MARKETING OF SUGARY DRINKS IN SCHOOLS

206 (a) For the purposes of this section, the following words shall have the following
207 meanings:

208 (1) “Advertising” means an oral, written or graphic statement or representation, including
209 a company logo or trademark, made for the purpose of promoting the use or sale of a product by
210 the producer, manufacturer, distributor, seller or any other entity with a commercial interest in
211 the product.

212 (2) “Brand” means a corporate or product name, a business image or a mark, regardless
213 of whether it may legally qualify as a trademark used by a seller or manufacturer to identify
214 goods or services and to distinguish them from competitors’ goods.

215 (b) Except as provided in subsection (c), the department of education shall prohibit at any
216 school within the commonwealth:

217 (1) The advertising of any beverage that may not be sold on the school campus during the
218 school day or of any corporate brand, unless every beverage product manufactured, sold or
219 distributed under the corporate brand name, or by any of the corporate brand's subsidiaries and
220 affiliated corporations, can be served or sold on the school campus during the school day.
221 Advertising is prohibited on any property or facility owned or leased by the school district or
222 school and used at any time for school-related activities, including, but not limited to, school
223 buildings, athletic fields, facilities, signs, scoreboards, or parking lots, or any school buses or
224 other vehicles, equipment, vending machines, uniforms, educational material or supplies. For
225 purposes of this statute, beverages that may not be sold on the school campus during the school
226 day are those that do not meet the minimum nutrition standards for foods sold outside the school
227 meal programs as set forth by the United States Department of Agriculture under the Healthy,
228 Hunger-Free Kids Act of 2010 and federal regulations implementing the Act [42 U.S.C. section
229 1779(b)];

230 (2) the participation in a corporate incentive program that rewards children with free or
231 discounted beverages that may not be sold on the school campus during the school day when
232 they reach certain academic goals; or

233 (3) the participation in corporate-sponsored programs that provide funds to schools in
234 exchange for consumer purchases of beverages that may not be sold on the school campus during
235 the school day.

236 (c) The restriction on advertising in subsection (b) shall not apply to

237 (1) Advertising on broadcast, digital, or print media, unless the media are produced or
238 controlled by the local education agency, school, faculty, or its students;

239 (2) Advertising on clothing with brand images work on school grounds; or

240 (3) Advertising contained on product packaging.

241 SECTION 5. Chapter 111 of the General Laws is hereby amended by inserting after
242 section 235 of the following section:-

243 Section 236. LIMITATION ON BEVERAGES IN CHILDREN’S MEALS

244 (a) For the purposes of this section, the following words shall have the following
245 meanings:

246 (1) “Chain restaurant” a retail food establishment that prepares, serves, and vends food
247 directly to the consumer that (a) operates 10 or more establishments in the commonwealth or (b)
248 is a restaurant franchisee where the franchisor and the franchisees of that restaurant together
249 operate 10 or more establishments in the commonwealth.

250 (2) “Chain restaurant franchisee,” an individual, corporation, partnership or other entity,
251 or group of individuals or entities, that operates one or more restaurants in the commonwealth
252 under a franchise agreement with another individual, corporation, partnership or other entity, or
253 group of individuals or entities.

254 (3) “Chain restaurant franchisor,” an individual, corporation, partnership or other entity,
255 or group of individuals or entities, that grants a franchisee the right to operate one or more fast
256 food restaurants in the commonwealth under its trademark or trade name.

257 (4) “Children’s Meal” means a combination of food item or items and a beverage, sold
258 together at a single price, primarily intended for consumption by children.

259 (5) “Default Beverage” means the beverage automatically included as part of a children’s
260 meal, absent a specific request by the purchaser of the children’s meal for an alternative
261 beverage.

262 (b) A chain restaurant may only sell a children’s meal if the default beverage is one of the
263 following:

264 (1) Water, sparkling water or flavored water, with no added natural or artificial
265 sweeteners;

266 (2) Nonfat or 1 per cent milk or non-dairy milk alternative containing no more than 130
267 calories per container and/or serving as offered for sale; or

268 (3) 100 per cent juice, with no added sweeteners, in a serving size of no more than 8
269 ounces.

270 (c) (1) The department of public health and local boards of health acting under the
271 supervision of the department of public health shall implement, administer and enforce this
272 section. The department of public health is hereby authorized to issue all rules and regulations
273 consistent with this section and shall have all necessary powers to carry out the purpose of this
274 section.

275 (2) All chain restaurants shall report, upon enactment of this chapter and annually,
276 thereafter, to the department of public health whether they offer children’s meals and if so, that
277 they understand their obligations under this section. Such reporting must be done on a form

278 prescribed by the department of public health and must be signed by a responsible agent or
279 officer of the chain restaurant in order to confirm that the information provided on the form is
280 accurate and complete. Failure to comply with this subsection shall constitute a violation of this
281 section.

282 (d) Restaurants in violation of this section shall for the first offense be punished by a fine
283 of not more than \$100; and for any subsequent offense shall be punished by a fine of not less
284 than \$100 nor more than \$500.

285 SECTION 6. Chapter 94 of the General Laws is hereby amended by inserting after
286 section 330 the following section:-

287 Section 331. REQUIRING LABELS ON CERTAIN SUGARY DRINK
288 ADVERTISEMENTS

289 (a) For the purposes of this section, the following words shall have the following
290 meanings:

291 (1) "Advertiser" means any person who is any of the following "(a) in the business of
292 manufacturing, distributing, or selling sugary drinks, including without limitation, a retailer; (b)
293 is in the business of placing or installing advertisements, or who provides space for the display of
294 advertisements; or (c) is an agent or contractor of a Person described in (a) or (b) assisting such
295 Person with the manufacture, distribution or sale of sugary drink, the placement or installation of
296 advertisements or the provision of space for advertisements. The term "advertiser" shall not
297 include the employees of a person, including, without limitation, employees of agent or
298 contractors, except that it shall include individuals acting as sole proprietors.

299 (2) “Sugary drink” is defined as stated in chapter 64O.

300 (3) “Sugary drink advertisement” means any advertisement, including, without limitation,
301 any logo, that identifies, promotes or markets a sugary drink for sale or use that is any of the
302 following: (a) on a poster, paper or a billboard; (b) in or on a stadium, arena, transit shelter or
303 any other structure; (c) in or on a bus, car, train, pedicab or any other vehicle; or (d) on a wall, or
304 any other surface material.

305 (b) Any advertiser who posts a sugary drink advertisement shall place on the sugary drink
306 advertisement the following label: “WARNING: Drinking beverages with added sugar(s)
307 contributes to obesity, diabetes, and tooth decay.” The word “WARNING” shall appear in capital
308 letters. The Warning shall be enclosed in a rectangular border within the printed advertisement
309 that is the same color as the letters of the Warning and that is the width of the first downstroke of
310 the capital “W” of the word “WARNING.” The Warning shall occupy at least 20% of the area of
311 each sugary drink advertisement and the text shall be printed in a size and manner so as to be
312 clearly legible to the intended viewer of the sugary drink advertisement. The text of the warning
313 shall be positioned such that the Warning and the other information on the sugary drink
314 advertisement had the same orientation, such that text in the sugary drink advertisement and the
315 Warning are read in the same direction. The Warning shall be indelibly printed on or
316 permanently affixed to each sugary drink advertisement.

317 (c) The department of public health shall promulgate regulations related to this section,
318 including, but not limited to, determining reasonable exemptions to this section.

319 (d) The following shall be exempt from the requirement imposed in this section:

320 (1) Containers or packages for sugary drinks;

321 (2) Any menus or handwritten listings or representations of foods or beverages that may
322 be served or ordered for consumption at a retail establishment;

323 (3) Any display or representation of, or other information about, a sugary drink,
324 including, without limitation, any logo on a vehicle if the vehicle is being used by any person
325 who is in the business of manufacturing, distributing or selling the sugary drink in the
326 performance of such business;

327 (4) Any other advertisements determined by the department of public health as referenced
328 in subsection (c).

329 (e) Advertisers in violation of this section shall for the first offense be punished by a fine
330 of not more than \$100; and for any subsequent offense shall be punished by a fine of not less
331 than \$100 nor more than \$500.

332 SECTION 7. (a) Notwithstanding any general or special law to the contrary, there shall
333 be established a Special Commission on Access to Drinking Water in Public Places. The
334 Commission shall evaluate the public health benefits of and options for expanding access to
335 drinking water in public places, including but not limited to parks, playgrounds, schools,
336 libraries, other public buildings, bicycle and pedestrian paths, stadiums, arenas, and commercial,
337 cultural and other properties generally open to the public.

338 (b) The Commission shall consist of 13 members, 1 of whom shall be the commissioner
339 of public health or a designee, who shall serve as chair, 1 of whom shall be the commissioner of
340 elementary and secondary education or a designee, 1 of whom shall be the executive director of
341 the Massachusetts School Building Authority or a designee, 1 of whom shall be the secretary of
342 transportation or a designee, 1 of whom shall be the commissioner of environmental protection

343 or a designee, 1 of whom shall be the commissioner of conservation and recreation or a designee,
344 1 of whom shall be the administrator of the Board of Building Regulations and Standards or a
345 designee, 1 of whom shall be the executive director of the Massachusetts Water Resources
346 Authority or a designee, 1 of whom shall be a representative of a public health advocacy
347 organization, 1 of whom shall be a representative of a water access advocacy organization, 1 of
348 whom shall be the director of the Prevention Research Center on Nutrition and Physical Activity
349 at Harvard University School of Public Health or a designee.

350 (c) The Commission shall first convene within 60 days of the effective date of this Act,
351 and not less than bi-monthly thereafter, and shall file a report with the Joint Committee on Public
352 Health no later than 180 days after first convening. The report shall (a) present current scientific
353 evidence on the health and other benefits of adequate water consumption, including but not
354 limited to consumption by school-age children; (b) present currently available data on water
355 consumption among Massachusetts residents by age, place of residence, gender, race, income,
356 and other demographic factors; (c) evaluate current laws, regulations, and policies regarding
357 access to drinking water in public places in Massachusetts; (d) evaluate current obstacles to
358 access to drinking water in public places in Massachusetts; and (e) make recommendations for
359 changes to policies, regulations, and legislation in order to expand access to drinking water in
360 public places in Massachusetts. The commission shall be empowered to hold regular public
361 meetings, fact-finding hearings and other public forums as it considers necessary. Members shall
362 not receive compensation for their services.