

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB126**

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**Hearing Date:** Tuesday February 01, 2011  
**Committee On:** Agriculture  
**Introducer:** Avery  
**One Liner:** Adopt the Children's Health and Responsible Corporate Marketing Act that regulates advertising and marketing to children in restaurants, food establishments, and convenience stores, and provides duties for the Department of Agriculture

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**Roll Call Vote - Final Committee Action:**

Indefinitely postponed

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**Vote Results:**

**Aye:** 8 Senators Bloomfield, Brasch, Carlson, Harr, Karpisek, Larson, Lathrop, Wallman  
**Nay:**  
**Absent:**  
**Present Not Voting:**

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**Proponents:**

Senator Bill Avery  
Dr. Bob Rauner

**Representing:**

Introducer  
Nebraska Medical Association

**Opponents:**

Jim Partington  
Roger Moody  
Tim Keigher

**Representing:**

Nebraska Restaurant Association  
Nebraska Broadcasters Association  
Nebraska Petroleum Marketers & Nebraska Convenience Stores Association  
Nebraska Grocery Industry Association  
Nebraska Retail Federation  
Nebraska Farm Bureau Federation

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 126 would have created the Children's Health and Responsible Corporate Marketing Act as wholly new and distinct sections of statute. The Act would prohibit certain food service establishments from associating consumer incentive items with the purchase of packaged children's meals that do not meet prescribed nutritional standards, as follows:

Section 16 of the bill provides that fast food restaurants, full-service restaurants, food establishments, and convenience stores shall not advertise, market, supply or sell consumer incentive items with the purchase of a packaged children's breakfast or children's meal unless the meal does not exceed corresponding limits for total calories, saturated fats, added sugars, and sodium and that it includes a whole grain and serving of fruit or vegetables.

Section 17 prohibits these food service entities from discounting packaged children's breakfasts and meals that do not meet applicable nutritional standards in order to offset the cost of consumer incentive items if sold separately.

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The bill assigns administration and enforcement to the Director of Agriculture. Enforcement provisions are contained in sections 18 - 22 endowing the director with related rule and regulatory authority, as well as the duty and authority to conduct periodic inspections, issue citation and by order impose administrative fine. Additionally, violations of the act are declared a Class IV misdemeanor.

Section 2 of the bill states legislative findings of the prevalence of childhood obesity and related chronic health conditions, linking these to public health care burdens and declaring a public welfare benefit in limiting advertising and marketing of consumer incentive items to children. Defined terms utilized throughout the Act are set forth in Section 3 - 15.

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Tom Carlson, Chairperson