

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2609**

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**Introduced by Assembly Member Chau**

February 19, 2016

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An act to add Section 17531.3 to the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 2609, as amended, Chau. Advertising: educational conferences.

Existing law prohibits various specified advertising practices, including, among others, ~~a prohibition on an educational travel organization, as defined, from placing or using~~ *organization's, as defined, placement or use of* any misleading or untruthful advertising or statements or making *of* a substantial misrepresentation in conducting an educational travel program. Under existing law, the violation of any of these prohibitions is a misdemeanor.

This bill would require an educational conference organization, as defined, that provides materials related to an educational conference, as defined, directly to a school or school employee for purposes of distribution to a student to include specified disclosures in the materials and to provide the materials in a sealed envelope or other packaging addressed to the parent or legal guardian of the student. ~~The bill would also prohibit the organization from addressing the materials to a student by name or otherwise requesting that materials be provided directly to the student.~~ As a violation of these provisions would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
 2 following:

3 (a) ~~K-12~~*K-12* students are particularly vulnerable to  
 4 solicitations for educational leadership conferences or forums that  
 5 may appear to be selective awards or competitive honors, but are  
 6 in fact sophisticated ~~solicitations~~, often *solicitations* from for-profit  
 7 companies.

8 (b) While such conferences and forums may have merit as  
 9 learning experiences for students, it is nevertheless important to  
 10 ensure that students, parents, and teachers are not misled by these  
 11 solicitations. The State of California has previously enacted laws  
 12 regulating educational travel organizations in order to protect  
 13 students engaged in educational travel.

14 (c) Because it is of the utmost importance that the State of  
 15 California take action to protect students from ~~misleading or false~~  
 16 *false or misleading* advertising, promote ~~quality in high-quality~~  
 17 educational travel experiences, encourage public confidence in  
 18 leadership ~~conferenees or forums~~, *conferences*, and assist  
 19 organizations soliciting participation in these conferences ~~or forums~~  
 20 in complying with safe and reputable practices, it is the intent of  
 21 the Legislature to establish appropriate *marketing restrictions and*  
 22 disclosure requirements ~~and further restrictions~~ on these  
 23 solicitations.

24 (d) *The Legislature recognizes the contributions that many*  
 25 *nonprofit service organizations have made in the area of youth*  
 26 *leadership training, such as the Boys and Girls State programs*  
 27 *organized by the American Legion and the Rotary Youth*  
 28 *Leadership Awards and Interact programs operated by the Rotary*  
 29 *Club. These programs have demonstrated a strong commitment*  
 30 *to youth education and civic awareness in diverse communities*

1 *across the nation for decades, often at little or no cost to the*  
2 *participants.*

3 SEC. 2. Section 17531.3 is added to the Business and  
4 Professions Code, to read:

5 17531.3. (a) For purposes of this section, the following terms  
6 have the following meanings:

7 (1) “Educational conference” means a ~~leadership~~ conference,  
8 forum, camp, or other similar event, *intended to develop the*  
9 *leadership, career, or college readiness of a student or provide*  
10 *some other form of educational benefit*, when participation in the  
11 event is represented as being limited to students ~~nominated~~  
12 *receiving an award, invitation, or nomination* to participate in the  
13 event.

14 (2) “Educational conference organization” or “organization”  
15 means a person, partnership, corporation, or other entity *that*  
16 *operates in a for-profit manner and* that plans and advertises  
17 educational conferences to students residing in the State of  
18 California.

19 (3) “Student” means a person who is enrolled in elementary or  
20 secondary school, grade kindergarten through grade 12, at the time  
21 an educational conference is arranged with an educational  
22 conference organization.

23 (b) An educational conference organization that provides  
24 materials related to an educational conference directly to a school  
25 or any employee thereof for purposes of distribution to a student  
26 shall comply with ~~all~~ *both* of the following:

27 (1) The organization shall provide the materials in a sealed  
28 envelope or other packaging addressed to the parent or legal  
29 guardian of the student.

30 ~~(2) The organization shall not address the materials to a student~~  
31 ~~by name or otherwise request that materials be provided directly~~  
32 ~~to the student.~~

33 ~~(3)~~

34 (2) The organization shall include in the materials all of the  
35 following disclosures, in clear and conspicuous language:

36 (A) That the materials constitute a solicitation for the sale of a  
37 product.

38 (B) The legal form of the organization making the solicitation,  
39 ~~including whether the organization is a nonprofit or for-profit~~ *the*  
40 *for-profit status of the organization.*

1 (C) The legal owner, if any, of the organization making the  
2 solicitation.

3 (D) The specific eligibility criteria required for participation in  
4 the solicited educational conference or conferences, if any.

5 (E) An itemized list of the costs to participate in the educational  
6 conference and the total price of participating in the educational  
7 conference, including estimated expenses not included in the price  
8 of the educational conference.

9 (F) *That attendance at an educational conference may not affect*  
10 *a student’s chances of being admitted to college and that a parent*  
11 *or guardian should contact the student’s school counselor for more*  
12 *information.*

13 ~~(F)~~

14 (G) Whether or not a ~~third-party~~ nomination *from a teacher or*  
15 *school administrator* is required to participate in the educational  
16 conference, or if an individual may be self-nominated or nominated  
17 by a parent or guardian.

18 ~~(G)~~

19 (H) The total amount, if any, of funding or other support,  
20 including employment or grants for school supplies, the  
21 organization has provided to the student’s school or the school’s  
22 employees during the last three years before the date of the  
23 solicitation.

24 ~~(H)~~

25 (I) A phone number, email address, or Internet Web site that a  
26 parent or guardian may use to contact a government agency within  
27 the relevant jurisdiction for purposes of filing a complaint related  
28 to the solicitation or ~~solicited educational conference.~~ *the*  
29 *educational conference itself.*

30 SEC. 3. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution because  
32 the only costs that may be incurred by a local agency or school  
33 district will be incurred because this act creates a new crime or  
34 infraction, eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section 17556 of  
36 the Government Code, or changes the definition of a crime within  
37 the meaning of Section 6 of Article XIII B of the California  
38 Constitution.

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