

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Jason M. Lewis

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:

Jason M. Lewis

DISTRICT/ADDRESS:

Fifth Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1396 OF 2023-2024.]

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 2022 Official Edition,
2 is hereby amended by inserting after section 99 the following section:-

3 Section 100.

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

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

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

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

17 (4) “Non-compliant beverage brand”, a beverage brand that manufactures, sells or
18 distributes a non-compliant beverage under its corporate brand name, or any of it’s subsidiaries
19 or affiliated corporations.

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

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

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

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

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

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

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

36 (3) Advertising contained on product packaging; or

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

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

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

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

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

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

51 (4) "Food Tag", a written or printed description of food or beverages

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

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

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

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

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

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

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

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

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

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

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

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

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

94 SECTION 3. Section 1 of Chapter 71 of the General Laws is hereby amended by adding
95 the following paragraph: -

96 The department of elementary and secondary education shall encourage school districts
97 to implement instruction in media literacy skills from the third grade to the twelfth grade, and in
98 any of the core subjects or other subjects, to equip students with skills for accessing, analyzing,
99 evaluating, and creating all types of media. Instruction shall include, but not be limited to,
100 teaching of skills for analyzing and evaluating advertising content for food, beverages, drugs and
101 alcohol.

102 SECTION 4. Chapter 111 of the General Laws, as so appearing, is hereby amended by
103 inserting after section 244 of the following section:-

104 Section 245.

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

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

110 (2) “Children’s meal” means a combination of food item or items and a beverage, sold
111 together at a single price, primarily intended for consumption by children.

112 (b) A chain restaurant may not sell a children’s meal unless the chain restaurant offer at
113 least two children’s meals, or 25 percent of the children’s meals on the children’s menu,
114 whichever is great, containing no more than:

115 (1) 550 calories;

116 (2) 700 milligrams of sodium;

117 (3) 15 grams of added sugars;

118 (4) 10 percent of calories from saturated fat; and

119 (5) 0 grams of trans fat.

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

125 (1) 0.5 cup (or equivalent unit of measurement) of fruit;

126 (2) 0.5 cup (or equivalent unit of measurement) of non-fried vegetable;

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

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

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

131 (4) Meat or meat alternative, equaling at least:

132 (i) one ounce meat, poultry, or seafood;

133 (ii) one egg

134 (iii) one fourth cup pulses (beans, peas, lentils) or soy products;

135 (iv) two tablespoons nut butter; or

136 (v) one ounce nuts and seeds.

137 (5) 0.5 cup of nonfat or 1 percent milk or low-fat yogurt, or 1 ounce of reduced fat

138 cheese. Plant-based nondairy alternatives are allowed, but they must be calcium and Vitamin D

139 fortified.

140 For purposes of this subsection, all juices, including 100 percent fruit or vegetable juice,

141 condiments, and spreads shall not be considered fruits or vegetables and shall not be used as a

142 fruit or vegetable substitute.

143 (d) A chain restaurant may not offer a children's meal with a beverage unless that

144 beverage is one of the following:

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

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

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

149 (4) 100 percent fruit or vegetable juice, with no added natural or artificial sweeteners, in a
150 serving size of no more than 6 ounces.

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

154 (f) The department of public health and local boards of health acting under the
155 supervision of the department of public health shall implement, administer, and enforce this
156 statute. The department of public health is hereby authorized to issue all rules and regulations
157 consistent with this statute and shall have all necessary powers to carry out the purpose of this
158 statute.

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

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

167 (i) The department of public health shall create a written informational resource in
168 English and Spanish summarizing the requirements of this statute.

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

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

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

179 (b) Pursuant to subsection (b) of section 2 of this act, the department of public health
180 shall promulgate regulations designating an icon with accompanying text that shall be displayed
181 next to or directly under the name of any standard menu item that exceeds the daily value for
182 added sugars or immediately adjacent to each self-serve dispensing point and shall publish its
183 initial guidance on compliance with the added sugars warning icon requirement of said section
184 330 no later than 1 year after the enactment of this act.

185 (c) No later than 4 years after the enactment of this act, the department of public health
186 shall issue a report reviewing evidence of the law's impact on menu item reformulation and
187 consumer behavior and recommending additional nutrients that should be considered for menu

188 warning icons. The report shall be provided to the joint committee on public health and shall be
189 posted on the public internet site of the department.