

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Meghan K. Kilcoyne

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 for healthy kids, healthy futures.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Meghan K. Kilcoyne</i>	<i>12th Worcester</i>	<i>1/17/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act for healthy kids, healthy futures.

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. Chapter 71 of the General Laws, as appearing in the 20220 Official Edition,
2 is hereby amended by inserting after section 98 the following section:-Section 99.

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

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

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

12 (3) “Non-compliant beverage”, a beverage that does not meet the minimum nutrition
13 standards for foods sold or served under school meal programs as set forth by the United States
14 Department of Agriculture under the Healthy, Hunger-Free Kids Act of 2010 and federal
15 regulations implementing the Act [42 U.S.C. section 1779(b)].

16 (4) “Non-compliant beverage brand”, a beverage brand that manufactures, sell or
17 distributes a non-compliant beverage under its the corporate brand name, or by any of its the
18 corporate brand’s subsidiaries or and affiliated corporations,

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

21 (1) Advertising of any non-compliant beverage or of any non-compliant beverage brand.
22 Advertising of a non-compliant beverage or non-compliant beverage brand shall be prohibited on
23 any property or facility owned or leased by the school district or school and used at any time for
24 school-related activities, including, but not limited to, school buildings, athletic fields, facilities,
25 signs, scoreboards, or parking lots, or any school buses or other vehicles, equipment, vending
26 machines, uniforms, educational material or supplies.

27 (2) Participation in an incentive program that rewards children with free or discounted
28 non-compliant beverages when they reach certain academic goals.

29 (3) Participation in an incentive program that provides funds to schools in exchange for
30 consumer purchases of non-compliant beverages.

31 (c) The restrictions on advertising in subsection (b) shall not apply to:

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

34 (2) Advertising on clothing with brand images worn on school grounds;

35 (3) Advertising contained on product packaging,

36 (4) Advertising at infrequent events held outside of normal school hours for primary
37 purpose of fundraising.

38 SECTION 2. Chapter 94 of the General Laws is hereby amended by inserting after
39 section 329 the following section:- Section 330.

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

42 (1) “Chain restaurant”, a restaurant or similar retail food establishment that is part of a
43 chain with 20 or more locations doing business under the same name and offering for sale
44 substantially the same menu items.

45 (2) “Chain menu developer”, the person that owns and licenses the brand name under
46 which the covered establishment does business, or any other person responsible for determining
47 the formula or recipe for items displayed on the menu of a covered establishment.

48 (3) “Daily Value”, the daily reference value established by the U.S. Food and Drug
49 Administration based on the reference caloric intake of 2,000 calories per day.

50 (4) “Food Tag”, a written or printed description of food or beverages.

51 (5) "Menu or menu board", the primary writing of a chain restaurant from which a
52 customer makes an order selection, including, but not limited to, breakfast, lunch, and dinner
53 menus; dessert menus; beverage menus; children's menus; other specialty menus; electronic
54 menus; and menus on the internet. Menus on the internet include, but are not limited to, menus
55 on chain restaurant websites and on third-party platforms when chain restaurants post and control
56 their own menus.

57 (6) "Self-serve dispensing point", the location at which a customer may access food or
58 beverages without the assistance of a staff member, including self-serve fountain beverage
59 machines.

60 (7) "Standard menu item", a food or beverage item, including multiple items priced
61 together, that is listed on a menu or menu board. It shall not include temporary menu items
62 appearing on the menu for less than 60 days per calendar year.

63 (8) "Third-party platform", a website, web application, or other web-based platform from
64 which consumers can access a chain restaurant's menu.

65 (b) The department of public health shall promulgate regulations designating an icon with
66 accompanying text that shall be displayed adjacent to the name of any standard menu item that
67 may exceed the daily value for added sugars.:

68 (1) The added sugars warning icon and accompanying text identified under subsection
69 (b), which shall appear:

70 (i) Next to or directly under each standard menu item that exceeds the daily value for
71 added sugars and at a height no smaller than the largest letter in the name of the item.; and

72 (ii). Prominently and conspicuously immediately adjacent to each self-serve
73 dispensing point.

74 (2) The following factual statement explaining the warning: "[insert icon and
75 accompanying text]: this item may exceed the total daily recommended limit for added sugars
76 based on a 2,000 calorie diet."

77 (c) For menus allowing customization through interactivity, including interactive
78 electronic menus, chain restaurants may instead of displaying a static added sugars warning icon
79 and factual statement, display such icon and statement dynamically, so long as each appears
80 prominently and conspicuously when a consumer makes a choice that would cause the added
81 sugars content of a standard menu item to exceed the daily value, and disappears when a
82 consumer makes a choice that would cause the added sugars content of a standard menu item to
83 be below the daily value.

84 (d) Any chain restaurant that violates the provisions of this section for every 6 months
85 shall be subject to a civil penalty of not more than \$250 per day for each location not in
86 compliance.

87 (e) The department of public health shall publish a guidance explaining the added sugars
88 warning icon requirement and how to comply., including specific directions for compliance at
89 chain restaurants' physical locations and for menus on the internet.

90 (f) Reporting Requirement. Once every 90 days, the chain menu developer shall report to
91 the department the amount of added sugars in each menu item offered for sale in a covered
92 establishment, or that no changes to the menu information have been made since the last report.

93 SECTION 3. Section 1 of Chapter 71 of the General Laws is hereby amended by adding
94 the following paragraph: - The department of elementary and secondary education shall
95 encourage school districts to implement instruction in media literacy skills from the third grade
96 to the twelfth grade, and in any of the core subjects or other subjects, to equip students with skills
97 for accessing, analyzing, evaluating, and creating all types of media. Instruction shall include,
98 but not be limited to, teaching of skills for analyzing and evaluating advertising content for food,
99 beverages, drugs and alcohol.

100 SECTION 4. Chapter 111 of the General Laws is hereby amended by inserting after
101 section 243 of the following section:- Section 244.

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

104 (1) "Chain restaurant", a restaurant or similar retail food establishment that is part of a
105 chain with 20 or more locations doing business under the same name and offering for sale
106 substantially the same menu items.

107 (2) "Children's meal" means a combination of food item or items and a beverage, sold
108 together at a single price, primarily intended for consumption by children.

109 (b) A chain restaurant may not sell a children's meal unless the chain restaurant offers at
110 least two children's meals, or 25 percent of the children's meals on the children's menu,
111 whichever is greater, containing no more than:

112 (1) 550 calories;

113 (2) 700 milligrams of sodium;

114 (3) 15 grams of added sugars;

115 (4) 10 percent of calories from saturated fat; and

116 (5) 0 grams of trans fat.

117 (c) A chain restaurant may not sell a children's meal unless the chain restaurant offers at
118 least two children's meals, or 25 percent of the children's meals on the children's menu,
119 whichever is greater, which include servings in the specified amounts from at least two of the
120 following five food groups. At least one of the two food groups must be a fruit or non-fried
121 vegetable:

122 (1) 0.5 cup (or equivalent unit of measurement) of fruit;

123 (2) 0.5 cup (or equivalent unit of measurement) of non-fried vegetable;

124 (3) A product that provides at least eight grams of whole grains and meets at least one of
125 the following criteria:

126 (i) Contains at least 50 percent whole grain ingredients; or

127 (ii) Lists whole grains as the first ingredient.

128 (4) Meat or meat alternative equaling at least:

129 (i), One ounce meat, poultry, or seafood;

130 (ii) One egg;

131 (iii) One fourth cup pulses (beans, peas, lentils) or soy products;

132 (iv) Two tablespoons nut butter; or

133 (v) One ounce nuts and seeds.

134 (5) 0.5 cup of nonfat or 1 percent milk or low-fat yogurt, or 1 ounce of reduced fat
135 cheese. Plant-based nondairy alternatives are allowed, but they must be calcium and Vitamin D
136 fortified.

137 For purposes of this subsection, all juices, including 100 percent fruit or vegetable juice,
138 condiments, and spreads shall not be considered fruits or vegetables and shall not be used as a
139 fruit or vegetable substitute.

140 (d) A chain restaurant may not offer a children's meal with a beverage, unless that
141 beverage is one of the following:

142 (1) Water with no added natural or artificial sweeteners;

143 (2) Unflavored nonfat or low-fat milk with no added natural or artificial sweeteners;

144 (3) Non-dairy milk alternative that is nutritionally similar to cow's milk with no added
145 natural or artificial sweeteners; or

146 (4) 100 percent fruit or vegetable juice, with no added natural or artificial sweeteners, in a
147 serving size of no more than 6 ounces.

148 (e) Nothing in this section prohibits a chain restaurant from selling, or a customer from
149 purchasing a children's meal that is not a children's meal offered pursuant to subsection (c) or a
150 default beverage offered pursuant to subsection (d).

151 (f) The department of public health and local boards of health acting under the
152 supervision of the department of public health shall implement, administer, and enforce this

153 statue. The department of public health is hereby authorized to issue all rules and regulations
154 consistent with this statue and shall have all necessary powers to carry out the purpose of this
155 statue.

156 (g) Within 30 days of the effective date of this statue, or any amendments thereto, the
157 department of public health shall send a copy of the statue or any such amendment and the
158 written information resources created in accordance with subsection (g) below to all chain
159 restaurants.

160 (h) Within 9 months of the effective date of this statute, the department of public health
161 shall develop an annual report form and shall send a copy of such form to all chain restaurants.
162 Within 30 days of any amendment to the annual report form, the department of health shall send
163 a copy of such form to all chain restaurants.

164 (i) The department of public health shall create a written informational resource in
165 English and Spanish summarizing the requirements of this statue.

166 (j) All chain restaurants shall report annually to the department of public health whether
167 they offer children's meals and if so, that they understand their obligations under this section.
168 Such reporting must be done on a form prescribed by the department and must be signed by a
169 responsible agent or officer of the chain restaurant in order to confirm that the information
170 provided on the form is accurate and complete. Failure to comply with this subsection shall
171 constitute a violation of this section.

172 (k) Restaurant that violates the provisions of this section for every 6 months shall be
173 subject to a civil penalty of not more than \$250 per day for each location not in compliance.

174 SECTION 5. (a) Section 330 of chapter 94 of the General Laws shall take effect 2 years
175 after the enactment of this act.

176 (b) Pursuant to subsection (b) of Section 2 of this act, the department of public health
177 shall promulgate regulations designating an icon with accompanying text that shall be displayed
178 next to or directly under the name of any standard menu item that exceeds the daily value for
179 added sugars or immediately adjacent to each self-serve dispensing point and shall publish its
180 initial guidance on compliance with the added sugars warning icon requirement of said section
181 330 no later than 1 year after the enactment of this act.

182 (c) No later than 4 years after the enactment of this act, the department of public health
183 shall issue a report reviewing evidence of the law's impact on menu item reformulation and
184 consumer behavior and recommending additional nutrients that should be considered for menu
185 warning icons. The report shall be provided to the joint committee on public health and shall be
186 posted on the public internet site of the department.

187 (d) Severability. If any provision of this act, or any application of any provision of this
188 act, is held to be invalid, or to violate or be inconsistent with any federal law or regulation, that
189 shall not affect the validity or effectiveness of any other provision of this act, or of any other
190 application of any provision of this act, which can be given effect without that provision or
191 application; and to that end, the provisions and applications of this act are severable.