



# Health Policy Tracking Service A Thomson West Business July 11, 2005

## State Actions to Promote Nutrition, Increase Physical Activity and Prevent Obesity: A Legislative Overview

State legislators and policymakers continue to focus their attention on initiatives that seek to curb rising obesity rates. Despite the Centers for Disease Control and Prevention (CDC) overestimating obesity-related deaths and the high profile media campaign that “Americans have been force-fed a steady diet of obesity myths,” the media, food and beverage companies, school administrators, public health advocates, and federal and state leaders are working together to address this health problem. With nearly 65 percent of adults and 15 percent of children and adolescents estimated to be overweight, governors and state legislators continue to consider hundreds of measures in efforts to reduce the rising prevalence of obesity and its associated risk factors. The politics of obesity remains front and center in state houses across the country.

As governors entered a new year in office, they addressed their states with their praises, priorities and proposals. At least five governors discussed nutrition and obesity in their State of State addresses, signifying their commitment to the issue. **Georgia** Gov. Sonny Perdue (R) and **South Dakota** Gov. Mike Rounds (R) discussed statewide initiatives, the Healthy Choices Initiative and Healthy South Dakota, to promote nutrition, physical activity and healthy lifestyles to improve the health of their citizens. To educate and encourage children to be active, healthy and physically fit, **New York** Gov. George Pataki (R) stated that he would launch the Active-8 Kids program, which he did in June. **Vermont**'s Gov. Jim Douglas (R) encouraged individuals to take responsibility for their own health and plans to continue pushing the Chronic Care Initiative, the Fit and Healthy Kids program and a Healthy Choices discount. In **Virginia**, Gov. Mark Warner (D) requested continued support for his Healthy Virginians initiative, launched last November, which will attempt to prevent and reduce overweight and preventable chronic illnesses among target state employees, Medicaid families and school children.

### CREATING HEALTHY, ACTIVE SCHOOL ENVIRONMENTS

Similar to last year, the main focus for lawmakers remains within the school system. State regulations seek to improve the food choices offered to students by teaching them the merits of healthy eating and the advantages of leading an active lifestyle. Because a majority of their day is spent on school grounds, lawmakers hope that by mandating or recommending nutritional guidelines for schools, children, as well as parents, will be influenced to make healthier choices throughout their lives.

State legislators continue to consider hundreds of bills that target children and adolescents. School related obesity bills focus on setting nutritional standards for food and beverage items made available to children, restricting access to unhealthy goods, increasing physical activity and educating children about nutrition. Additionally, more states are introducing legislation calling for the body mass index (BMI) measurements of students in order to monitor and evaluate the health conditions of children and to improve on policy if necessary. As of July 1, 2005:

- 40 states introduced approximately 200 bills that provide some level of nutritional guidance for schools

- 32 states introduced legislation setting guidelines for physical education classes
- 23 states introduced legislation calling for schools to educate children about nutrition or the benefits of physical activity as part of the health education curriculum
- 18 states introduced BMI reporting legislation

Although food-related industries are voluntarily reducing the advertisement of certain products to children, four states introduced legislation restricting the advertising and marketing of unhealthy foods and beverages on school grounds and buses.

### **INDUSTRY FOCUS**

One policy issue that has seen ever increasing activity over the past two years prohibits an individual from suing food-related business for damages resulting from weight gain, obesity or obesity-related conditions—holding an individual responsible for the choices they make. This year, 40 obesity liability bills were introduced in 26 states; currently 20 states have these laws on the books. In **Arkansas'** H.B. 1823 was introduced containing provisions that limit civil liability. However, the measure posed additional requirements for chain restaurants that want to avoid obesity-related lawsuits by requiring businesses to post nutritional information. Specifically, the measure called for chain restaurants to list next to each menu item, at a minimum, the calories, milligrams of sodium, and grams of saturated fat and trans fat. The bill also required that the following statement appear at the bottom of each menu page: "Recommended limits for a 2,000 calorie daily diet are 20 g of saturated fat and 2,400 mg of sodium. Saturated fat numbers include trans fat."

Other menu-labeling measures were introduced in 12 states. Although, none of the bills were enacted, the mere introduction of these bills provides a public forum for debate and development of future public policy affecting the restaurant industry.

Only two states introduced legislation to regulate nutritional labeling of food and beverage products made available for purchase, beyond the requirements of the Food and Drug Administration (FDA). However, **Alaska** did enact a law requiring the labeling of all genetically modified fish and fish products.

To provide funds for public health campaigns targeting nutrition and obesity, state legislators introduced measures that tax snacks and sodas. Although no new snack or soda taxes measure have been enacted in the past two years, lawmakers continue to introduce such legislation. This year measures were introduced in 10 states. Taking a different approach for generating additional state funds, Detroit Mayor Kwame Kilpatrick proposed placing an additional tax of 2 percent on fast food. The additional \$17 million in revenue from this first-of-a-kind "sin" tax on fast food would be used to reduce the city's \$300 million deficit. Both advocates and opponents were aware that the mayor faced an uphill battle to win popular support for this idea.

### **COVERAGE FOR OBESITY TREATMENT**

Because the prevalence of obesity is high and in an attempt to improve the lives of overweight individuals, both private and public health care plans are covering obesity-related treatments and procedures. This year, the **Colorado** governor signed a measure that would establish an Obesity Treatment Pilot Program for Medicaid beneficiaries who are over the age of 15 and have a BMI equal to or greater than 30. On the private side, five states introduced legislation requiring insurers to provide or offer coverage for surgical procedures used to treat obesity. To date, four states—

**Georgia, Indiana, Maryland and Virginia**—require insurers to provide or offer coverage for gastric bypass surgery.

#### **CREATING HEALTHY, ACTIVE COMMUNITIES**

Eighteen states introduced bills to improve access to or safety of public fitness, walking and biking facilities. This level of activity highlights state lawmakers continuing interest in preventing and reducing obesity through the promotion of healthy, active lifestyles. In addition, seven states introduced measures to appropriate general fund dollars to support access to fresh produce for low-income WIC recipients and seniors. In **Nevada** a measure was signed into law that provides tax incentives for developers wanting to establish a grocery store in the southern part of the state. Highlights of state-wide initiatives not covered in this report are provided below.

#### **Arkansas**

Gov. Mike Huckabee (R) established an award program to recognize Arkansas restaurants that offer healthy menu options, post nutritional information on their menus and offer smoke-free dining environments as part of the statewide Healthy Arkansas initiative. Restaurants will earn points if they offer fruit choices (with no additional sugar added), low-fat or fat-free salad dressings and if they allow substitutions of fruits and vegetables for fried items. Three levels of recognition will be awarded as follows:

- Gold: Awarded to restaurants with smoke-free environments that receive 12 points
- Silver: Awarded to restaurants that receive nine points and maintain a designated non-smoking section with a separate ventilation system
- Bronze: Awarded to restaurants with a designated non-smoking section and receive seven points

Winning restaurants will be given menu stickers, door decals and table tents that will showcase their efforts to customers. The Arkansas Hospitality Association and the Department of Health have partnered to run the program.

#### **California**

Gov. Arnold Schwarzenegger announced that the Governor's Summit on Health, Nutrition and Obesity to Shape Up California will be held on Sept. 15, 2005. The first-of-its-kind action summit will bring together California's business and public health communities to develop a plan to improve the health of all Californians. First Lady Maria Shriver will play an essential role in the summit.

#### **Georgia**

The Department of Human Resources released the state's first comprehensive, 10-year nutrition and physical activity plan developed by the Take Charge of Your Health, Georgia! Task Force. The plan's overall goal is to prevent and control obesity and other chronic diseases. It sets four long term initiatives:

- Improve healthy eating habits
- Increase physical activity
- Decrease television viewing and other screen time
- Increase breastfeeding

The plan will serve as a blueprint for communities, faith-based organizations, schools, worksites and health care providers. Among the plan's objectives, members

of the task force hope to increase the number of state policies and legislative actions that address obesity. The plan also sets worksite objectives, such as increasing the proportion of employees who participate in employer-sponsored programs, and community objectives that will focus on developing more walking and biking trails, improving access to healthy food choices, and increasing the number of nutrition and physical activity programs offered in state and community parks and recreation centers. The task force was called upon to develop the plan as part of a five-year grant awarded from the CDC to support state nutrition and physical activity programs.

### ***Idaho***

In June, the Gov. Dirk Kempthorne (R) held the Governor's Physical Activity and Nutrition Summit in Boise. Participants of the summit included health care providers, educators, policymakers, and civic and business leaders. Gov. Kempthorne has made improving the health and education of children his number one priority.

The governor also proclaimed the week of May 1 as "Physical Education and Sport Week" to encourage citizens to promote physical activity in the state.

### ***Massachusetts***

In May, the state's leaders kicked off a statewide public health awareness campaign to promote the benefits of exercise. "Every Body Move!" is designed to get residents of the state to be more physically active in an effort to improve their well-being. The campaign was developed by the Governor's Committee on Physical Fitness and Sports.

### ***New York***

As promised in his State of the State address, Gov. George Pataki unveiled the Activ8Kids! program in June. Consolidating eight existing childhood obesity prevention programs, Activ8Kids! is part of a \$9.6 million initiative to fight obesity. The program focuses on developing daily healthy behaviors in children before they reach age eight. Activ8Kids! will teach children to eat at least five fruits and vegetables, to engage in at least one hour of physical activity a day and to reduce screen time to fewer than two hours a day. New York's initiative also includes \$1.5 million to promote healthy foods and exercise in schools and community settings and a toolkit for schools that includes information about training nutrition staff, enhancing the nutritional value of lunch menus and promoting the consumption of low-fat milk, fruits and vegetables.

### ***South Carolina***

First lady Jenny Sanford launched the "Healthy South Carolina Challenge" in May. The initiative sets specific challenges for counties and communities to reduce smoking, to increase physical activity and to lower BMI. The entire population of the county that wins the "Healthy County Challenge" and the "Healthy Community Challenge" will be invited to the governor's mansion for a special awards ceremony next spring. In addition, the state developed a Web site that provides information about the challenge and gives additional health tips to promote better diets.

The governor's second annual "Family Fitness Challenge" called for residents of the state to join the governor in a kayaking event. Last year the governor and his family invited residents to join him for any part of a 170-mile bike ride across the state.

### ***Nevada***

The state program for Fitness and Wellness was established within the Health Division of the Department of Human Resources. The program will serve to educate residents about physical fitness, nutrition and the prevention of obesity and other chronic diseases.

### ***West Virginia***

The West Virginia Healthy Act of 2005 establishes efforts to promote healthy lifestyles and to reduce obesity and related problems for all its citizens. The bill calls for the creation of the Office of Healthy Lifestyles within the Department of Health and Human Resources. Among its responsibilities, the office is required to:

- Establish a 13-member Healthy Lifestyle Coalition, whose members will be appointed by the governor
- Establish a clinical advisory committee to ensure that the latest research is being applied to program development
- Implement a statewide voluntary private sector partnership program to promote healthy lifestyles (the state will develop a recognition program for businesses that promote a healthy lifestyle)
- Establish a goal to increase the prevalence of healthy weight among all residents of the state
- Coordinate higher education training programs for partnering dietary and exercise physiology students with rural health care providers

The bill also provides guidance for the type of beverages that can be sold in schools, sets forth requirements for physical education courses, and indicates that body mass index measures (BMI) will be used to monitor the progress of promoting healthy behaviors among school-age children. Full details of these provisions will be covered later on in this report.

### **MOVING FORWARD**

Poor nutrition and obesity play a contributing, if not a major, role in the onset, severity and exacerbation of chronic health problems. It comes as no surprise that states continue to address the issue of obesity prevention through state-sponsored initiatives and legislative action. HPTS continues to see significant legislative activity intended to improve the diets and overall health of Americans. Lawmakers across the country now have realized the severity of the problem and are continuing to push forth initiatives that improve the health of their constituents—both young and old—by working with various stakeholders to develop sound policy. The majority of this report focuses on legislative activity that seeks to address this public health issue. However, as provided in the above examples, states also are tackling the country's obesity rates through executive action. While a fraction of the bills introduced were enacted, the volume of legislation introduced exemplifies the level of attention state lawmakers are giving to promote nutrition, increase physical activity and prevent obesity across all age groups.

The Health Policy Tracking Service will continue to identify and monitor legislative and gubernatorial initiatives to prevent obesity.

**ACKNOWLEDGMENTS**

This report was prepared by Carla I. Plaza, with the assistance of Catherine Henze. Ms. Plaza is the Manager of Policy Research for the Health Policy Tracking Service and Ms. Henze is the research analyst responsible for tracking and monitoring obesity-related legislative activity.

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## Councils, Task Forces and Commissions

Before recommending or implementing any new policy, some lawmakers call for a comprehensive study to be conducted for a particular issue in order to better understand it. Increasing obesity rates has spurred states to evaluate factors contributing to the rising rates of overweight and obese individuals—particularly in children. Governors also call together task forces to examine a particular issue; however, this chapter focuses on legislative actions that call for such studies to be conducted.

In May, the **Alabama** House adopted a resolution urging the State Board of Education to conduct a comprehensive study of the nutritional quality of food served in public elementary and secondary schools. House Resolution 818 also urges the Board to take the necessary steps to ensure that the food served meets or exceeds the federal dietary guidelines.

**Kansas** also adopted a resolution requesting the Department of Education to study the state's school food programs, the availability of other foods items available on school grounds and the availability of health and physical education classes. Recommendations must be provided to the Legislature before the start of the 2006 legislative session.

State lawmakers also established task forces calling for experts to offer guidance. Over the past two years, several states have established these task forces to develop recommendations.

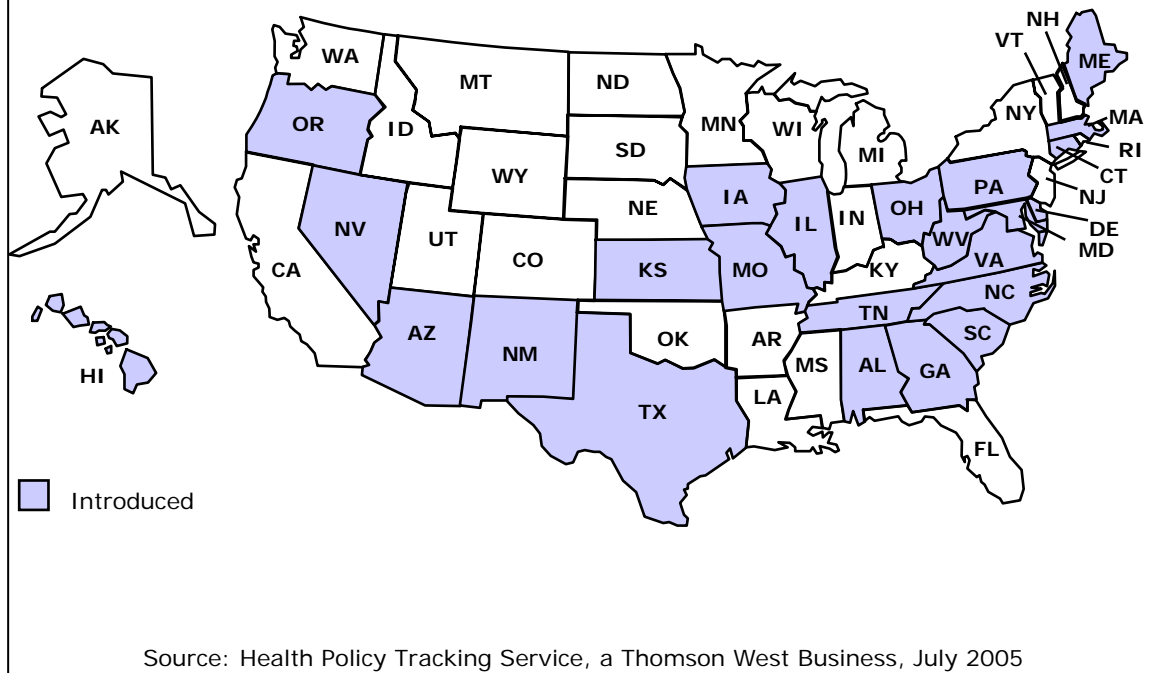
In **Arizona**, a 15-member task force was called to develop a uniform physical education program for grades K through 8. **Delaware** also established the 17-member Physical Activity and Education Task Force. The task force is responsible for examining current physical activity and physical education policies and programs and will:

- Evaluate how other states are implementing and funding their physical education and physical activity programs
- Evaluate the efficacy of Delaware's physical education and physical activity programs
- Develop recommendations for an integrated approach to improve or create high quality physical education in the state
- Develop recommendations of strong public-private partnerships
- Identify revenue sources to fund physical activity and physical education

A final recommendation must be submitted to the governor and General Assembly by March 1, 2006.

The map below highlights the states that have introduced legislation calling for the creation of task forces, commissions and councils to study the obesity epidemic.

## Councils, Task Forces and Commissions



The table on the following page highlights other measures that have been introduced and those that are currently pending before state legislative committees. Measures that are pending are italicized and highlighted in blue. Those that have been enacted are bolded and highlighted in yellow. The bill summaries provided in the chart reflects the introduced versions of the bills.



## 2005 Legislative Activity: Legislation Establishing Councils, Task Forces and Commissions

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
AL	HR	603	"State Board of Education urged to to conduct a comprehensive study of the nutritional quality of food served in the public elementary and secondary schools and recommend improvements to meet or exceed federal dietary guidelines"	04/21/2005--INTRODUCED AND REFERRED TO THE HOUSE OF REPRESENTATIVES COMMITTEE ON RULES
AL	HR	818	<b>"State Board of Education urged to conduct a comprehensive study of the nutritional quality of food served in the public elementary and secondary schools and recommend improvements to meet or exceed federal dietary guidelines"</b>	<b>05/16/2005--PASSED BY HOUSE OF ORIGIN</b>
AL	HJR	585	"Legislative Task Force on Obesity established (2005-20706)"	04/27/2005--RECEIVED IN SENATE AND REFERRED TO THE SENATE COMMITTEE ON RULES
AZ	HB	2111	<b>"AN ACT ESTABLISHING A MANDATORY PHYSICAL EDUCATION IMPLEMENTATION TASK FORCE."</b>	<b>04/13/2005--CHAPTER: 67 CHAPTERED VERSION: SENATE ENGROSSED VERSION</b>
CT	HB	6182	"To provide for a task force for the purpose of adopting a nutrition policy for the state and for assisting in the reduction and prevention of obesity and non-insulin-using diabetes in children."	01/24/2005--REFERRED TO JOINT COMMITTEE ON PUBLIC HEALTH
CT	HB	6631	"To reduce the incidence of obesity in children and adolescents."	04/19/2005--REFERRED BY HOUSE TO COMMITTEE ON APPROPRIATIONS
DE	HCR	37	<b>"This Resolution creates a task force to examine current physical activity and physical education policies and programs in Delaware and to develop a comprehensive integrated plan to increase physical activity and reduce obesity to improve the quality of life for all Delawareans."</b>	<b>07/01/2005--SENATE PASSED</b>
GA	HR	369	"Creating the House Study Committee on Nutrition and Obesity of Children From Birth to Age Five; and for other purposes."	03/03/2005--(H) SECOND READERS
GA	SR	375	"Creating the Senate Study Committee on the State of Physical Education in Schools; and for other purposes."	03/11/2005--(S) READ AND REFERRED



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STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
HI	HB	379	"Establishes the physical activity and nutrition coalition task force for the State."	02/18/2005--(H) PASSED SECOND READING AS AMENDED IN (HD 1) AND REFERRED TO THE COMMITTEE(S) ON HOUSE FINANCE WITH NONE VOTING NO AND REPRESENTATIVE(S) SOUKI TAKUMI EXCUSED.
HI	SB	491	"Establishes the physical activity and nutrition coalition task force for the State. (SD1)"	02/18/2005--(S) REPORT ADOPTED; PASSED SECOND READING AS AMENDED (SD 1) AND REFERRED TO SENATE WAYS AND MEANS.
<b>IL</b>	<b>HJR</b>	<b>17</b>	<b>"Urges the Governor to convene a Summit on Children's Nutritional Health and Well-Being."</b>	<b>05/29/2005--(H) RESOLUTION ADOPTED</b>
IA	HB	573	"The bill directs the Iowa department of education and the Iowa department of public health to convene a task force including representatives from the Iowa dietetic association; the Iowa school nutrition directors association; the Iowa association of school boards; the Iowa medical association; the Iowa dental association; the Iowa association for health physical education recreation and dance; the university of Iowa college of public health; and the Iowa state university extension service to develop a model policy regarding access to nutritious foods opportunities for physical activity and accurate education related to these topics; and which sets a minimum standard for the nutritional content of foods and beverages sold or provided throughout the school day. The departments must submit the model policy to the governor and the general assembly and post the model policy on their internet websites by January 1 2006. The bill takes effect upon enactment."	03/08/2005--(H) SUBCOMMITTEE GRANZOW FOEGE AND TOMENGA. H.J. 581.
IA	HR	16	"A resolution requesting the establishment of a legislative interim study committee to review the physical education requirements for students under the state's educational standards."	03/08/2005--(H) LAID OVER UNDER RULE 25. H.J. 585.



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STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
IA	SB	224	"The bill directs the Iowa department of education and the Iowa department of public health to convene a task force including representatives from the Iowa dietetic association; the Iowa school nutrition directors association; the Iowa association of school boards; the Iowa medical association; the Iowa dental association; the Iowa association for health physical education recreation and dance; the university of Iowa college of public health; and the Iowa state university extension service to develop a model policy regarding access to nutritious foods opportunities for physical activity and accurate education related to these topics; and which sets a minimum standard for the nutritional content of foods and beverages sold or provided throughout the school day. The departments must submit the model policy to the governor and the general assembly and post the model policy on their internet websites by January 1 2006. The bill takes effect upon enactment."	03/07/2005--(S) SUBCOMMITTEE ANGELO WOOD CONNOLLY AND MCKINLEY. S.J. 418.
KS	HB	2208	"An act establishing a task force on the prevention and treatment of obesity."	02/09/2005--(H) HEARING: TUES. 2/15/2005 1:30 PM RM 526-S
KS	HB	2417	"An act creating the council on obesity prevention and management."	02/25/2005--(H) WITHDRAWN FROM CALENDAR REREFERRED TO HEALTH AND HUMAN SERVICES -HJ 290
KS	SCR	1604	"A concurrent resolution concerning healthy eating and physical activity in public elementary and secondary schools."	04/11/2005--(S) ENROLLED



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### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
ME	HB	112	"This bill implements recommendations of the Commission to Study Public Health. The bill: 1. Creates the Maine Obesity Prevention Fund. 2. Extends the Commission to Study Public Health; 3. Directs Dirigo Health board and the Department of Health and Human Services to study incentives provided to encourage purchases of healthy food and beverages; 4. Directs the Department of Administrative and Financial Services to implement a comprehensive employee health program addressing obesity; 5. Creates an expedited bid process for pilot projects related to employee health; 6. Directs the Department of Labor Bureau of Rehabilitation Services to pursue reforms that will increase the availability of healthy foods and beverages in cafeterias snack bars and vending machines under the division's purview; 7. Directs the State Employee Health Commission to implement potentially cost-saving services for obesity prevention among their insureds; and 8. Directs the Department of Professional and Financial Regulation Bureau of Insurance to encourage health insurance carriers to provide potentially cost-saving services for obesity	05/25/2005--(S) UNDER SUSPENSION OF THE RULES REPORTS READ ON MOTION BY SENATOR MAYO OF SAGADAHOC MAJORITY OUGHT NOT TO PASS REPORT ACCEPTED IN CONCURRENCE.PLACED IN LEGISLATIVE FILES (DEAD)
MD	SB	800	"Establishing a Child Health Advisory Council; providing for the purpose of the Advisory Council; providing for the membership of the Advisory Council; providing for the terms of members of the Advisory Council; requiring the Governor to appoint a successor if a vacancy occurs; requiring the Governor to appoint the chair of the Advisory Council; providing for a quorum of the Advisory Council; requiring the Advisory Council to meet at least once each month; etc."	03/21/2005--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MA	SB	2051	"By the Joint Committee on Education. Directs said committee to make an investigation and study of the articulated bill relative to physical education requirements in public schools."	05/16/2005--(S) DISCHARGED AND REFERRED TO SENATE COMMITTEE ON ETHICS AND RULES
MO	HB	82	"This bill establishes the Missouri Commission on the Prevention and Management of Obesity. The duties of the commission include: (1) Collecting and analyzing data; (2) Listing programs and services available to address the needs of overweight children and adults; (3) Listing funds dedicated to maintain these programs; (4) Collecting and analyzing data about the economic impact on the state of the failure to treat obesity; (5) Identifying barriers to the prevention and management of obesity; (6) Identifying recommendations that the state must implement to increase obesity prevention and management; (7) Coordinating with specified federal and state agencies to share resources and information about a comprehensive approach to preventing and treating obesity and obesity-related disorders; and (8) Submitting a report to the Governor, the House of Representatives Budget Committee and the Senate Appropriations Committee no later than August 28, 2007.	02/16/2005--(H) EXECUTIVE SESSION HELD HOUSE COMMITTEE SUBSTITUTE VOTED DO PASS



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### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
NV	SB	197	"AN ACT relating to public health; providing for the establishment of the State Program for Fitness and Wellness; providing for the establishment of the Advisory Council on the State Program for Fitness and Wellness; authorizing the Health Division of the Department of Human Resources to apply for and accept grants and other money to carry out the Program; and providing other matters properly relating thereto."	05/10/2005--(S) APPROVED BY THE GOVERNOR. CHAPTER 82.
NV	SCR	29	"Acknowledging the planning group established by the Health Division of the Department of Human Resources and the Department of Education for its collaborative commitment to design a statewide policy to prevent obesity in Nevada."	05/06/2005--(S) FILE NO. 54.
NM	HB	721	"AN ACT RELATING TO NUTRITION; CREATING A NUTRITION COUNCIL; PROVIDING DUTIES; CREATING A FUND; REQUIRING NUTRITION AND HEALTH COURSES IN PUBLIC SCHOOLS; REQUIRING NUTRITION EDUCATION FOR CERTAIN LICENSED PRACTITIONERS; REQUIRING STUDIES; MAKING APPROPRIATIONS."	03/04/2005--(36) SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE-SENATE PUBLIC AFFAIRS COMMITTEE
NM	SB	10	"AN ACT RELATING TO PUBLIC EDUCATION; CREATING A SCHOOL HEALTH EDUCATION AND NUTRITION STUDY COMMITTEE; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY."	02/01/2005--(4) DO PASS COMMITTEE REPORT ADOPTED-SENATE FINANCE COMMITTEE
NM	SB	525	"AN ACT RELATING TO NUTRITION; CREATING A NUTRITION COUNCIL; PROVIDING DUTIES; CREATING A FUND; REQUIRING NUTRITION AND HEALTH COURSES IN PUBLIC SCHOOLS; REQUIRING NUTRITION EDUCATION FOR CERTAIN LICENSED PRACTITIONERS; REQUIRING STUDIES; MAKING APPROPRIATIONS."	03/18/2005--(51) DO PASS AS AMENDED COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE-WITHDRAWN FROM COMMITTEE FOR SUBSEQUENT ACTION
NM	SJM	2	"A JOINT MEMORIAL REQUESTING THE DEPARTMENT OF HEALTH AND THE PUBLIC EDUCATION DEPARTMENT TO COLLABORATIVELY MAKE RECOMMENDATIONS TO INCREASE THE PHYSICAL ACTIVITY AND IMPROVE THE EATING HABITS OF YOUTH."	03/17/2005--(50) PASSED HOUSE(66-0)
NC	HB	696	"AN ACT to direct the joint legislative education oversight committee to study the impact of indirect costs associated with the integrity of the child nutrition services program in the public schools as recommended by the study committee for childhood overweight/obesity of the health and wellness trust fund commission."	03/17/2005--(H) REFERRED TO COMMITTEE ON RULES CALENDAR AND OPERATIONS OF THE HOUSE



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STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
NC	SB	960	"AN ACT to direct the joint legislative education oversight committee to study the impact of indirect costs associated with the integrity of the child nutrition services program in the public schools as recommended by the study committee for childhood overweight/obesity of the health and wellness trust fund."	05/18/2005--(H) REFERRED TO COMMITTEE ON CHILDREN YOUTH AND FAMILIES
OH	HB	173	"To establish the School Physical Fitness and Wellness Advisory Council."	04/07/2005--(H) REFERRED TO HOUSE EDUCATION
OR	SB	675	"Directs Oregon Health Policy Commission to study and develop comprehensive approach to childhood obesity. Sunsets January 2 2008. Declares emergency effective on passage."	05/23/2005--(H) PUBLIC HEARING HELD.
OR	SB	1076	"Modifies terms of office for members of Oregon Health Policy Commission appointed by Governor. Removes members of Oregon Health Policy Commission from Oregon Public Health Advisory Board. Directs Oregon Health Policy Commission to study childhood obesity in Oregon develop comprehensive strategy to address problem and report findings and recommendations. Sunsets January 2 2008. Declares emergency effective on passage."	06/29/2005--(H) FIRST READING. REFERRED TO SPEAKER'S DESK.
PA	HB	191	"Amending the act of March 10 1949 (P.L.30 No. 14) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto " further providing for advisory health councils; ESTABLISHING LOCAL WELLNESS POLICIES; and providing for the establishment of a child health and nutrition advisory committee."	06/22/2005--(S) REFERRED TO EDUCATION
PA	HB	192	"Amending the act of March 10 1949 (P.L.30 No. 14) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto. providing for the establishment of a child health and nutrition advisory committee."	02/01/2005--(H) REFERRED TO EDUCATION



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STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
SC	HB	3346	"TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976 BY ADDING CHAPTER 45 TITLE 44 TO ENACT THE SOUTH CAROLINA CHILDREN'S HEALTH OBESITY ACT INCLUDING PROVISIONS TO CREATE THE CHILD HEALTH ADVISORY COMMITTEE; TO PROVIDE FOR ITS MEMBERSHIP POWERS AND DUTIES INCLUDING DEVELOPING NUTRITION AND PHYSICAL ACTIVITY STANDARDS AND RECOMMENDATIONS TO BE IMPLEMENTED BY THE DEPARTMENT OF EDUCATION; TO PROVIDE FOR CERTAIN HEALTH AND NUTRITION SPECIALISTS TO BE EMPLOYED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION CONTINGENT UPON AVAILABLE FUNDING; TO REQUIRE SCHOOL DISTRICTS TO CONVENE NUTRITION AND PHYSICAL ACTIVITY ADVISORY COMMITTEES; TO REQUIRE STUDENT AND SCHOOL REPORT CARDS TO CONTAIN CERTAIN HEALTH DATA; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION TO REPORT TO CERTAIN LEGISLATIVE COMMITTEES ON THE IMPLEMENTATION OF THIS ACT."	05/26/2005--HOUSE RECOMMITTED TO COMMITTEE ON EDUCATION AND PUBLIC WORKS HJ-10
TN	HB	2055	"An act to amend tennessee code annotated title 4 chapter 29 and title 68 chapter 1 relative to child nutrition and wellness."	05/26/2005--TAKEN OFF NOTICE FOR CALENDAR IN: FINANCE WAYS & MEANS COMMITTEE
TN	SJR	38	"A resolution to create a special joint committee to study issues relative to the federal child nutrition act physical education and the coordinated school health improvement act of 1999."	05/28/2005--RULES SUSPENSION ADOPTED AYES 29 NAYS 0
TX	SB	18	"Relating to a statewide initiative regarding the prevention and treatment of obesity-related health concerns."	06/21/2005--(S) REFERRED TO HEALTH & HUMAN SERVICES
VA	HJR	589	"Establishes a joint subcommittee to study the relationship between obesity and the school lunch program. In conducting its study the joint subcommittee shall (i) determine the number of public schools participating in the school breakfast and lunch programs; (ii) ascertain the number of school-age children who are overweight or obese and have related health problems; (iii) review the requirements of the school breakfast and lunch program and plans to increase healthy food options; (iv) examine the benefits of competitive foods and beverages sold in public schools and the relationship between the health and physical education curriculum public health policies social economic and cultural influences and media messages and the incidence of overweight and obese students in the public schools. The joint subcommittee must submit an executive summary and report of its findings and recommendations to the 2006 Session of the General Assembly."	02/03/2005--(H) STRICKEN FROM DOCKET BY RULES (16-Y 0-N)



**2005 Legislative Activity: Legislation Establishing Councils, Task Forces and Commissions**  
**Health Policy Tracking Service, a Thomson West Business, July 1, 2005**

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
WV	HCR	28	"Requesting the Joint Committee on Government and Finance to direct the Legislative Oversight Commission on Health and Human Resources Accountability to conduct a continued study on the obesity epidemic in West Virginia by continuing to monitor ongoing state activities to curtail obesity."	03/04/2005--TO HOUSE RULES
WV	SCR	35	"Requesting the Joint Committee on Government and Finance direct the Legislative Oversight Commission on Health and Human Resources Accountability study the obesity epidemic in West Virginia by monitoring ongoing state activities to curtail obesity."	03/04/2005--TO RULES

## **School Nutrition: A Focus on Nutritional Standards and Access**

States continue to introduce legislative measures that seek to curb the rising rate of obesity among children and adolescents. Public health advocates believe that schools are in a position to promote and instill healthy eating habits in children that will shape their adult life. Partnered with measures that seek to increase physical activity in schools and nutrition education, ensuring access to nutritious food choices and restricting foods and beverages of minimal nutritional value (FMNV) that are sold on school grounds remains a top priority for state policymakers.

Advocates contend that over the past several decades there has been an increase in the availability of high-calorie, innutritious products available for consumption during the school day. The availability and accessibility of such products conflict with the instruction provided in health education classes. FMNVs are commonly made available in cafeterias as à la carte items and throughout school grounds in vending machines and school stores—directly competing with nutritious choices offered. Without restrictions, children will continue to consume items with little or no nutritional value and may not receive the necessary nutrient intake.

The food and beverage industry opposes school nutrition legislation that restricts access to or bans the sale of certain foods and beverages. Industry leaders, such as the Grocery Manufacturers of America and the American Beverage Association, emphasize the need to consume all foods and beverages in moderation rather than limiting access to or restricting certain items from school grounds. In addition, in a time of budgetary constraints, industry leaders and school administrators know that without the additional revenue generated from business-school partnerships, funding for certain school activities, such as athletics, art and music classes, may be in jeopardy.

In 2005, 40 states introduced approximately 200 bills that provide some level of nutritional guidance for schools. Establishing school nutritional standards, restricting school sales of competitive foods and beverages, and banning or limiting the sale of items in vending machines continue to be among the leading policy initiatives. The map on the following page highlights the 2005 school nutrition legislative activity.



- Restrict the sale of food and beverages of minimal nutritional value to 30 minutes after the last lunch period ends
- Sell only healthy food and beverage items in vending machines
- Provide elementary students with daily recess, including unstructured physical activity; provide middle school students with 20 minutes of aerobic activity per day; and offer high school students a variety of health and fitness classes, in addition to existing physical education and graduation requirements
- Provide co-curricular physical activity programs (i.e., intramural sports and sport clubs) and promote the use of school facilities for physical activity after hours
- Encourage families and communities to get involved

**Louisiana, West Virginia and Maryland** are among a few states that established statewide standards through legislation; however, such standards are not always established through the legislative process. In 2004, one of the more comprehensive policies was set by the executive branch through the Texas Department of Agriculture. This year, **New Jersey's** Acting Gov. Richard Codey (D) announced the release of the Department of Agriculture's model school nutrition policy that must be adopted by school districts by September 1, 2007. The policy will be implemented in two phases. By Sept. 1, 2006, school districts must adopt a school nutrition policy, and a year later, schools will have to adapt their policies to the model policy released by the Department of Agriculture.

The model policy bans the following items from being sold on elementary, middle and high school property during the school day:

- Foods of minimal nutritional value
- All food and beverage items listing sugar, in any form, as the first ingredient
- All forms of candy

The policy also require schools to reduce the number of products purchased containing trans fats and sets the following nutritional standards for snack and beverage items sold or served on school grounds:

- Contain no more than 8 grams of total fat per serving, with the exception of nuts and seeds
- Contain no more than 2 grams of saturated fat per serving

Sixty percent of the ice cream and frozen desserts made available to students must meet the above standards for sugar, fat and saturated fat. Beverages sold to students cannot exceed 12 ounces with the exception of water and 2 percent milk; servings of whole milk cannot exceed 8 ounces. In elementary schools, the only beverages that can be sold include milk, water or 100 percent fruit or vegetable juices. At least 60 percent of the beverages offered in middle and high schools, other than milk and water, must be 100 percent fruit or vegetable juices.

The above standards apply to any item made available to students, including those available in vending machines, à la carte lines, snack stores, school stores and fundraisers. Exceptions will be made for food and beverage items served during special school celebrations. The policy is not applicable to medically authorized special needs diets.

In addition, the Board of Education recommends that physical education or recess

be scheduled before lunch whenever possible.

By giving school districts two and half years to comply with the requirements, the department believes that school districts will have sufficient time to work with vendors to ensure that the products selected will meet the nutritional standards and will not compromise the revenue generated by such contracts.

Some states are also passing legislation that calls for more localized control in setting nutritional standards. **Rhode Island** Gov. Don Carcieri (R) signed a measure requiring each district's school committee to establish a health and wellness subcommittee that will be responsible for making recommendations regarding the district's nutrition and physical activities policies to decrease obesity. In **Oklahoma** each school district board must ensure that their policies meet the recommendations set by the state. Rather than mandating action, **Colorado, Illinois** and **Utah** passed measures that encourage local school districts to establish policies.

### Summary of Enacted Legislation

**Kentucky** was the first state this year to enact comprehensive school nutrition legislation. After four years of attempts and several negotiations, Gov. Ernie Fletcher (R) signed S.B. 172 into law in March. The act:

- Requires the Board of Education to issue regulations that set minimum nutritional standards for all food and beverage programs that are sold outside the Nutritional School Breakfast and National School lunch programs.
- Bans the sale of competitive foods and beverages from the arrival of the first student at the school building until 30 minutes after the last lunch period. Affected items are defined as any food or beverage item sold in competition with the National School Breakfast and Lunch programs except those sold a la carte.
- Allows only "school-day-approved beverages," defined as water, 100 percent fruit juice, low-fat milk and any other beverage containing no more than 10 grams of sugar per serving, to be sold in elementary school vending machines, school stores, canteens or fundraisers during the school day.

Unlike other school nutrition bills, this bill assesses penalties for schools that violate the above requirements as follows:

- For the first violation, a fine of no less than one week's revenue from the sale of competitive food
- For subsequent violations, a fine of at least one month's revenue from the sale of competitive food
- For "habitual violations," defined as more than 5 violations within a six month period, a six-month ban on competitive food sales

Money collected from these fines will be transferred to the local school district's food service fund.

In addition, beginning with the 2006-2007 academic year each school will limit the sale of retail fast foods in cafeterias to one day per week.

The bill also sets requirements for food service personnel. The act requires each district to appoint a credentialed "school food service and nutrition specialist" within three years of the effective date of the bill. This individual, along with school cafeteria managers, must receive continuing education in nutrition and healthy meal planning. Other states that have introduced legislation that targets food service personnel include California, Hawaii and North Carolina.

In April, measures in **Arkansas, Arizona, Colorado, Kansas, New Mexico** and **Oklahoma** were signed into law.

**Arkansas** S.B. 965 requires each school district to provide information regarding the National School Lunch Program to its school nutrition and physical activity advisory committee. Each committee must provide recommendations concerning menus and other foods sold in the school cafeteria.

**Arizona** H.B. 2544 mandates the Department of Education to develop, by July 1, 2006, minimum nutrition standards that meet or exceed federal regulations for all foods and beverages sold or served at elementary, middle and junior high schools or at school-sponsored events. Nutrition standards may include portion sizes, minimum nutrient values and a listing of contents and will apply to items offered à la carte, in vending machines, snack bars, meal kiosks and school stores. Individual school districts have the option of setting such standards for high schools.

The bill also prohibits foods of minimal nutritional value from being sold or served during the school day at any elementary, middle or junior high school campus. As of July 15, 2006, school administrators are prohibited from signing food and beverage contracts that include the sale of sugared, carbonated beverages and all other foods of minimal nutritional value on elementary, middle and junior high school campuses. The department of education may approve a carbonated drink that meets or exceeds the minimum nutrition standards that they will establish. In addition, parents, students and community members will be allowed to review the contracts.

Although **Colorado** S.B. 81 does not lay out specific nutrition guidelines for schools to follow, it does strongly encourage school districts to adopt policies that give students access to healthy food choices and portions, access to nutritional content information on foods and beverages made available for purchase and to offer daily physical activity. The measure also encourages each school district to establish standards for the availability of competitive foods and beverages and to adopt a local wellness policy. **Utah** passed similar legislation, H.J. R. 11, encouraging school community councils, school districts, health care providers, community-based organizations, businesses and families to establish comprehensive wellness policies.

**Kansas** Gov. Kathleen Sebelius (D) enacted S.B. 154 requiring the state board of education to develop nutrition guidelines for all foods and beverages made available to state public school students during the school day. The board must consider providing healthy foods and beverages, physical activities and wellness education to prevent and reduce childhood obesity. In signing the bill, Gov. Sebelius said, "If we're going to create a healthy Kansas, we have to start by eating healthier. Our eating habits are developed when we're children, so it only makes sense to encourage our kids to eat better. Eating better at school will help kids live healthier, happier lives."

The Kansas Legislature also adopted S.C.R. 1604. The resolution requests the Kansas Department of Education, in conjunction with other public and private agencies, to study the state's public schools' food programs, the availability of other food items available on school premises and the availability of classes that promote health and physical fitness. The Department of Education must report its findings and recommendations by the start of the 2006 legislative session.

On April 4, **New Mexico's** Gov. Bill Richardson (D) signed H.B. 61 into law. The bill calls for the Department of Education to establish nutrition standards for foods and beverages sold outside of federal school meal programs by Dec. 31, 2005. The department will collaborate with local school districts, dietitians and other interested parties in drafting the standards. New Mexico legislators introduced several other bills relating to school nutrition including a Competitive Foods in Schools Act that more explicitly established nutritional standards for school meals and vending machines. These bills did not make it past the chamber of origin.

**Oklahoma** amended its Healthy and Fit Kids Act, enacted last year, which required the formation of a six-member committee in each school. Senate Bill 265 requires each school district board to ensure that:

- Elementary school students not have access to FMNVs except on special occasions
- Middle and junior high school students not have access to FMNVs except after school, at evening events and on special occasions, with the exception of diet sodas with less than ten calories per serving
- High school students have access to healthy food choices. Incentives, such as lower prices, should be provided to encourage selection of healthy food choices over FMNVs.

The Oklahoma Fit Kids Coalition and Oklahoma State Medical Association strongly supported this bill while the Grocery Manufacturers of America opposed it.

As part of a more comprehensive statewide approach to address obesity, Gov. Joe Manchin (D) signed the **West Virginia** Healthy Act of 2005, S.B. 2816, into law in May. This act sets forth guidelines to promote healthy lifestyles and to reduce obesity and related problems for all West Virginians. The Act does provide guidance on the type of beverages that can be sold in schools. House Bill 2816 prohibits the sale of soft drinks through vending machines, in school stores or on-site fundraisers during the school day in areas accessible to students in elementary, middle or junior high schools. These schools are only permitted to sell "healthy beverages" during the school day, defined as water, 100 percent fruit and vegetable juice, low-fat milk and other juice beverages with at least 20 percent real juice. For those high schools that permit the sale of soft drinks, "healthy beverages" must account for at least 50 percent of the total beverages offered and must be located near the vending machines containing soft drinks. The bill stipulates that 75 percent of the profits from the sale of "healthy beverages" can be allocated by faculty vote and the rest of the profits will be allocated by the principal.

Taking a different approach to limiting access to FMNVs, **Maryland** S.B. 473 requires timing devices to be placed on public schools' vending machines by Aug. 1, 2006. The timing devices will be set to automatically prohibit or allow access to

items sold in vending machines in accordance to policies set by county school boards.

June also proved to be an active month—six additional states enacted legislation. In **South Carolina**, Gov. Mark Sanford (R) signed the Students Health and Fitness Act of 2005. Along with physical education requirements, H.B. 3499 requires the State Board of Education to establish nutritional guidelines for elementary school food service meals and competitive foods based on the recommendations outlined in the State Department of Education Task Force on Student Nutrition and Physical Activity Report, the National School Lunch Act, and the most recent federal Dietary Guidelines for Americans. The measure requires each school district to establish a Coordinated School Health Advisory Council (CSHAC) responsible for assessing, planning, implementing and monitoring school health policies and programs. The CSHAC will be responsible for determining which snacks may be sold in vending machines in elementary schools. The Act also requires each school board of trustees to establish restrictions on food and beverage items made available through vending machines. The act indicates that these policies are not applicable to food and beverage items provided by a parent or guardian, however, the measure allows for the board to set a more restrictive policy.

**Maine** S.B. 263, also signed into law in June, adopted some of the original recommendations offered by the Commission to Study Public Health that Concern Schools, Children and Nutrition. Although not all of the Commission's recommendations received final approval from lawmakers, four of the recommendations did pass. The first asks the Department of Education to work with public schools to encourage nutrition education as part of a coordinated school health program. The second recommendation requires schools' food service programs to post caloric information for prepackaged à la carte items made available for purchase. In addition, the Department of Education must adopt policies that establish nutritional standards for food and beverage items sold outside the federal meal program. The standards must include maximum portion sizes that are consistent with the single-serving standards established by the FDA. The standards are not applicable to items made available through fundraisers. The third recommendation establishes a pilot program to install vending machines in schools that only sell flavored or unflavored milk, containing no more than 1 percent fat. The final recommendation requires the Department, in collaboration with the Department of Agriculture, Food and Rural Resources, to implement the National Farm to School Program by Jan. 31, 2006. The program will provide locally grown fruits and vegetables to public schools, increasing access to nutritious products.

Gov. Don Carcieri (R) of **Rhode Island** signed H.B. 5563 and S.B. 565 requiring each district's school committee to establish a health and wellness subcommittee. Among their responsibilities, subcommittees will make recommendations regarding the district's health education curriculum and instruction.

In **Missouri** lawmakers adopted H.B. 568 requiring the Department of Elementary and Secondary Education to establish a "Model School Wellness Program" that will teach and encourage students to establish and maintain healthy lifestyles. School districts will be selected to participate in the pilot program that will focus on tobacco prevention and the importance of a balanced diet and physical activity to prevent obesity and the onset of obesity-related medical conditions. Money for this program will be appropriated from the Child Nutrition and WIC Reauthorization federal grant money. School districts will be eligible to apply for one-year grants for the upcoming

school year, and the department will evaluate the effectiveness of the program in increasing knowledge, changing body mass index, improving attitudes and behaviors of students relating to nutrition, physical activity and tobacco.

**Louisiana** recently adopted a measure that sets nutritional requirements for food and beverage items sold in elementary, secondary and high schools. Beginning with the 2005-2006 academic year, elementary and secondary schools are prohibited from selling beverages that exceed 16 ounces from 30 minutes before the start of the school day until 30 minutes after the day ends. The measure makes an exception for milk, water and fruit juices that are composed of 100 percent fruit or vegetable juice. In addition, the bill restricts the sale of FMNVs and snacks and desserts that exceed 150 calories per serving, have more than 35 percent of their calories from fat or have more than 30 grams of sugar per serving, with the exception of unsweetened seeds or nuts. The measure also prohibits fresh pastries from being sold on school grounds.

In high schools, food service programs must ensure that milk, water, and fruit and vegetable juices make up at least 50 percent of the beverages available to students and that no more than 50 percent of the available food items exceed the requirements stated above.

Senate Bill 145 also authorizes the Pennington Biomedical Research Center to develop guidelines relating to foods that can be sold on school grounds and requires the State Board to establish rules regarding the placement of competitive foods in elementary and secondary schools.

Although not setting a mandate, **Illinois** legislators adopted a resolution that urges the State Board of Education, the soft drink industry and the Illinois Statewide School Management Alliance to eliminate the sale of soda and foods of minimal nutritional value from school grounds.

### **Vetoed Legislation**

To date, only one school nutrition measure was vetoed. **Connecticut** Gov. Jodi Rell (R) vetoed S.B. 1309 citing her strong support for local control of schools and parental participation. "While improving the health and wellness of Connecticut's children is a laudable goal," the governor proclaimed, "this bill, in my opinion,... reaches too far by reducing Connecticut's long and proud tradition of local control of schools. If enacted, S. B. 1309 would limit parental and local board of education participation in addressing their children's health and dietary needs."

The bill proposed sweeping school nutrition and physical activity mandates. For elementary schools, the measure would have mandated that schools provide 100 minutes of physical activity per week, not counting physical education. The measure also called for establishing school wellness committees and nutrition guidelines for beverages served in schools.

The governor has instructed the State Department of Education to develop and publish "as soon as possible" guidelines for comprehensive school nutrition policies for schools to model their own nutrition policies. The guidelines must include, at a minimum:

- Methods for promoting physical activity during and outside of school
- Methods of providing healthy meals and food options

- Processes for changing health and physical education curriculum to underscore the importance of diet and exercise in maintaining a healthy lifestyle
- Strategies for identifying the support systems parents need to instill healthy lifestyles in their children
- Techniques to involve students in developing, implementing and evaluating school nutrition policies
- Research and data, including health trends and nutritional information, that school districts can use in developing and implementing school nutrition policies

While local education officials and the food and beverage industry had urged the governor to veto the legislation, health advocates and state lawmakers who approved the measure were disappointed. The bill's sponsor, Senate President pro tem Donald E. Williams, Jr., cited that the measure had strong support from parents and pediatricians but was outweighed by food and beverage industry lobbying efforts to defeat the bill. Senate Bill 1309 marks only the third time the governor has exercised her veto powers in the 2005 legislative session.

### **2005 Legislative Activity**

The table on the following page highlights other measures that have been introduced, as well as those that are pending before state legislative committees. Measures that are pending are italicized and highlighted in blue, those that have been enacted are bolded and highlighted in yellow. The bill summaries provided in the chart reflects the introduced versions of the bills.



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
AK	SB	199	"An Act relating to public school funding for a prohibition on the sale of food and beverages of minimal nutritional value in schools and for placing restrictions on the use of vending machines in public schools."	05/09/2005--(S) REFERRED TO HEALTH EDUCATION & SOCIAL SERVICES
AR	SB	1097	"AN ACT TO ESTABLISH THE MODEL SCHOOL WELLNESS PROGRAM WITHIN THE DEPARTMENT OF HEALTH; AND FOR OTHER PURPOSES."	04/08/2005--(S) RECOMMENDED FOR STUDY IN THE INTERIM COMMITTEE ON PUBLIC HEALTH
AR	SB	965	<b>"AN ACT TO PROVIDE STATEWIDE STANDARDS FOR SCHOOL LUNCH PROGRAMS; AND FOR OTHER PURPOSES."</b>	<b>04/18/2005--(S) NOTIFICATION THAT SB965 IS NOW ACT 2285</b>
AR	SB	1125	"AN ACT TO PROVIDE FOR STATEWIDE STANDARDS FOR AND OVERSIGHT OF SCHOOL LUNCH PROGRAMS; AND FOR OTHER PURPOSES."	03/07/2005--(S) READ FIRST TIME RULES SUSPENDED READ SECOND TIME REFERRED TO SENATE COMMITTEE ON PUBLIC HEALTH WELFARE AND LABOR
AZ	HB	2549	"AN ACT AMENDING SECTION 15-342 ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS."	02/01/2005--SECOND READ
AZ	HB	2597	"AN ACT AMENDING SECTION 15-341 ARIZONA REVISED STATUTES; RELATING TO SCHOOL DISTRICT GOVERNING BOARDS."	02/10/2005--SECOND READ
AZ	HB	2544	<b>"AN ACT AMENDING TITLE 15 CHAPTER 2 ARTICLE 2 ARIZONA REVISED STATUTES BY ADDING SECTION 15-242; RELATING TO THE DEPARTMENT OF EDUCATION."</b>	<b>04/26/2005--CHAPTER: 238 CHAPTERED VERSION: SENATE ENGROSSED VERSION</b>
CA	SB	567	<i>"An act to add Section 49535 to the Education Code relating to pupil wellness."</i>	06/29/2005--(H) PLACED ON APPROPRIATIONS SUSPENSE FILE.
CA	HB	443	<i>"An act to amend Section 48931 and add Section 48939 to the Education Code relating to pupils."</i>	06/27/2005--(S) RE-REFERRED TO COMMITTEE ON HEALTH.
CA	HB	444	<i>"An act to amend Section 49531.1 of the Education Code relating to pupils."</i>	06/30/2005--(S) FROM COMMITTEE: DO PASS AND RE-REFER TO COMMITTEE ON APPROPRIATIONS WITH RECOMMENDATION: TO CONSENT CALENDAR. RE-REFERRED. (AYES 11. NOES 0.)
CA	HB	569	<i>"An act to amend Section 48931 to add Section 49437 and to add Article 12.5 (commencing with Section 49575) to Chapter 9 of Part 27 of the Education Code relating to pupil nutrition."</i>	06/27/2005--(S) FROM COMMITTEE CHAIR WITH AUTHOR'S AMENDMENTS: AMEND AND RE-REFER TO COMMITTEE. READ SECOND TIME AMENDED AND RE-REFERRED TO COMMITTEE ON HEALTH.
CA	HB	622	<i>"An act to amend Sections 49430 49430.5 and 49431 of the Education Code relating to pupil nutrition."</i>	04/27/2005--(H) IN COMMITTEE: SET FIRST HEARING. HEARING CANCELED AT THE REQUEST OF AUTHOR.



**2005 Legislative Activity: School Nutrition Legislation**  
**Health Policy Tracking Service, a Thomson West Business, July 1, 2005**

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
CA	HB	831	<i>"An act to amend Sections 1240 17592.70 35186 41500 41501 41572 44258.9 48642 49436 52055.640 52295.35 56836.165 and 60119 of to add Section 88 to and to repeal Section 32228.6 of the Education Code to amend Item 6110-197-0890 of Section 2.00 of Chapter 208 of the Statutes of 2004 (the Budget Act of 2004) and to amend Sections 22 and 23 of Chapter 900 of the Statutes of 2004 relating to education making an appropriation therefore and declaring the urgency thereof to take effect immediately."</i>	07/05/2005--(H) RE-REFERRED TO COMMITTEE ON EDUCATION PURSUANT TO ASSEMBLY RULE 77.2.
CA	HB	1381	<i>"An act to amend Section 104575 of the Health and Safety Code relating to nutrition. An act to amend Section 51796 of the Education Code relating to school gardens."</i>	05/04/2005--(H) IN COMMITTEE: SET FIRST HEARING. HEARING CANCELED AT THE REQUEST OF AUTHOR.
CA	SB	12	<i>"An act to amend Sections 49430 and 49431 of and to add Section 49431.2 to the Education Code relating to pupils."</i>	06/30/2005--(H) FROM COMMITTEE: DO PASS BUT FIRST BE RE-REFERRED TO COMMITTEE ON HEALTH. (AYES 7. NOES 1.) RE-REFERRED TO COMMITTEE ON HEALTH
CA	SB	254	<i>"An act to add Section 11005.4 to the Government Code relating to state property."</i>	06/28/2005--(H) SET FIRST HEARING. HEARING CANCELED AT THE REQUEST OF AUTHOR.
CA	SB	281	<i>"An act to amend Section 104650 and to add Section 104651 to the Health and Safety Code relating to nutrition."</i>	06/30/2005--(H) FROM COMMITTEE: DO PASS BUT FIRST BE RE-REFERRED TO COMMITTEE ON HEALTH WITH RECOMMENDATION: TO CONSENT CALENDAR. (AYES 11. NOES 0.) RE-REFERRED TO COMMITTEE ON HEALTH
CA	SB	522	<i>"An act to add Section 11005.4 to the Government Code relating to state property and declaring the urgency thereof to take effect immediately."</i>	05/26/2005--(S) PLACED ON INACTIVE FILE ON REQUEST OF SENATOR TORLAKSON.



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
CA	SB	965	<i>"An act to amend Section 49431.5 of the Education Code relating to pupils."</i>	07/06/2005--(H) FROM COMMITTEE: DO PASS BUT FIRST BE RE-REFERRED TO COMMITTEE ON APPROPRIATIONS (AYES 8. NOES 3.) RE-REFERRED TO COMMITTEE ON APPROPRIATIONS
CA	HB	569	<i>"An act to amend Section 48931 to add Section 49437 and to add Article 12.5 (commencing with Section 49575) to Chapter 9 of Part 27 of the Education Code relating to pupil nutrition."</i>	06/27/2005--(S) FROM COMMITTEE CHAIR WITH AUTHOR'S AMENDMENTS: AMEND AND RE-REFER TO COMMITTEE. READ SECOND TIME AMENDED AND RE-REFERRED TO COMMITTEE ON HEALTH.
<b>CO</b>	<b>SB</b>	<b>81</b>	<b>"CONCERNING THE ADOPTION OF SCHOOL DISTRICT BOARD OF EDUCATION POLICIES RELATED TO IMPROVING CHILDREN'S NUTRITION."</b>	<b>04/14/2005--GOVERNOR ACTION - SIGNED</b>
CO	SB	197	"Requires each school district board of education to adopt a policy providing that by the 2007-08 school year at least 50% of all items offered in vending machines located in public schools of the school district meet acceptable nutritional standards."	05/06/2005--(H) SECOND READING LOST
CT	SB	833	"To address childhood obesity and increase the availability of nutritious locally-grown foods."	01/24/2005--REFERRED TO JOINT COMMITTEE ON EDUCATION
CT	SB	834	"To address childhood obesity by improving nutrition in schools."	01/24/2005--REFERRED TO JOINT COMMITTEE ON EDUCATION
CT	SB	1174	"To increase recess times for students in grades kindergarten to five to establish local School Wellness committees to ensure that only low-fat nutritious food and drinks are available at schools for purchase by students and to acquire state-wide children's body mass index information to decrease the incidence of childhood obesity."	03/21/2005--FAVORABLE CHANGE OF REFERENCE HOUSE TO COMMITTEE ON EDUCATION
CT	HB	5555	"To address the crisis of child and youth obesity."	01/20/2005--REFERRED TO JOINT COMMITTEE ON EDUCATION
CT	SD	46	"To fight childhood obesity."	12/27/2004--PREFILED
CT	SB	8	"To fight childhood obesity."	01/05/2005--REFERRED TO JOINT COMMITTEE ON EDUCATION
CT	SB	9	"To address childhood obesity by ensuring that student cafeterias in public schools provide nutritious lunches for children of school age."	02/10/2005--PUBLIC HEARING 02/16
CT	SB	842	"To address childhood obesity by improving nutrition in schools."	01/24/2005--REFERRED TO JOINT COMMITTEE ON EDUCATION
CT	SB	1174	"To increase recess times for students in grades kindergarten to five to establish local School Wellness committees to ensure that only low-fat nutritious food and drinks are available at schools for purchase by students and to acquire state-wide children's body mass index information to decrease the incidence of childhood obesity."	03/21/2005--FAVORABLE CHANGE OF REFERENCE HOUSE TO COMMITTEE ON EDUCATION



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
CT	SB	1309	"To require a daily minimum period of physical activity for students to require the establishment of committees to monitor and implement nutrition and physical activity policies to limit the types of beverages available to students to require the Department of Education to develop and make available to school districts a list of healthy snacks that may be consumed by students to increase the number of children participating in the school breakfast program and to encourage the use of Connecticut grown products in school meals."	06/14/2005--VETOED BY GOVERNOR
FL	SB	126	"Education; Margolis; (CO-SPONSORS) Bullard; Bennett; Diaz de la Portilla; Lynn; Argenziano; Jones; Constantine (Compare 1ST ENG/H 0879 H 1113 S 2388) Education; requires each school district to submit copy of its wellness policy to DOE; requires DOE to post each policy on its website; encourages each school district to review its level of participation & evaluate success of its wellness programs; requires DOE to evaluate extent to which certain standards in arts are being taught in each school district; requires certain public high schools to have defibrillator on school grounds etc. Amends 1003.455."	04/28/2005--(S) PLACED ON SPECIAL ORDER CALENDAR -SENATE JOURNAL 00689; READ SECOND TIME -SENATE JOURNAL 00687; AMENDMENT(S) ADOPTED -SENATE JOURNAL 00687; SUBSTITUTED HB 879 (DIED IN HOUSE RETURNING MESSAGES) -SENATE JOURNAL 00687; LAID ON TABLE
HI	HB	377	"Establishes public school nutrition standards and food service manager nutrition training requirements. Requires the department of education to encourage schools to provide culturally appropriate nutrition education and farm-to-table education programs. (HB377 HD1)"	02/17/2005--(H) PASSED SECOND READING AS AMENDED IN (HD 1) AND REFERRED TO THE COMMITTEE ON HOUSE FINANCE WITH NONE VOTING NO AND SAIKI EXCUSED.
HI	HR	20	"requesting the department of education TO ADOPT STRATEGIES TO ENCOURAGE HEALTHY NUTRITION IN PUBLIC SCHOOLS."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION REFERRAL SHEET 3
HI	HCR	17	"requesting the department of education TO ADOPT STRATEGIES TO ENCOURAGE HEALTHY NUTRITION IN PUBLIC SCHOOLS."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION REFERRAL SHEET 3
HI	SB	493	"Establishes public school nutrition standards and food service manager nutrition training requirements. Requires the department of education to encourage schools to provide culturally appropriate nutrition education and farm-to-table education programs."	02/02/2005--(S) RE-REFERRED TO SENATE HEALTH/SENATE EDUCATION AND MILITARY AFFAIRS SENATE WAYS AND MEANS.
IA	HB	541	"This bill requires the board of directors of each public school to prohibit elementary school student access to vending machines offering food and beverages in attendance centers; to include as part of an academic progress report that the Code requires each school district to annually submit to the community the amounts and specific sources of funds received and expenditures made by the school district from competitive food and beverage contracts; to send annually to a student's parent or guardian a student health report that includes a body mass index (BMI) percentile by age for the student and an explanation of the possible health effects relating to body mass index nutrition and physical activity."	03/09/2005--(H) SUBCOMMITTEE DOLECHECK FORD AND TOMENGA. H.J. 602.



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
IL	HB	612	<i>"Establishes the Childhood Health Promotion Program to prevent and reduce the incidence and prevalence of obesity in children and adolescents. Provides several features of the Childhood Health Promotion Program. Provides that the Department of Public Health shall periodically collect and analyze information from schools health and nutrition programs. Amends the School Code. Authorizes and encourages every school district and the Chicago Board of Education to establish a Child Nutrition Advisory Committee to study all facets of the current nutritional policies of the district and board including but not limited to the goals of the district and board to promote health and proper nutrition vending machine sales menu criteria educational curriculum teaching health nutrition educational information provided to parents or guardians regarding healthy nutrition and the health risks associated with obesity opportunities offered to parents or guardians to encourage healthier eating habits to students and the education provided to teachers and other staff as to the importance of health nutrition."</i>	06/24/2005--(H) SENT TO THE GOVERNOR
IL	HB	1537	<i>"Amends the School Code. Requires school districts to restrict access to vending machine products during times when school breakfasts and lunches are being served. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately."</i>	03/10/2005--(H) RULE 19(A) / RE-REFERRED TO RULES COMMITTEE
IL	SB	162	<i>"Amends the School Code. Requires the State Board of Education to establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention. Requires the Department of Public Health and the State Board to form an interagency working group to publish model wellness policies and sample programs. Requires the State Board to establish a pilot project to implement model wellness policies. Creates the School Wellness Policy Taskforce to identify barriers to implementing wellness policies recommend how to reduce those barriers recommend statewide school nutrition standards and evaluate the effectiveness of wellness policies. Effective immediately."</i>	06/15/2005--(S) SENT TO THE GOVERNOR
IL	HB	733	<i>"Amends the School Code. Requires the State Board of Education to establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention. Requires the Department of Public Health and the State Board to form an interagency working group to publish model wellness policies and sample programs. Requires the State Board to establish a pilot project to implement model wellness policies. Creates the School Wellness Policy Taskforce to identify barriers to implementing wellness policies recommend how to reduce those barriers recommend statewide school nutrition standards and evaluate the effectiveness of wellness policies. Effective immediately."</i>	06/17/2005--(H) SENT TO THE GOVERNOR
IL	HB	4	<i>"Amends the School Code. Adds a Section concerning the prohibition of soft drinks. Contains only a caption."</i>	03/10/2005--(H) RULE 19(A) / RE-REFERRED TO RULES COMMITTEE



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
IL	HB	250	<i>"Amends the School Breakfast and Lunch Program Act. Requires a school board (including the board of a private school) that (1) completes a nutritional analysis of traditional or enhanced food-based menu plans as part of the State review process (2) provides its meals under a nutrient-based menu plan or (3) utilizes software that calculates the nutritional content of foods or menus to publish the school lunch menu and the nutrition content including calories of each meal item. Provides that all other school boards are strongly encouraged to publish the school lunch menu and the nutrition content including calories of each meal item. Provides that a school board may determine the frequency and manner of publication. Requires a comprehensive health education program to include instruction in secondary schools on clinical depression and suicide prevention."</i>	05/05/2005--(S) REFERRED TO RULES
IL	HB	612	<i>"Establishes the Childhood Health Promotion Program to prevent and reduce the incidence and prevalence of obesity in children and adolescents. Provides that the Department of Public Health shall periodically collect and analyze information from schools health and nutrition programs and other sources to determine the prevalence of childhood obesity in the State. Amends the School Code. Authorizes and encourages every school district and the Chicago Board of Education to establish a Child Nutrition Advisory Committee to study all facets of the current nutritional policies of the district and board including but not limited to the goals of the district and board to promote health and proper nutrition vending machine sales menu criteria educational curriculum teaching health nutrition educational information provided to parents or guardians regarding healthy nutrition and the health risks associated with obesity opportunities offered to parents or guardians to encourage healthier eating habits to students and the education provided to teachers and other staff as to the importance of health nutrition."</i>	06/24/2005--(H) SENT TO THE GOVERNOR
IL	HB	733	<i>"Amends the School Code. Requires the State Board of Education to establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention. Requires the Department of Public Health and the State Board to form an interagency working group to publish model wellness policies and sample programs. Requires the State Board to establish a pilot project to implement model wellness policies. Creates the School Wellness Policy Taskforce to identify barriers to implementing wellness policies recommend how to reduce those barriers recommend statewide school nutrition standards and evaluate the effectiveness of wellness policies. Effective immediately."</i>	06/17/2005--(H) SENT TO THE GOVERNOR
IL	HB	1536	<i>"Amends the School Code. Provides that each school board must adopt no later than the 2006-2007 school year nutritional goals and policies regarding the use of vending machines in schools. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately."</i>	03/10/2005--(H) RULE 19(A) / RE-REFERRED TO RULES COMMITTEE
IL	HB	1537	<i>"Amends the School Code. Requires school districts to restrict access to vending machine products during times when school breakfasts and lunches are being served. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately."</i>	03/10/2005--(H) RULE 19(A) / RE-REFERRED TO RULES COMMITTEE



**2005 Legislative Activity: School Nutrition Legislation**  
**Health Policy Tracking Service, a Thomson West Business, July 1, 2005**

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
IL	HR	83	<b>"Urges the State Board of Education the soft drink industry and the Illinois Statewide School Management Alliance to eliminate soft drink beverage sales and junk food products from school settings."</b>	<b>05/29/2005--(H) RESOLUTION ADOPTED</b>
IL	SB	162	<i>"Amends the School Code. Requires the State Board of Education to establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention. Requires the Department of Public Health and the State Board to form an interagency working group to publish model wellness policies and sample programs. Requires the State Board to establish a pilot project to implement model wellness policies. Creates the School Wellness Policy Taskforce to identify barriers to implementing wellness policies recommend how to reduce those barriers recommend statewide school nutrition standards and evaluate the effectiveness of wellness policies. Effective immediately."</i>	06/15/2005--(S) SENT TO THE GOVERNOR
IL	SB	231	<i>"Amends the School Code. Limits the type and size of beverage items that may be sold in a public school during school hours. Prohibits a public school or school board from entering into a contract with a beverage vending company if the contract contains certain provisions. Provides for a penalty. Amends the State Mandates Act to require implementation without reimbursement."</i>	03/18/2005--(S) RULE 3-9(A) / RE-REFERRED TO RULES
IL	SR	36	<i>"Urges the State Board of Education the soft drink industry and the Illinois Statewide School Management Alliance to eliminate soft drink beverage sales and junk food products from school settings."</i>	07/01/2005--(S) PURSUANT TO SENATE RULE 3-9(B) / REFERRED TO RULES
IL	HB	250	<i>"Amends the School Breakfast and Lunch Program Act. Requires a school board (including the board of a private school) that (1) completes a nutritional analysis of traditional or enhanced food-based menu plans as part of the State review process (2) provides its meals under a nutrient-based menu plan or (3) utilizes software that calculates the nutritional content of foods or menus to publish the school lunch menu and the nutrition content including calories of each meal item. Provides that all other school boards are strongly encouraged to publish the school lunch menu and the nutrition content including calories of each meal item. Provides that a school board may determine the frequency and manner of publication. Amends the Critical Health Problems and Comprehensive Health Education Act. Requires a comprehensive health education program to include instruction in secondary schools on clinical depression and suicide prevention. Amends the State Mandates Act to require implementation without reimbursement."</i>	05/05/2005--(S) REFERRED TO RULES



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
IN	HB	1343	"Requires school boards to establish a coordinated school health advisory councils to develop a local wellness policy that complies with certain federal requirements. Requires the department of education to provide information concerning health nutrition and physical activity. Requires that foods and beverages available for sale to students outside the federal school meal programs must meet certain requirements. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools. Creates certain exceptions to the daily physical activity requirement. Allows a school to continue a vending machine contract in existence before the passage of the bill. Phases in the percent of foods and beverages that must qualify as healthy."	02/28/2005--(H) AMENDMENT 1 (ORENTLICHER) FAILED; VOICE VOTE
KS	HB	2137	"an act concerning schools; relating to healthy food choices in vending machines."	01/26/2005--(H) HEARING: WED. 2/2/2005 1:30 PM RM 526-S
KS	SB	3	"An act concerning schools and school districts; relating to school finance; [relating to school nutrition;] relating to the powers and duties of the legislature courts state board of education and school districts in relation thereto; relating to litigation in relation thereto; making and concerning appropriations for FY 2006 for the department of education."	07/07/2005--(S) ENGROSSED
<b>KS</b>	<b>SB</b>	<b>154</b>	<b>"an act relating to food and beverages available to students in kansas school districts; relating to nutrition guidelines."</b>	<b>04/08/2005--APPROVED BY GOVERNOR -SJ 754</b>
KY	HB	90	"Create new sections of KRS Chapter 156 and amend KRS 160.340 to require the Department of Education local school boards and schools to implement local school district wellness programs to increase physical activity and encourage healthy choices; EMERGENCY."	01/06/2005--(H) TO HEALTH AND WELFARE (H)
KY	HB	56	"Creates the 9 member Commission for a Healthy Kentucky to develop an action plan to improve the health and well-being of all Kentuckians pursuant to the goals identified by Health Kentuckians 2010; require recommendations for an action plan in a report to the Governor and the Legislative Research Commission; create a new section of KRS Chapter 158 to define competitive food, healthy beverage, and school day; prohibit a school from selling during a school day certain chewing gum and water ices food with more than 40% added sugar by weight or items with more than 6 grams of fat per serving except for seeds and nuts; prohibit an elementary school from selling certain soda waters during a school day; permit a school to offer the a la carte sale in the cafeteria line those items that meet the United States Department of Agriculture standard for a breakfast or lunch component except permit the sale of frozen"	02/17/2005--(S) TO EDUCATION (S)



**2005 Legislative Activity: School Nutrition Legislation**  
**Health Policy Tracking Service, a Thomson West Business, July 1, 2005**

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
KY	SB	172	"Requires 30 minutes of physical activity each day in schools or 150 minutes per week coordinated by a certified physical education specialist beginning with the 2006-2007 school year for preschool through intermediate programs 2007-2008 for middle school programs and 2008-2009 for high school programs; Prohibits beginning with the 2006-2007 school year a school from preparing or serving deep-fried foods in the cafeteria during the school day; require each school to limit access to no more than one day each week to retail fast foods in the cafeteria whether sold by contract or commercial vendor; require each school district to appoint a food service director; require the Department of Education to promulgate an administrative regulation to specify minimum nutritional standards for all foods and beverages sold outside the National School Breakfast and Lunch programs; prohibit a school from selling competitive foods until 30 minutes after the last lunch-serving period; permit only school-day-appropriate beverages to be sold in elementary schools during the school day; require each school food service director to annually assess the school nutrition and physical activity environ	03/16/2005--SIGNED BY GOVERNOR (ACTS CH. 84)
KY	SB	222	"Create the nine member Commission for a Healthy Kentucky within the Cabinet for Health Services to develop an action plan to improve the health and well-being of all Kentuckians pursuant to the goals identified by Health Kentuckians 2010; create a new section of KRS Chapter 158 to define "competitive food " "school-day-approved beverage " and "school day"; prohibit a school from selling during a school day certain chewing gum and water ices food with more than 40% added sugar by weight or items with more than 6 grams of fat per serving except for seeds and nuts; prohibit an elementary school from selling anything other than school-day-approved beverages in vending machines and through fundraisers during a school day; permit a school to offer the a la carte sale in the cafeteria line those items that meet the federal requirements."	02/15/2005--(S) TO EDUCATION (S)
LA	SB	146	"AN ACT To enact R.S. 17:197.1 relative to school nutrition programs; to provide for legislative findings; to limit the sale of certain beverages and foods in public elementary and secondary schools during specified time periods; to require certain decisions be made by school principals; and to provide for related matters."	06/30/2005--(S) EFFECTIVE DATE 8/15/2005.
MA	HB	1102	"An Act relative to requiring schools districts to convene Child Nutrition and Physical Activity Advisory Committees."	03/21/2005--(H) DISCHARGED AND REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MA	HB	1214	"An Act ESTABLISHING LOCAL SCHOOL HEALTH ADVISORY COUNCILS."	03/14/2005--(H) REFERRED TO JOINT COMMITTEE ON EDUCATION



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
MA	HB	1449	"AN ACT RELATIVE TO SCHOOL FOOD PROGRAMS."	03/18/2005--(H) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MA	HB	1457	"AN ACT TO PROMOTE PROPER SCHOOL NUTRITION."	04/27/2005--(H) DISCHARGED AND REFERRED TO JOINT COMMITTEE ON PUBLIC HEALTH
MA	HB	1459	"AN ACT RELATIVE TO NUTRITION AWARENESS IN SCHOOLS."	03/18/2005--(H) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MA	HB	1460	"Resolved that Massachusetts public schools should implement a more rigorous initiative for educating middle school age children about the benefits of good nutrition and physical exercise; and be it further"	03/18/2005--(H) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MA	HB	1464	"Resolved"	03/18/2005--(H) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MA	HB	3657	"An Act RELATIVE TO VENDING MACHINES IN SCHOOLS"	05/10/2005--(H) REFERRED TO JOINT COMMITTEE ON PUBLIC HEALTH
MA	HB	3658	"An Act RELATIVE TO VENDING MACHINES IN PUBLIC SCHOOLS."	05/10/2005--(H) REFERRED TO JOINT COMMITTEE ON PUBLIC HEALTH
MA	SB	107	"AN ACT PROMOTING HEALTHY ALTERNATIVES IN PUBLIC SCHOOL FOOD PROGRAMS"	03/16/2005--(S) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MD	HB	503	"Requiring each local school system to purchase calcium-enriched food and beverages when purchasing food or beverages to be served to public school students in a public school building or at a public school activity; and providing that existing obligations or contract rights may not be impaired by the Act."	03/14/2005--(H) UNFAVORABLE REPORT BY WAYS AND MEANS
MD	HB	521	"Establishing a School Nutrition Program; requiring local school systems to serve specified required foods that follow specified requirements regarding portion sizes sodium content and method of preparation; prohibiting specified beverages and unhealthy foods from being served in public schools between the hours of 12:01 a.m. and the end of the last lunch period; authorizing local school systems to implement more stringent measures than those required under the Act; etc."	03/23/2005--(H) UNFAVORABLE REPORT BY WAYS AND MEANS
MD	SB	473	<b>"Requiring each county board of education to include the importance of physical activity as part of instruction in health education; requiring all vending machines in public schools to have and use a timing device in accordance with specified policies; etc."</b>	<b>05/10/2005--(S) SIGNED BY THE GOVERNOR CHAPTER 312</b>



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
MD	SB	609	"Establishing a School Nutrition Program; requiring local school systems to serve specified required foods that follow specified requirements regarding portion sizes sodium content and method of preparation; prohibiting specified beverages and unhealthy foods from being served in public schools between the hours of 12:01 a.m. and the end of the last lunch period; authorizing local school systems to implement more stringent measures than those required under the Act; etc."	02/16/2005--(S) HEARING 3/8 AT 1:00 P.M.
ME	SB	263	<b>"This bill implements the recommendations of the Commission to Study Public Health concerning schools children and nutrition. The bill: 1. Includes within the statewide system of learning results a nutrition component; 2. Requires schools to provide nutrition education for students; 3. Directs school boards to require that food and beverages sold outside of school meal programs adhere to healthy foods and beverages standards, single-serving standards and other health-related parameters; 4. Requires schools after August 2007 to post nutritional information for menu items; 5. Directs school boards after September 2007 to prohibit advertising of foods and beverages other than healthy foods and beverages on school grounds; 6. Directs the Department of Education by January 2006 in collaboration with the Maine Dairy and Nutrition Council to implement a pilot program to install dairy vending machines selling flavored and unflavored milk with 1% or less fat in schools; additional requirements provided.</b>	<b>06/23/2005--SIGNED - PUBLIC LAW CHAPTER 435</b>
MI	HB	4097	"A bill to amend 1976 PA 451 entitled "The revised school code"; (MCL 380.1 to 380.1852) by adding section 1271."	02/01/2005--(H) REFERRED TO COMMITTEE ON EDUCATION
MI	SB	91	"A bill to amend 1976 PA 451 entitled "The revised school code"; (MCL 380.1 to 380.1852) by adding section 1271."	01/27/2005--(S) REASSIGNED TO COMMITTEE ON HEALTH POLICY
MN	HB	1474	"A bill for an act relating to education finance; providing additional funding for school lunches; appropriating money"	03/09/2005--(H) AUTHORS ADDED --- HANSEN WESTERBERG PENAS TINGELSTAD LIEBLING RUTH
MN	SB	1403	"A bill for an act relating to education finance; providing additional funding for school lunches; appropriating money"	03/10/2005--(S) AUTHOR STRICKEN --- GAITHER
MO	HB	942	"To amend chapter 162 RSMo by adding thereto one new section relating to school nutrition."	04/11/2005--REFERRED: ELEMENTARY AND SECONDARY EDUCATION
MO	HB	320	"There has been an error processing your request on page: /05info/BTS_Web/Summary.aspx. Please click on return to main bill page and try again. If you continue to get this error please contact the web admin: senwebmaster@senate.mo.gov"	05/10/2005--(S) PLACED ON INFORMAL CALENDAR SENATE COMMITTEE SUBSTITUTE SENATE SUBSTITUTE /SENATE COMMITTEE SUBSTITUTE PENDING



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
MO	HB	568	"The bill establishes the Model School Wellness Program administered by the Department of Elementary and Secondary Education to create pilot programs in school districts encouraging students to avoid tobacco use balance their diets get regular exercise and become familiar with chronic medical conditions resulting from being overweight. School districts receiving the grants will establish programs that address academic success and encourage links between school and home. The tobacco prevention initiative will focus on fourth and fifth grades while the obesity prevention element will cover kindergarten through fifth grade. The bill requires hands-on professional development and an evaluation after the 2005-2006 school year that will include changes in body mass index and measurement of changing behaviors related to nutrition physical activity and tobacco use."	06/24/2005--DELIVERED TO SECRETARY OF STATE
MO	HB	823	"To amend chapter 167 RSMo by adding thereto one new section relating to a model school wellness program."	04/14/2005--(H) EXECUTIVE SESSION HELD
MS	HB	748	"AN ACT TO REQUIRE THAT IN SCHOOLS WITH VENDING MACHINES ONLY WATER NATURAL JUICES FRUIT AND NONPROCESSED SNACKS MAY BE SOLD IN THOSE MACHINES; AND FOR RELATED PURPOSES."	02/10/2005--(H) DIED ON CALENDAR
MS	SB	2513	"AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE RULES THAT DELINEATE A NUTRITION INTEGRITY POLICY FOR PUBLIC SCHOOLS; TO SPECIFY THAT COMPETITIVE FOODS SHALL NOT BE AVAILABLE IN ELEMENTARY OR MIDDLE SCHOOLS UNTIL ONE-HALF HOUR AFTER THE LAST LUNCH PERIOD OF EACH DAY; TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO MONITOR SCHOOL COMPLIANCE AND SUBMIT REPORTS TO THE LEGISLATURE; AND FOR RELATED PURPOSES."	02/01/2005--(S) DIED INSURANCE COMMITTEE
MT	HB	578	"A BILL FOR AN ACT ENTITLED: "AN ACT REGULATING THE USE OF VENDING MACHINES IN PUBLIC SCHOOLS; AND PRESCRIBING THE KINDS OF FOOD AND BEVERAGES THAT MAY BE SOLD IN A SCHOOL VENDING MACHINE."	03/01/2005--(H) MISSED DEADLINE FOR GENERAL BILL TRANSMITTAL
NC	HB	126	"AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY as recommended by the study committee for childhood overweight/obesity of the health and wellness trust fund."	06/02/2005--(S) REFERRED TO COMMITTEE ON JUDICIARY I
NC	HB	755	"AN ACT PERTAINING TO SNACK AND BEVERAGE VENDING IN PUBLIC SCHOOLS as recommended by the study committee for childhood overweight/obesity of the health and wellness trust fund commission."	03/17/2005--(H) REFERRED TO COMMITTEE ON RULES CALENDAR AND OPERATIONS OF THE HOUSE
NC	HB	855	"AN ACT directing the state board of education to establish statewide nutrition standards for school meals a la carTe foods and beverages and the after school snack program administered by the department of Public instruction and child nutrition programs of local school administrative units AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND."	06/02/2005--(S) REFERRED TO COMMITTEE ON HEALTH CARE



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
NC	SB	269	"AN ACT directing the state board of education to establish statewide nutrition standards for school meals a la carTe foods and beverages and the after school snack program administered by the department of Public instruction and child nutrition programs of local school administrative units AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND"	06/02/2005--(H) REFERRED TO COMMITTEE ON EDUCATION
NC	SB	961	"AN ACT TO ESTABLISH A STATEWIDE STANDARD FOR VENDING PRODUCTS SOLD DURING THE SCHOOL DAY as recommended by the study committee for childhood overweight/obesity of the health and wellness trust fund."	06/02/2005--(H) REFERRED TO COMMITTEE ON EDUCATION
ND	SB	2328	"A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code relating to a limitation on the sale of certain beverages on school property."	02/02/2005--(S) SECOND READING FAILED TO PASS YEAS 017 NAYS 029
NE	LB	285	"A BILL FOR AN ACT relating to schools; to adopt the Nutrition in Schools Act."	06/03/2005--CARRIED OVER TO SECOND REGULAR SESSION
NH	HB	151	"This bill requires each school district to establish a school age nutrition and physical activity advisory committee to develop policy for nutrition and physical activity."	05/19/2005--(S) INEXPEDIENT TO LEGISLATE ROLL CALL 17Y-7N MOTION ADOPTED === BILL KILLED ===; SENATE JOURNAL 18 PG.347
NH	SB	177	"This bill prohibits the sale of certain food and drinks in public school cafeterias."	03/24/2005--(S) INEXPEDIENT TO LEGISLATE MOTION ADOPTED VOICE VOTE === BILL KILLED ===; SENATE JOURNAL 10 PG.175
NJ	HB	2339	"An Act concerning pupil health and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	09/13/2004--COMBINED WITH A3196/2356/2905 (ACS)
NJ	HB	2905	"An Act concerning pupil health and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	09/13/2004--COMBINED WITH A3196/2339/2356 (ACS)
NJ	HB	3196	"An Act establishing certain restrictions concerning foods 4and beverages4 sold 4 served or given away4 to pupils at public 4[elementary and middle] and certain nonpublic4 schools and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	06/30/2005--SENATE AMENDMENT (35-0) (VITALE)
NJ	SB	1627	"An Act concerning pupil health and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	05/23/2005--COMBINED WITH S1913/1916 (SCS)
NJ	SB	1913	"An Act establishing certain restrictions concerning foods 2and beverages2 sold 2 served or given away2 to pupils at public 2[elementary and middle] and certain nonpublic2 schools and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	06/30/2005--SENATE AMENDMENT (35-0) (VITALE)
NJ	SB	1916	"An Act concerning pupil health and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	05/23/2005--COMBINED WITH S1913/1627 (SCS)
NM	HB	61	<b>"AN ACT RELATING TO PUBLIC SCHOOLS; PROVIDING FOR NUTRITION RULES GOVERNING FOODS AND BEVERAGES SOLD OUTSIDE OF SCHOOL MEAL PROGRAMS."</b>	<b>04/05/2005--SIGNED - CH.115</b>



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STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
NM	HB	598	"AN ACT RELATING TO SCHOOLS; ESTABLISHING HEALTHY NUTRITIONAL STANDARDS AND STANDARD PORTIONS; ENACTING THE COMPETITIVE FOODS IN SCHOOLS ACT."	01/31/2005--(7) HOUSE EDUCATION COMMITTEE-HOUSE BUSINESS & INDUSTRY COMMITTEE
NM	HB	681	"AN ACT RELATING TO HEALTH; REQUIRING A PERMIT FROM THE DEPARTMENT OF HEALTH TO SELL CERTAIN FOOD OR DRINK IN PUBLIC SCHOOLS; CREATING A FUND; MAKING AN APPROPRIATION."	03/15/2005--(48) WITHDRAWN FROM COMMITTEE FOR SUBSEQUENT ACTION-REFERRED SENATE EDUCATION COMMITTEE-SENATE EDUCATION COMMITTEE
NM	SB	295	"AN ACT RELATING TO SCHOOLS; ESTABLISHING NUTRITIONAL STANDARDS AND STANDARD PORTIONS; ENACTING THE COMPETITIVE FOODS IN SCHOOLS ACT."	01/24/2005--(3) SENATE EDUCATION COMMITTEE-SENATE PUBLIC AFFAIRS COMMITTEE
NM	SB	595	"AN ACT RELATING TO HEALTH; REQUIRING A PERMIT FROM THE DEPARTMENT OF HEALTH TO SELL CERTAIN FOOD OR DRINK IN PUBLIC SCHOOLS; CREATING A FUND; MAKING AN APPROPRIATION."	02/01/2005--(5) SENATE FINANCE COMMITTEE-SENATE EDUCATION COMMITTEE
NM	SB	794	"AN ACT MAKING AN APPROPRIATION FOR OBESITY PREVENTION PROGRAMS."	02/26/2005--(29) DO PASS COMMITTEE REPORT ADOPTED-SENATE FINANCE COMMITTEE
NY	HB	2697	<i>"AN ACT to create the "Healthy Kids Act" pilot program to encourage students to develop healthy eating habits and makes an appropriation therefore"</i>	01/28/2005--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY EDUCATION
NY	HB	5882	<i>"Prohibits the sale of certain foods in vending machines on public school grounds or public school property such as foods which are of minimal nutritional value; requires schools to make every effort to stock the vending machine with foods that contribute to nutritional well-being of pupils; requires future contracts and the renewal of existing contracts to comply with the provisions of this prohibition."</i>	06/20/2005--(H) ORDERED DIRECT TO THIRD READING
NY	HB	7118	<i>"Requires school authorities in each school district to submit a report regarding the distribution of food and drinks with minimal or no nutritional value within school districts; requires such reports be made to the commissioner of education and shall include an inventory of food and drinks with minimal or no nutritional value distributed to students and a plan for the elimination of such food and drinks; requires such report to provide for the elimination of such foods within certain prescribed time periods; requires the commissioner of education to compile and maintain a list of food and drinks with minimal or no nutritional value."</i>	04/06/2005--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY EDUCATION
NY	HB	7564	<i>"Provides for certain nutritional standards for food served or sold in public schools and requires that fruits vegetables and dairy products that are served or sold in public schools be produced in New York state."</i>	06/01/2005--(H) AMEND (T) AND RECOMMIT TO ASSEMBLY EDUCATION
NY	SB	1805	<i>"AN ACT to amend the education law in relation to nutritional standards in public schools"</i>	02/02/2005--(S) INTRODUCED AND REFERRED TO COMMITTEE ON SENATE EDUCATION



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
NY	SB	4940	<i>"Prohibits the sale of certain foods in vending machines on public school grounds or public school property such as foods which are of minimal nutritional value; requires schools to make every effort to stock the vending machine with foods that contribute to nutritional well-being of pupils; requires future contracts and the renewal of existing contracts to comply with the provisions of this prohibition."</i>	04/18/2005--(S) INTRODUCED AND REFERRED TO COMMITTEE ON SENATE EDUCATION
OH	SB	95	<i>"To amend sections 3302.07 3313.814 and 3314.03 and to enact sections 3313.816 and 3313.817 of the Revised Code to establish nutritional standards for food sold to students in public elementary schools and to prohibit the sale of certain beverages to students in all public schools except under specified conditions."</i>	03/09/2005--(S) REFERRED TO SENATE EDUCATION
OK	HB	1254	<i>"An Act relating to schools; requiring the State Board of Education to require school districts to replace certain beverages and snacks in vending machines in certain schools; requiring high schools to offer certain less expensive healthy beverage and snack options; allowing each Healthy and Fit School Advisory Committee to establish stricter guidelines; providing for codification; providing an effective date; and declaring an emergency."</i>	02/08/2005--(H) SECOND READING REFERRED TO HEALTH AND HUMAN SERVICES
OK	SB	265	<b>"An Act relating to schools; prohibiting access to certain foods in certain schools at certain times; providing for certain exceptions; requiring provision of certain food options in certain schools; requiring districts to provide certain incentives; directing State Board of Education to adopt rules; amending Section 1 Chapter 357 O.S.L. 2004 (70 O.S. Supp. 2004 Section 24-100a) which relates to the Healthy and Fit Kids Act of 2004; requiring school principal to consider recommendations of certain committee; requiring State Board of Education to adopt certain rules; authorizing Board to report certain deficiency for noncompliance with certain provisions; providing for codification; and providing an effective date."</b>	<b>04/14/2005--APPROVED BY GOVERNOR 04/14/2005</b>
OR	HB	2023	<i>"Prohibits school district board from contracting with vendor to sell to students food or drink that does not meet federal standards. Provides exceptions for certain schools at limited times. Declares emergency effective July 1 2005."</i>	01/12/2005--(H) REFERRED TO BUSINESS LABOR AND CONSUMER AFFAIRS WITH SUBSEQUENT REFERRAL TO WAYS AND MEANS.
OR	SB	662	<i>"Prohibits school districts from selling or contracting with vendors to sell by vending machine food and drink that do not meet standards adopted by State Board of Education. Requires board to adopt standards for food and drink sold by vending machine at school. Declares emergency effective on passage."</i>	02/22/2005--(S) REFERRED TO ENVIRONMENT AND LAND USE.



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
OR	SB	860	<i>"Directs school district boards to adopt policy to promote student wellness through specified guidelines and standards relating to nutrition. Requires that district have wellness policy in place prior to entering into contracts related to sale of food on campuses within district. Requires that each district submit wellness policy to Department of Education by first day of 2006-2007 school year. Directs department to report on school districts' implementation of policy to legislative interim committees on education prior to October 1 2006 and to Legislative Assembly prior to February 1 2007."</i>	05/12/2005--(H) REFERRED TO BUSINESS LABOR AND CONSUMER AFFAIRS.
OR	HB	2023	<i>"Prohibits school district board from contracting with vendor to sell to students food or drink that does not meet federal standards. Provides exceptions for certain schools at limited times. Declares emergency effective July 1 2005."</i>	01/12/2005--(H) REFERRED TO BUSINESS LABOR AND CONSUMER AFFAIRS WITH SUBSEQUENT REFERRAL TO WAYS AND MEANS.
OR	HB	2517	<i>"Limits types of drinks school district board can contract to sell at schools during school hours."</i>	02/09/2005--(H) REFERRED TO BUSINESS LABOR AND CONSUMER AFFAIRS WITH SUBSEQUENT REFERRAL TO WAYS AND MEANS.
OR	SB	560	<i>"Prohibits school district board from contracting with vendor to sell to students food or drink that does not meet minimum federal and state standards. Provides exceptions for certain schools at limited times. Establishes nutrition standards for food and drink sold to students by school district. Provides exception for conflicts between minimum standards of United States Department of Agriculture's National School Lunch Program and School Breakfast Program and minimum state standards if following state standards would cause school district to lose federal reimbursement. Requires school district to make available safe drinking water and water cups during each meal period at no charge."</i>	03/28/2005--(S) PUBLIC HEARING HELD.
OR	SB	860	<i>"Directs school district boards to adopt policy to promote student wellness through specified guidelines and standards relating to nutrition. Requires that district have wellness policy in place prior to entering into contracts related to sale of food on campuses within district. Requires that each district submit wellness policy to Department of Education by first day of 2006-2007 school year. Directs department to report on school districts' implementation of policy to legislative interim committees on education prior to October 1 2006 and to Legislative Assembly prior to February 1 2007."</i>	05/12/2005--(H) REFERRED TO BUSINESS LABOR AND CONSUMER AFFAIRS.
PA	HB	191	<i>"Amending the act of March 10 1949 (P.L.30 No. 14) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto "further providing for advisory health councils; ESTABLISHING LOCAL WELLNESS POLICIES; and providing for the establishment of a child health and nutrition advisory committee."</i>	06/22/2005--(S) REFERRED TO EDUCATION
PA	HR	82	<i>"Urging the School Reform Commission of the City of Philadelphia as well as all school districts throughout this Commonwealth to refrain from entering into exclusive beverage provision contracts with soda beverage companies."</i>	02/14/2005--(H) REFERRED TO EDUCATION



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
PA	HB	189	"Amending the act of March 10 1949 (P.L.30 No.14) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto "providing for nutritional standards for competitive food sales; further providing for health services; providing for physical education and recess; and further providing for physiology and hygiene instruction in public schools and educational institutions receiving State appropriations FOR CYBER CHARTER SCHOOL REQUIREMENTS AND PROHIBITIONS AND FOR ENROLLMENT AND NOTIFICATION."	06/22/2005--(S) REFERRED TO EDUCATION
RI	HB	5563	"an act relating to education"	06/24/2005--SIGNED BY GOVERNOR
RI	HB	5568	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high sugar snack vending machines.This act would take effect upon passage."	03/09/2005--CONTINUED
RI	SB	565	"an act relating to education"	06/24/2005--SIGNED BY GOVERNOR
RI	HB	5353	"This act would establish a pilot program to encourage physical exercise and promote healthy weight levels in children.This act would take effect upon passage."	05/17/2005--CONTINUED
RI	HB	5568	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high sugar snack vending machines.This act would take effect upon passage."	03/09/2005--CONTINUED
RI	SB	556	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high-sugar snack vending machines.This act would take effect upon passage."	03/09/2005--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
SC	HB	3346	"TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976 BY ADDING CHAPTER 45 TITLE 44 TO ENACT THE SOUTH CAROLINA CHILDREN'S HEALTH OBESITY ACT INCLUDING PROVISIONS TO CREATE THE CHILD HEALTH ADVISORY COMMITTEE; TO PROVIDE FOR ITS MEMBERSHIP POWERS AND DUTIES INCLUDING DEVELOPING NUTRITION AND PHYSICAL ACTIVITY STANDARDS AND RECOMMENDATIONS TO BE IMPLEMENTED BY THE DEPARTMENT OF EDUCATION; TO PROVIDE FOR CERTAIN HEALTH AND NUTRITION SPECIALISTS TO BE EMPLOYED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION CONTINGENT UPON AVAILABLE FUNDING; TO REQUIRE SCHOOL DISTRICTS TO CONVENE NUTRITION AND PHYSICAL ACTIVITY ADVISORY COMMITTEES; TO REQUIRE STUDENT AND SCHOOL REPORT CARDS TO CONTAIN CERTAIN HEALTH DATA; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION TO REPORT TO CERTAIN LEGISLATIVE COMMITTEES ON THE IMPLEMENTATION OF THIS ACT."	05/26/2005--HOUSE RECOMMITTED TO COMMITTEE ON EDUCATION AND PUBLIC WORKS HJ-10



**2005 Legislative Activity: School Nutrition Legislation**  
**Health Policy Tracking Service, a Thomson West Business, July 1, 2005**

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
SC	HB	3499	"TO ESTABLISH PHYSICAL EDUCATION SCHOOL HEALTH SERVICES AND NUTRITIONAL STANDARDS IN ELEMENTARY SCHOOLS; TO PROVIDE FOR THE AMOUNT OF PHYSICAL EDUCATION INSTRUCTION A STUDENT IN KINDERGARTEN THROUGH FIFTH GRADE MUST RECEIVE EACH WEEK ON A PHASED-IN BASIS; TO PROVIDE FOR A CERTAIN PHYSICAL EDUCATION TEACHER TO STUDENT RATIO ON A PHASED-IN BASIS; TO PROVIDE FOR A MEASURE OF EFFECTIVENESS OF THE PHYSICAL EDUCATION PROGRAM IN ALL PUBLIC SCHOOLS; TO PROVIDE FOR A PHYSICAL EDUCATION ACTIVITY DIRECTOR; TO PROVIDE FOR THE APPROPRIATION OF FUNDS FOR LICENSED NURSES FOR ELEMENTARY PUBLIC SCHOOLS; TO PROVIDE CERTAIN NUTRITIONAL STANDARDS FOR ELEMENTARY SCHOOLS; TO PROVIDE FOR A COORDINATED SCHOOL HEALTH MODEL AND AN ASSESSMENT PROGRAM FOR SCHOOL HEALTH EDUCATION PROGRAMS; TO PROVIDE THE MINIMUM AMOUNT OF TIME ELEMENTARY SCHOOL STUDENTS MUST HAVE TO EAT LUNCH; TO PROVIDE FOR THE ESTABLISHMENT OF A DISTRICT LEVEL AND AN ELEMENTARY SCHOOL LEVEL COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND PROVIDE ITS POWERS AND DUTIES; TO PROVIDE FOR A WEEKLY NUTRITION COMPONENT FOR THE HEALTH CURRICULUM."	06/03/2005--COPIES AVAILABLE
SC	SB	500	"TO ESTABLISH PHYSICAL EDUCATION AND NUTRITIONAL STANDARDS IN ELEMENTARY SCHOOLS TO PROVIDE FOR THE AMOUNT OF PHYSICAL EDUCATION INSTRUCTION A STUDENT IN KINDERGARTEN THROUGH FIFTH GRADE MUST RECEIVE EACH WEEK ON A PHASED-IN BASIS PROVIDE FOR A MEASURE OF EFFECTIVENESS OF THE PHYSICAL EDUCATION PROGRAM IN ALL PUBLIC SCHOOLS PROVIDE FOR A PHYSICAL EDUCATION ACTIVITY DIRECTOR PROVIDE CERTAIN NUTRITIONAL STANDARDS FOR ELEMENTARY SCHOOLS PROVIDE THAT ELEMENTARY SCHOOLS SHALL REMOVE CERTAIN FOOD AND DRINKS FROM VENDING MACHINES PROVIDE THE MINIMUM AMOUNT OF TIME ELEMENTARY SCHOOL STUDENTS MUST HAVE TO EAT LUNCH PROVIDE FOR THE ESTABLISHMENT OF A DISTRICT LEVEL AND AN ELEMENTARY SCHOOL LEVEL COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND PROVIDE ITS POWERS AND DUTIES PROVIDE FOR NUTRITIONAL EDUCATION AND PROVIDE A MEASURE OF EFFECTIVENESS OF HEALTH EDUCATION PROGRAMS."	02/17/2005--SENATE REFERRED TO COMMITTEE ON EDUCATION SJ-1
TN	HB	277	"an act to amend tennessee code annotated title 49 chapter 6 relative to school nutrition standards."	03/01/2005--ASSIGNED TO SUBCOMMITTEE K-12 OF EDUCATION



## 2005 Legislative Activity: School Nutrition Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
TN	HB	352	"an act to amend tennessee code annotated title 4 chapter 31 part 10; title 4 chapter 51; title 49 chapter 6 and title 49 chapter 4 part 9 relative to educational programs and purposes funded from proceeds of the state lottery."	02/07/2005--PASSED SECOND CONSIDERATION REFERRED TO GOVERNMENT OPERATIONS FOR REVIEW-- EDUCATION
TN	SB	43	"an act to amend tennessee code annotated title 4 chapter 31 part 10; title 4 chapter 51; title 49 chapter 6 and title 49 chapter 4 part 9 relative to educational programs and purposes funded from proceeds of the state lottery."	04/11/2005--ASSIGNED TO GEN. SUB OF EDUCATION
TN	SB	1862	"an act to amend tennessee code annotated title 49 chapter 6 relative to school nutrition standards."	04/19/2005--ASSIGNED TO GEN. SUB OF EDUCATION COMMITTEE
TX	SB	18	"Relating to a statewide initiative regarding the prevention and treatment of obesity-related health concerns."	06/21/2005--(S) REFERRED TO HEALTH & HUMAN SERVICES
TX	SB	42	<b>"Relating to health education physical activity and food products in public primary and secondary schools."</b>	<b>06/17/2005--EFFECTIVE IMMEDIATELY</b>
TX	SB	1379	"C.S.S.B. 1379 addresses the growing epidemic of obesity poor nutrition and lack of physical activity among Texas children and adults. It ensures that the new school food nutrition policy is not weakened and will bring together the commissioners of agriculture education and state health services to review the status of health initiatives and programs to promote better health and nutrition and to prevent obesity at least once a year. C.S.S.B. 1379 also directs specific state agencies to create individual councils and prepare reports to promote consumer health and possibly require health insurance companies to offer benefit plans providing coverage for the treatment and prevention of obesity."	05/22/2005--(H) COMMITTEE REPORT SENT TO CALENDARS
VA	HB	2610	"To update and strengthen the requirements for health and physical education instruction in the public schools and to address the problem of obesity among students through required instruction concerning certain health issues and the health consequences of obesity. This bill requires a comprehensive health and physical education program in grades kindergarten through grade 12 and that the Board of Education prescribe the program in its Standards of Learning for Health and for Physical Education. However the Board is not required to evaluate student achievement on these objectives in the Standards of Learning assessments. Also the bill requires that school boards that choose to implement school breakfast programs comply with the National School Lunch Program's regulations governing Dietary Guidelines for Americans and disseminate information concerning the health consequences of obesity to students parents teachers school administrators and school nurses. In addition under the Standards of Quality school boards are required to emphasize good nutrition and physical fitness and exercise in health and physical education programs in the middle and high school grades and	01/26/2005--(H) TABLED IN EDUCATION (22-Y 0- N)



## 2005 Legislative Activity: School Nutrition Legislation

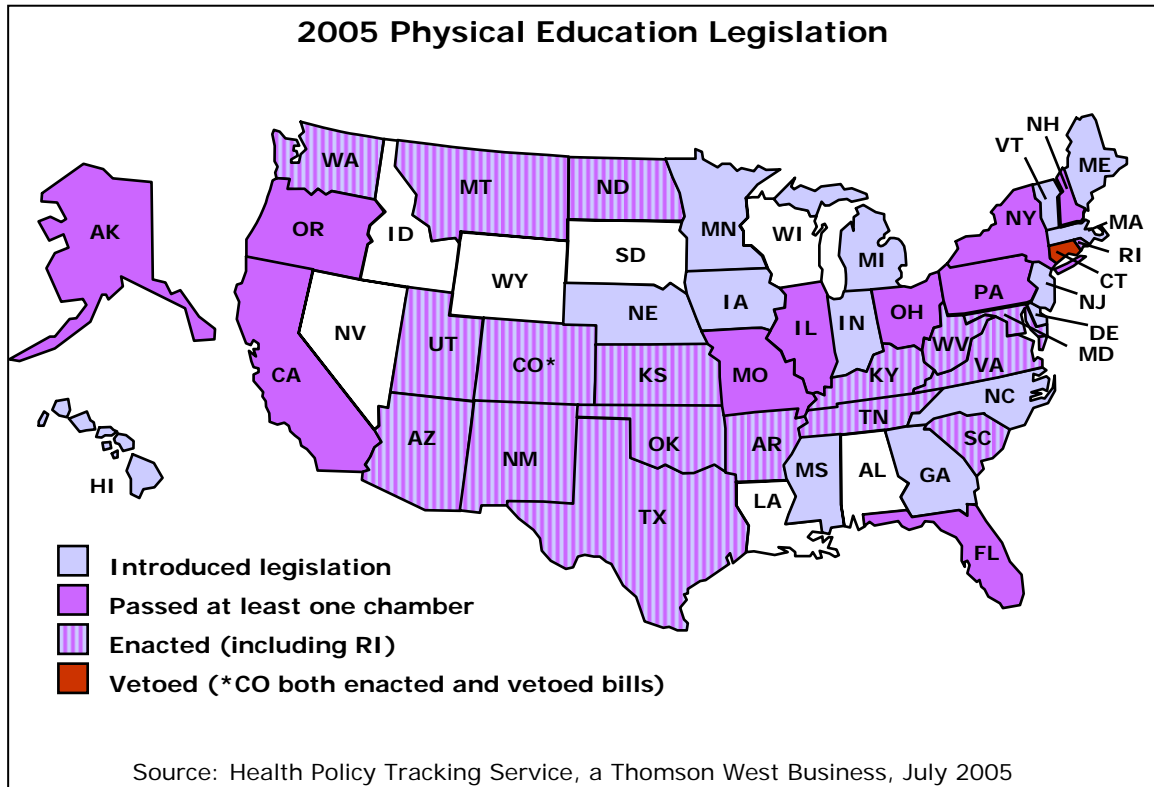
### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
VA	SB	747	"Childhood obesity. Requires the Board of Education to promulgate in cooperation with the State Health Department regulations establishing standards to ameliorate childhood obesity in the public schools. This bill also adds the improvement of school health as one of the criteria to be considered by local schools during the annual evaluation of division superintendents. Further the bill requires division superintendents to complete instruction concerning the causes and consequences of overweight and obesity by July 1 2006. The requirement for instruction may be satisfied by attendance at conferences seminars or in-service training."	01/20/2005--(S) FAILED TO REPORT (DEFEATED) IN EDUCATION AND HEALTH (5-Y 9-N)
WV	HB	2816	<b>"AN ACT to amend the Code of West Virginia 1931 as amended by adding thereto a new article designated §5-1E-1 §5-1E-2 §5-1E-3 §5-1E-4 and §5-1E-5; and to amend and reenact §18-2-6a §18-2-7a and §18-2-9 of said code all relating to promoting healthy lifestyles; creating a Healthy Lifestyles Office in the Department of Health and Human Resources; establishing the functions of the Office; creating a special revenue account; establishing a voluntary private sector partnership program to encourage healthy lifestyles; establishing physical activity requirements in the schools; using body mass index as an indicator of progress; encouraging the use of healthy beverages in schools; and adding requirements for health education."</b>	<b>05/11/2005--CHAPTER 121 ACTS 2005</b>
WV	SB	170	"A BILL to amend and reenact 167;18-2-6a of the Code of West Virginia 1931 as amended relating to specifying beverages allowed to be sold or furnished in schools."	02/14/2005--TO EDUCATION
WV	SB	416	"A BILL to amend the Code of West Virginia 1931 as amended by adding thereto a new article designated 167;5-1E-1 167;5-1E-2 167;5-1E-3 167;5-1E-4 and 167;5-1E-5; and to amend and reenact 167;18-2-6a and 167;18-2-7a of said code all relating to promoting healthy lifestyles; creating a Healthy Lifestyles Office in the Department of Education and the Arts; establishing the functions of the Office; creating a special revenue account; establishing a Voluntary Menu Labeling Program; requiring physical activity in the schools; and encouraging the use of health foods and beverages in the vending machines of schools."	03/01/2005--TO HEALTH AND HUMAN RESOURCES

## PHYSICAL EDUCATION

In 2005, 43 states have introduced measures that would implement or enhance physical education or activity standards. Of those, 18 states have adopted legislation and two governors vetoed physical education measures.

The map below highlights the 2005 legislative activity on this issue.



### SUMMARY OF ENACTED LEGISLATION

#### *Setting Physical Education Standards*

**Kentucky** became the first state in 2005 to enact an expansive piece of school nutrition and physical education legislation. After four years of attempts and several negotiations in conference committee, the Kentucky House and Senate passed S.B. 172 and Gov. Ernie Fletcher (R) signed it into law on March 16. The Act includes the following physical education provisions:

- Charges each school council with grades K to 5 to develop and implement a wellness policy that includes moderate to vigorous physical activity each day, promotes healthy choices among students and may allow physical activity up to 30 minutes per day or 150 minutes per week to be part of the instructional day
- Mandates the Kentucky Board of Education to develop for school districts a physical activity environment assessment tool

- Requires each local board of education to develop and hold public forums on a plan to improve school nutrition and physical activity and to report findings and recommendations to the Kentucky Board of Education

**West Virginia** Gov. Joe Manchin III (D) signed into law the West Virginia Healthy Act of 2005, H.B. 2816, on May 2. The law charges the State Department of Education to set the following physical education and fitness requirements for public school students:

- Requires each student in kindergarten through grade 5, to participate in at least 30 minutes of physical education, including physical exercise, at least 3 days a week
- Requires each student in grades 6 through 8, to participate in at least one full period of physical education, including physical exercise, every day for one semester of the academic year
- Requires each student in grades 9 through 12, to participate in at least one full course of physical education, including physical exercise, for high school graduation and the opportunity to enroll in an elective lifetime physical education course

In addition, the State Board of Education must establish a program within the existing health and physical education program that incorporates fitness testing, reporting, recognition and fitness events, and incentive programs. The fitness program will require the participation of students in grades 4 through 8 and in the required high school course. The program must be selected from nationally accepted fitness testing programs for school-aged children and will test cardiovascular fitness, muscular strength and endurance, flexibility and body composition.

**Oklahoma** lawmakers passed S.B. 312, a law to enhance physical education and activity requirements. The State Board of Education must to do the following by the 2006-2007 academic school year:

- Provide all students in full-day kindergarten and grades 1-5 with physical education or exercise programs for at least an average of sixty minutes per week
- Encourage school districts to provide physical education instruction to students in grades 6-12
- Provide all students with physical education programs that may include athletics
- Distribute information to each school district on the benefits of physical education programs

**South Carolina** passed H.B. 3499 which mandates 150 minutes per week of physical education and physical activity for students in kindergarten through grade 5 beginning in the 2006-07 academic year. The bill also sets student-to-certified physical education teacher ratios for elementary schools to be phased in from 700:1 for the 2006-07 academic year to 600:1 for the 2007-08 academic year to 500:1 for the 2008-09 academic year. As the ratio is phased in, the amount of time in physical education must increase a minimum of 60 minutes per week to a minimum of 90 minutes per week, scheduled every day or on alternate days. Each elementary school must appoint a physical education teacher to serve as its Physical Education Activity Director to coordinate additional physical activity outside of physical education instruction times. In addition, the Department of Education must provide

each school district with a coordinated school health model while each school district must establish and maintain a Coordinated School Health Advisory Council to develop, implement and evaluate a school wellness policy.

In **Texas**, lawmakers enacted S.B. 42 which includes several physical activity measures:

- Authorizes the State Board of Education to extend its policy requiring elementary school students to engage in 30 minutes of physical activity per day or 135 minutes per week to apply to middle and junior high school students as well. However, the board must allow middle and junior high school students to meet the requirement by participating in physical activity two times per week.
- Calls for health education to emphasize the importance of proper nutrition and exercise
- Encourages school districts to promote nutrition and physical activity
- Adds reporting requirements for statistics and data related to student health and physical activity
- Establishes a state-level School Health Advisory Committee within the Department of State Health Services to provide assistance in the development and support of coordinated school health programs and school health services

The **North Carolina** Health and Wellness Trust Fund (HWTF) Study Committee on Childhood Obesity, charged with developing legislative recommendations, initially introduced seven proposals including a requirement for physical activity. However, before the physical activity proposal was introduced to the General Assembly, the State Board of Education voted unanimously on April 7 to approve a 30-minute daily physical activity requirement for all students in kindergarten through grade 8 beginning the 2006-2007 school year. Lt. Gov. Beverly Purdue, who chairs HWTF and sits as a member of the board, served as the driving force behind the board adopting the new policy.

In **New Mexico**, legislators amended the Public School Code to comply with The Education Reform of 2003. Among the amendments included language requiring all classes in grades 1 through 8 to provide physical and health education instruction that meets state content and performance standards.

While the introduced version of **Virginia** S.B. 1130 included a time requirement of at least 30 minutes of physical activity per day in elementary schools, the enacted version only set a standard requiring elementary school physical education instruction to include cardiovascular, muscle building and stretching exercises.

### ***Promoting Physical Activity***

One trend that has become more evident in 2005 is not to mandate but to encourage and urge state and local education officials to enhance physical education and activity in schools.

**Washington** state S.B. 5186 charges the superintendent of public instruction to promote the adoption of curricula and policies that provide quality, daily physical education for all students and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes.

**Utah** enacted H.J.R. 11, a resolution encouraging school community councils, school districts, health care providers, community-based organizations, businesses and families to establish comprehensive wellness policies, including nutrition and physical activity, to prevent and reduce the prevalence of overweight children and adolescents.

Although **Colorado** has not mandated more stringent physical education standards, enacted S.B. 81 strongly encourages school districts to adopt policies ensuring access to daily physical activity for every student by July 1, 2006. The measure also encourages each school district to provide instruction teaching a healthy level of physical activity and to adopt a local wellness policy.

Both chambers of the **Montana** Legislature resolved with H.J.R. 17 to encourage local schools to provide greater opportunities for students to participate in physical activities and sports programs and to encourage the Board of Public Education to consider the benefits of increasing health enhancement in schools.

**Tennessee** lawmakers approved two resolutions promoting physical activity. House Joint Resolution 85 urges the Departments of Health and Education to develop and implement a program to increase physical activity and to improve school nutrition in state schools, while H.J.R. 88 urges the State Board of Education to develop and provide all students with instruction conducive to adopting and maintaining healthy lifestyle habits relating to nutrition and physical activity.

The **North Dakota** Legislature adopted H.C.R. 3034 urging each school district to provide a mid-morning and mid-afternoon recess of at least 10 minutes to all students in kindergarten through grade 6 and for school district administrators to ensure students receive the opportunity to engage in exercise during each recess.

### ***Other Initiatives***

In **Oklahoma**, the governor approved another bill aimed to improve the physical fitness of school children. House Bill 1647 requires the State Board of Education to establish a physical activity program for fifth-grade public school students that each school district voluntarily may implement for its fifth graders. The program will include the President's Council on Physical Fitness and Sports' physical fitness challenges as well as the following elements:

- Completing 25 sit-ups within two minutes at least three times per week or walking at least 25 miles per week
- Participating in a "Walk Across Oklahoma" activity plan that establishes routes for students to walk virtually while learning about state geography and history
- Providing exemptions for students with physical limitations

**Maryland** lawmakers approved a bill requiring the State Department of Education to employ a full-time director of physical education, effective October 1, 2005. The introduced version of S.B. 233 included language requiring public schools to have a physical education program that meets minimum standards, with the new director assisting local school boards to develop and implement plans to meet the standards. However, that language was removed in the legislative pipeline. They also passed S.B. 473, the Student Health Promotion Act of 2005, which requires each county board of education to include the importance of physical activity as part of instruction in health education.

**Maine's** Commission to Study Public Health released recommendations regarding obesity prevention to the state Legislature in January 2005. Senate Bill 263, a measure to implement the commission's recommendations, initially called for several physical education and activity provisions including a requirement for elementary and middle school students to participate in 150 minutes of physical activity per week outside of recess and for high school students to participate in 220 minutes per week. Another provision mandated the department of education to create and fill the position for a physical education consultant. However, in the enacted version, the Legislature had removed all provisions relating to physical education and activity.

**North Dakota** Gov. John Hoeven (R) signed H.B. 1048, which appears to be a less restrictive policy. The measure no longer requires public and private high schools to make a half unit of health or physical education available to students during each year of high school. High schools will still have to make health and physical education courses available to students, but not on an annual basis per year of high school as previously required under state law.

Promoting participation in athletics, **Arkansas** Gov. Mike Huckabee (R) enacted S.B. 2 that will allow students in grades 9 through 12 who participate in an organized school sport to be eligible to receive physical education credit. The State Board of Education is to implement the measure by the start of the 2005-2006 academic year.

#### **VETOED LEGISLATION**

Although the **Connecticut** Legislature passed S.B. 1309, An Act Concerning School Nutrition, Gov. M. Jodi Rell (R) vetoed the measure. The bill proposed controversial physical activity and school nutrition mandates, including, a requirement for all students in full-day kindergarten through grade 5 to receive at least 20 minutes of exercise each school day, in addition to physical education course requirements. While the legislation received strong support from parents, pediatricians and health advocates, local education officials and the food and beverage industry had urged the governor to veto the legislation. In a veto message, the governor said, "While improving the health and wellness of Connecticut's children is a laudable goal, this bill, in my opinion reaches too far by reducing Connecticut's long and proud tradition of local control of schools." This marked only the third time Gov. Rell exercised her veto powers in the 2005 legislative session.

#### **CREATING STATE PHYSICAL EDUCATION RECOGNITION PROGRAMS**

Although these measures were not enacted, HPTS identified two bills that establish health and/or physical education recognition programs. At least two states introduced and acted on such legislation.

**Colorado** H.B. 1237 would have established a statewide physical education recognition board. The board would set objective criteria with tiered rankings and would recognize and monetarily reward public schools and physical education teachers who achieve the highest ranking. In drafting the criteria, the board would consider program content, use of instructional strategies, provision of adequate facilities and equipment, and classes taught by licensed physical educators. For the purpose of monetary awards, the bill would create a program cash fund. However, although the measure successfully passed both chambers, Gov. Bill Owens (R) vetoed the message saying, "This bill, under the guise of trying to elevate the quality of physical education, in reality would unfairly restrict access to the profession and

ban certain games and activities that are fun, harmless and, in many ways, character building.”

**Illinois** H.B. 1541 would require the State Board of Education to establish a school health recognition program that would do the following:

- Identify schools that have implemented programs to increase the level of physical activity of their students
- Identify schools that have adopted policies or implemented programs promoting healthy nutritional choices for their students
- Allow recognized schools to share best practices and model services with other state schools

This bill passed both chambers and awaits gubernatorial action.

The table on the following page highlights other measures that have been introduced and those that are currently pending before state legislative committees. Measures that are pending are italicized and highlighted in blue. Those that have been enacted are bolded and highlighted in yellow. The bill summaries provided in the chart reflects the introduced versions of the bills.



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
AK	HB	128	"An Act establishing the Alaska Schools Physical Activity Task Force."	04/18/2005--(S) MINUTE(HEALTH EDUCATION & SOCIAL SERVICES)
AK	SB	162	"An Act relating to monitoring and reporting of student discipline and safety of student health pertaining to height nutrition and physical activity of the percentage of the legislative body with a body mass index that exceeds 25.0 and of state capitol vending machine profits; requiring schools to report school health status and policy the percentage of students that are overweight and at risk of being overweight and profits from vending machines; and requiring the evaluation of health education programs on the basis of health reports and screening."	04/20/2005--(S) MINUTE(HEALTH EDUCATION & SOCIAL SERVICES)
<b>AZ</b>	<b>HB</b>	<b>2111</b>	<b>"AN ACT ESTABLISHING A MANDATORY PHYSICAL EDUCATION IMPLEMENTATION TASK FORCE."</b>	<b>04/13/2005--CHAPTER: 67 CHAPTERED VERSION: SENATE ENGROSSED VERSION</b>
AZ	HB	2514	"AN ACT AMENDING TITLE 15 CHAPTER 1 ARTICLE 1 ARIZONA REVISED STATUTES BY ADDING SECTION 15-103; RELATING TO PHYSICAL EDUCATION."	01/25/2005--SECOND READ
AR	HB	1204	"AN ACT TO PROVIDE EDUCATION COURSE CREDIT FOR PARTICIPATION IN THE ARKANSAS NATIONAL GUARD OR RESERVES; AND FOR OTHER PURPOSES."	03/11/2005--(H) WITHDRAWN BY AUTHOR
<b>AR</b>	<b>SB</b>	<b>2</b>	<b>"AN ACT TO PROVIDE PHYSICAL EDUCATION COURSE CREDIT FOR PARTICIPATION IN SCHOOL SPORTS ACTIVITIES; AND FOR OTHER PURPOSES."</b>	<b>03/09/2005--(S) NOTIFICATION THAT SB2 IS NOW ACT 660</b>
AR	SB	185	"AN ACT TO AMEND THE REQUIREMENTS FOR PHYSICAL EDUCATION OF PUBLIC SCHOOL STUDENTS; AND FOR OTHER PURPOSES."	01/25/2005--(S) READ FIRST TIME RULES SUSPENDED READ SECOND TIME REFERRED TO SENATE COMMITTEE ON EDUCATION
AR	SB	1056	"AN ACT TO ENSURE GENDER EQUITY IN CREDIT OFFERED FOR AN ORGANIZED PHYSICAL ACTIVITY COURSE; AND FOR OTHER PURPOSES."	04/07/2005--(S) WITHDRAWN BY AUTHOR.
CA	HB	689	<i>"An act to add Sections 51210.6 and Section 51210.8 to the Education Code relating to curriculum."</i>	06/09/2005--(S) REFERRED TO COMMITTEE ON EDUCATION
CA	SB	559	<i>"An act to amend Sections 51222 51241 and 60800 of and 51241 of and to add Article 9.5 (commencing with Section 44620) to Chapter 3 of Part 25 to the Education Code relating to physical education and making an appropriation therefor ."</i>	06/23/2005--(H) FROM COMMITTEE WITH AUTHOR'S AMENDMENTS. READ SECOND TIME. AMENDED. RE-REFERRED TO COMMITTEE.
CA	SB	562	<i>"An act to amend Sections 33352 33353 33354 and 35179 of the Education Code relating to physical education."</i>	06/23/2005--(H) FROM COMMITTEE: DO PASS BUT FIRST BE RE-REFERRED TO COMMITTEE ON APPROPRIATIONS WITH RECOMMENDATION: TO CONSENT CALENDAR. (AYES 11. NOES 0.) RE-REFERRED TO COMMITTEE ON APPROPRIATIONS
CA	SB	567	<i>"An act to add Section 49535 to the Education Code relating to pupil wellness."</i>	06/23/2005--(H) FROM COMMITTEE: DO PASS BUT FIRST BE RE-REFERRED TO COMMITTEE ON APPROPRIATIONS WITH RECOMMENDATION: TO CONSENT CALENDAR. (AYES 11. NOES 0.) RE-REFERRED TO COMMITTEE ON APPROPRIATIONS



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
CO	HB	1237	"Establishes the statewide physical education recognition program ("program") to recognize and reward public schools and physical education teachers that meet established criteria. Creates a board to establish objective criteria for a tiered rating solicit and review applications rate programs and recommend annual awards. Requires the state board of education ("state board") to adopt rules governing applications. Provides that subject to available money the state board may make annual awards to programs obtaining the highest ratings and to an outstanding physical education teacher. Establishes a fund to accept gifts grants and donations. If the fund does not receive at least \$50 000 by June 1 2006 repeals the act effective July 1 2006. If the act is not repealed earlier repeals the act effective July 1 2010."	06/03/2005--GOVERNOR ACTION - VETOED
CO	SB	81	"CONCERNING THE ADOPTION OF SCHOOL DISTRICT BOARD OF EDUCATION POLICIES RELATED TO IMPROVING CHILDREN'S NUTRITION."	04/14/2005--GOVERNOR ACTION - SIGNED
CT	HB	6631	"To reduce the incidence of obesity in children and adolescents."	04/19/2005--REFERRED BY HOUSE TO COMMITTEE ON APPROPRIATIONS
CT	HB	6950	"To require students graduating in 2010 and thereafter to have one credit in the arts or one-half credit in the arts and one-half credit in arts-related multimedia communications."	04/14/2005--FAVORABLE CHANGE OF REFERENCE SENATE TO COMMITTEE ON APPROPRIATIONS
CT	SB	165	"To use money from unreturned bottles to help schools transition to specific nutrition and physical activity standards."	01/14/2005--REFERRED TO JOINT COMMITTEE ON EDUCATION
CT	SB	837	"To address childhood obesity and improve the balance of activities during the school day by increasing the number of opportunities for physical activity."	01/24/2005--REFERRED TO JOINT COMMITTEE ON EDUCATION
CT	SB	1174	"To increase recess times for students in grades kindergarten to five to establish local School Wellness committees to ensure that only low-fat nutritious food and drinks are available at schools for purchase by students and to acquire state-wide children's body mass index information to decrease the incidence of childhood obesity."	03/21/2005--FAVORABLE CHANGE OF REFERENCE HOUSE TO COMMITTEE ON EDUCATION
CT	SB	1309	"To require a daily minimum period of physical activity for students to require the establishment of committees to monitor and implement nutrition and physical activity policies to limit the types of beverages available to students to require the Department of Education to develop and make available to school districts a list of healthy snacks that may be consumed by students to increase the number of children participating in the school breakfast program and to encourage the use of Connecticut grown products in school meals."	06/14/2005--VETOED BY GOVERNOR
DE	SB	45	"This Act establishes comprehensive physical activity requirements for public school students in grades K through 12. Each public school student will be required to participate in at least thirty minutes or one class period of physical activity per school day with whichever is longer. While this Act defines physical activity as any physical exertion of at least a moderate intensity level and duration sufficient to provide a significant health benefit the Department of Education shall consult with experts and agencies as necessary to formulate the specifics for meeting these requirements. Nothing in this Act shall be interpreted to weaken or reduce in any way the current standards for health and physical education in Delaware schools. To the contrary this Act is intended to aid and assist the Department of Education and Delaware's school districts in meeting these standards by increasing the opportunity of Delaware's children to take part in daily physical activity."	06/23/2005--LAID ON TABLE



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
FL	HB	445	"Public School Instructional Program; requires State Board of Education to review Sunshine State Standards & report extent to which standards are being taught; requires district school boards to adopt policies to provide each student complete education program. Amends 1001.03 .41."	05/06/2005--(H) DIED IN COMMITTEE ON CHOICE & INNOVATION (EDC)
FL	HB	1113	"Physical Education in Public Schools; requires each school district to submit to DOE a copy of wellness policy required by federal law; requires department to provide public electronic access to school district policies; encourages public input; specifies content of staff development for physical education instructors; encourages each district school board to evaluate its physical education program & policy & review certain practices by specified date. Amends 1003.455."	05/06/2005--(H) DIED ON CALENDAR
FL	SB	126	"Education; Margolis; (CO-SPONSORS) Bullard; Bennett; Diaz de la Portilla; Lynn; Argenziano; Jones; Constantine (Compare 1ST ENG/H 0879 H 1113 S 2388) Education; requires each school district to submit copy of its wellness policy to DOE; requires DOE to post each policy on its website; encourages each school district to review its level of participation & evaluate success of its wellness programs; requires DOE to evaluate extent to which certain standards in arts are being taught in each school district; requires certain public high schools to have defibrillator on school grounds etc. Amends 1003.455."	04/28/2005--(S) PLACED ON SPECIAL ORDER CALENDAR - SENATE JOURNAL 00689; READ SECOND TIME -SENATE JOURNAL 00687; AMENDMENT(S) ADOPTED -SENATE JOURNAL 00687; SUBSTITUTED HB 879 (DIED IN HOUSE RETURNING MESSAGES) -SENATE JOURNAL 00687; LAID ON TABLE
FL	SB	2388	"Grades Pre-K-12/Education; requires that health-related fitness assessments be periodically administered to students; requires that fitness-assessment scores be reported to various persons & to DOE; provides requirements for training of physical education instructors; requires that school districts have coordinators for PE & health; provides for recognition awards; requires that school districts establish wellness policies as federally mandated etc. Amends 1003.455."	05/06/2005--(S) DIED IN COMMITTEE ON EDUCATION
GA	HB	280	"To amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to competencies and core curriculum so as to change certain provisions relating to a prescribed course of study in health and physical education; to provide for related matters; to repeal conflicting laws; and for other purposes."	02/07/2005--(H) SECOND READERS
GA	HR	365	"Proposing an amendment to the Constitution so as to provide for the creation of a school health and physical education support fund and program; to provide funds for the program from the voluntary purchase of special license plates and other sources; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes."	03/02/2005--(H) SECOND READERS
GA	HR	395	"Urging the Board of Regents of the University System of Georgia to include courses on health and physical education in the required curriculum for teacher education programs; and for other purposes."	03/04/2005--(H) SECOND READERS
GA	SR	375	"Creating the Senate Study Committee on the State of Physical Education in Schools; and for other purposes."	03/11/2005--(S) READ AND REFERRED
HI	HB	376	"Establishes physical activity and physical education requirements for schools and after-school programs."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION HOUSE FINANCE REFERRAL SHEET 3
HI	HB	1003	"Establishes a school-based student health services program that promotes a comprehensive approach to healthy development of all students through a student health system that integrates and complements school and community programs and resources. Convenes a joint planning committee to develop and plan for the implementation of the program. (HB1003 HD1)"	02/14/2005--(H) THE COMMITTEES ON HOUSE EDUCATION RECOMMEND THAT THE MEASURE BE HELD. THE VOTES WERE AS FOLLOWS: 9 AYES: REPRESENTATIVE(S) TAKUMI BERG CHANG HALE SHIMABUKURO WATERS FINNEGAN; AYES WITH RESERVATIONS: REPRESENTATIVE(S) KAHIKINA CHING; 2 NOES: REPRESENTATIVE(S) ARAKAKI GREEN; AND 1 EXCUSED: REPRESENTATIVE(S) CABANILLA.



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
HI	HR	18	"Requesting the department of education to require at least one hundred fifty minutes of physical activity physical education or exercise each week for elementary school students require after-school programs to offer physical activity opportunities encourage schools and communities to adopt safe routes to school programs and conduct an assessment of school Physical activity facilities."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION REFERRAL SHEET 3
HI	HR	22	"encouraging the support of new physical education programs in public elementary schools to promote lifelong education in physical fitness and healthy lifestyles."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION REFERRAL SHEET 3
HI	HR	26	"EXPRESSING SUPPORT FOR THE DEVELOPMENT OF COORDINATED SCHOOL HEALTH BY THE DEPARTMENT OF EDUCATION DEPARTMENT OF HEALTH AND UNIVERSITY OF HAWAII."	04/05/2005--(H) REPORT ADOPTED. REFERRED TO THE COMMITTEE(S) ON HOUSE FINANCE AS AMENDED IN (HD 1) WITH NONE VOTING NO AND REPRESENTATIVE(S) CHONG HIRAKI TAKAI TAKUMI EXCUSED.
HI	HCR	15	"Requesting the department of education to require at least one hundred fifty minutes of physical activity physical education or exercise each week for elementary school students require after-school programs to offer physical activity opportunities encourage schools and communities to adopt safe routes to school programs and conduct an assessment of school Physical activity facilities."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION REFERRAL SHEET 3
HI	HCR	19	"encouraging the support of new physical education programs in public elementary schools to promote lifelong education in physical fitness and healthy lifestyles."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION REFERRAL SHEET 3
HI	HCR	23	"EXPRESSING SUPPORT FOR THE DEVELOPMENT OF COORDINATED SCHOOL HEALTH BY THE DEPARTMENT OF EDUCATION DEPARTMENT OF HEALTH AND UNIVERSITY OF HAWAII."	04/05/2005--(H) REPORT ADOPTED. REFERRED TO THE COMMITTEE(S) ON HOUSE FINANCE AS AMENDED IN (HD 1) WITH NONE VOTING NO AND REPRESENTATIVE(S) CHONG HIRAKI TAKAI TAKUMI EXCUSED.
HI	SB	492	"Establishes physical activity and physical education requirements for schools and after-school programs."	01/31/2005--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS SENATE WAYS AND MEANS.
HI	SB	1517	"Establishes a school-based student health services program that promotes a comprehensive approach to healthy development of all students through a student health system that integrates and complements school and community programs and resources. Convenes a joint planning committee to develop and plan for the implementation of the program."	02/11/2005--(S) THE COMMITTEE ON SENATE EDUCATION AND MILITARY AFFAIRS/SENATE HEALTH DEFERRED THE MEASURE.
HI	SR	5	"encouraging the support of new physical education programs in public elementary schools to promote lifelong education in physical fitness and healthy lifestyles."	02/09/2005--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS/SENATE HEALTH.
HI	SR	6	"EXPRESSING SUPPORT FOR THE DEVELOPMENT OF COORDINATED SCHOOL HEALTH BY THE DEPARTMENT OF EDUCATION DEPARTMENT OF HEALTH AND UNIVERSITY OF HAWAII."	02/09/2005--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS/SENATE HEALTH/JOINT HIGHER EDUCATION.
HI	SR	11	"REQUESTING THE board OF EDUCATION TO REQUIRE THAT A PUBLIC SCHOOL CURRICULUM maintain THE CURRENT PHYSICAL EDUCATION REQUIREMENT AND OFFER A WIDER VARIETY OF STUDENT ELECTIVE CLASSES INVOLVING PHYSICAL ACTIVITY."	02/09/2005--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS/SENATE HEALTH.
HI	SCR	8	"encouraging the support of new physical education programs in public elementary schools to promote lifelong education in physical fitness and healthy lifestyles."	02/09/2005--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS/SENATE HEALTH.
HI	SCR	9	"EXPRESSING SUPPORT FOR THE DEVELOPMENT OF COORDINATED SCHOOL HEALTH BY THE DEPARTMENT OF EDUCATION DEPARTMENT OF HEALTH AND UNIVERSITY OF HAWAII."	02/09/2005--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS/SENATE HEALTH/JOINT HIGHER EDUCATION.



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
IL	HB	261	"Amends the School Code. Provides that the Spring mandate waiver report the State Board of Education files with the General Assembly shall be filed before each March 1 (instead of May 1). Gives the General Assembly 60 days (instead of 30 days) to disapprove the report in whole or in part. Makes an exception to the daily physical education requirement on block scheduled days if a school is engaged in block scheduling."	03/10/2005--(H) RULE 19(A) / RE-REFERRED TO RULES COMMITTEE
IL	HB	376	"Provides that an application for a waiver from or modification to a physical education mandate must be made by the particular school involved not by the school district or joint agreement. Provides that a waiver from or modification to a physical education mandate may not be requested if the school district has received within the last 10 years a grant under the School Construction Law to build a new building or to upgrade an existing physical education facility unless the school district is seeking the waiver or modification to operate under a block schedule. Instead of allowing the General Assembly to disapprove a waiver provides that if the State Boardmandate waiver report contains a request for a waiver from or modification to a physical education mandate then the General Assembly must approve the request by adoption of a joint resolution pertaining only to that particular request otherwise the waiver shall be deemed disapproved."	03/10/2005--(H) RULE 19(A) / RE-REFERRED TO RULES COMMITTEE
IL	HB	612	<i>"Establishes the Childhood Health Promotion Program to prevent and reduce the incidence and prevalence of obesity in children and adolescents. Provides that the Department of Public Health shall periodically collect and analyze information from schools health and nutrition programs and other sources to determine the prevalence of childhood obesity in the State. Amends the School Code. Authorizes and encourages every school district and the Chicago Board of Education to establish a Child Nutrition Advisory Committee to study all facets of the current nutritional policies of the district and board including but not limited to the goals of the district and board to promote health and proper nutrition vending machine sales menu criteria educational curriculum teaching health nutrition educational information provided to parents or guardians regarding healthy nutrition and the health risks associated with obesity opportunities offered to parents or guardians to encourage healthier eating habits to students and the education provided to teachers and other staff as to the importance of health nutrition."</i>	06/24/2005--(H) SENT TO THE GOVERNOR
IL	HB	733	<i>"Amends the School Code. Requires the State Board of Education to establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention. Requires the Department of Public Health and the State Board to form an interagency working group to publish model wellness policies and sample programs. Requires the State Board to establish a pilot project to implement model wellness policies. Creates the School Wellness Policy Taskforce to identify barriers to implementing wellness policies recommend how to reduce those barriers recommend statewide school nutrition standards and evaluate the effectiveness of wellness policies. Effective immediately."</i>	06/17/2005--(H) SENT TO THE GOVERNOR



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
IL	HB	1534	"Amends the School Code. In provisions concerning the waiver of mandates within the School Code and administrative rules provides that an approved waiver from or modification to a physical education mandate may remain in effect for a period not to exceed 2 (instead of 5) school years and must not be renewed. Provides that as long as physical education remains a part of the regular curriculum however a waiver from or modification to a physical education mandate that is approved before the effective date of the amendatory Act for a school that operates under a block schedule or for an alternative school that operates under an alternative schedule may remain in effect until the expiration of the already approved period and may be renewed one or more times for a period not to exceed 5 school years per renewal."	03/10/2005--(H) RULE 19(A) / RE-REFERRED TO RULES COMMITTEE
IL	HB	1540	<i>"Amends the School Code. Provides that pupils must daily engage in courses of physical education for such periods as are commensurate with the students' other courses of study. Allows a school board to excuse pupils in grades 9 through 12 from engaging in physical education courses if those pupils must utilize the time set aside for physical education to receive special education support and services. Changes requirements with regard to a physical education course of study. Requires a physical education course of study to provide students with an opportunity for an appropriate amount of daily physical activity. Requires a physical education course of study to be part of the regular school curriculum and not extra-curricular in nature or organization. Makes other changes. Effective immediately."</i>	06/14/2005--(H) SENT TO THE GOVERNOR
IL	HB	1541	<i>"Amends the School Code. Requires the State Board of Education to establish a school health recognition program that publicly identifies those schools that have implemented programs to increase the physical activity of their students and that have adopted policies or implemented programs to promote healthy nutritional choices for their students and to allow recognized schools to share best practices and model programs and services with other schools throughout the State. Effective immediately."</i>	06/16/2005--(H) SENT TO THE GOVERNOR
IL	SB	88	<i>"Amends the School Code. Provides that the Spring mandate waiver report the State Board of Education files with the General Assembly shall be filed before each March 1 (instead of May 1). Gives the General Assembly 60 days (instead of 30 days) to disapprove the report in whole or in part. Makes an exception to the daily physical education requirement on block scheduled days if a school is engaged in block scheduling."</i>	06/15/2005--(S) SENT TO THE GOVERNOR
IL	SB	162	<i>"Amends the School Code. Requires the State Board of Education to establish a State goal that all school districts have a wellness policy that is consistent with recommendations of the Centers for Disease Control and Prevention. Requires the Department of Public Health and the State Board to form an interagency working group to publish model wellness policies and sample programs. Requires the State Board to establish a pilot project to implement model wellness policies. Creates the School Wellness Policy Taskforce to identify barriers to implementing wellness policies recommend how to reduce those barriers recommend statewide school nutrition standards and evaluate the effectiveness of wellness policies. Effective immediately."</i>	06/15/2005--(S) SENT TO THE GOVERNOR



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
IL	SB	163	"Provides that requests for waivers from or modifications to physical education mandates must be contained in a separate report of the State Board. Instead of allowing the General Assembly to disapprove a waiver from or modification to a physical education mandate provides that the General Assembly must approve the report containing waivers from and modifications to physical education mandates in whole or in part within 60 calendar days after each house of the General Assembly next convenes after the report is filed by adoption of a resolution by a record vote of the majority of members elected in each house otherwise the waiver shall be deemed disapproved. Makes an exception to the daily physical education requirement for pupils in schools engaged in block scheduling. Effective July 1 2006."	03/18/2005--(S) RULE 3-9(A) / RE-REFERRED TO RULES
IL	SB	211	<i>"Amends the School Code. Allows a school board to excuse pupils in grades 9 through 12 from engaging in physical education courses if those pupils must utilize the time set aside for physical education to receive special education support and services. Changes requirements with regard to a physical education course of study. Requires a physical education course of study to provide students with an opportunity for an appropriate amount of daily physical activity. Requires a physical education course of study to be part of the regular school curriculum and not extra-curricular in nature or organization. Makes other changes. Effective immediately."</i>	06/15/2005--(S) SENT TO THE GOVERNOR
IL	SB	1972	"Amends the School Code. Provides that a school board may excuse pupils in grades 9 through 12 from engaging in physical education courses if the pupil is getting substantial exercise from participating in an athletic activity outside of school and the parent or guardian of the pupil provides documentation of this fact. Effective immediately."	05/13/2005--(H) RULE 19(A) / RE-REFERRED TO RULES COMMITTEE
IN	HB	1343	"Requires school boards to establish a coordinated school health advisory councils to develop a local wellness policy that complies with certain federal requirements. Requires the department of education to provide information concerning health nutrition and physical activity. Requires that foods and beverages available for sale to students outside the federal school meal programs must meet certain requirements. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools. Creates certain exceptions to the daily physical activity requirement. Allows a school to continue a vending machine contract in existence before the passage of the bill. Phases in the percent of foods and beverages that must qualify as healthy."	02/28/2005--(H) AMENDMENT 1 (ORENTLICHER) FAILED; VOICE VOTE
IN	HB	1807	"Requires the department of education to develop a program to encourage children to increase levels of physical activity. Requires 30 minutes of daily physical activity for elementary school students in public schools."	01/19/2005--(H) FIRST READING: REFERRED TO COMMITTEE ON EDUCATION



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
IA	HB	573	"Directs the Iowa department of education and the Iowa department of public health to convene a task force including representatives from the Iowa dietetic association; the Iowa school nutrition directors association; the Iowa association of school boards; the Iowa medical association; the Iowa dental association; the Iowa association for health physical education recreation and dance; the university of Iowa college of public health; and the Iowa state university extension service to develop a model policy regarding access to nutritious foods opportunities for physical activity and accurate education related to these topics; and which sets a minimum standard for the nutritional content of foods and beverages sold or provided throughout the school day. The departments must submit the model policy to the governor and the general assembly and post the model policy on their internet websites by January 1 2006."	03/08/2005--(H) SUBCOMMITTEE GRANZOW FOEGE AND TOMENGA. H.J. 581.
IA	HR	16	"A resolution requesting the establishment of a legislative interim study committee to review the physical education requirements for students under the state's educational standards."	03/08/2005--(H) LAID OVER UNDER RULE 25. H.J. 585.
IA	SB	224	"Directs the Iowa department of education and the Iowa department of public health to convene a task force including representatives from the Iowa dietetic association; the Iowa school nutrition directors association; the Iowa association of school boards; the Iowa medical association; the Iowa dental association; the Iowa association for health physical education recreation and dance; the university of Iowa college of public health; and the Iowa state university extension service to develop a model policy regarding access to nutritious foods opportunities for physical activity and accurate education related to these topics; and which sets a minimum standard for the nutritional content of foods and beverages sold or provided throughout the school day. The departments must submit the model policy to the governor and the general assembly and post the model policy on their internet websites by January 1 2006. The bill takes effect upon enactment."	03/07/2005--(S) SUBCOMMITTEE ANGELO WOOD CONNOLLY AND MCKINLEY. S.J. 418.
IA	SB	274	"This bill directs the department of education to perform a review of the educational standards for physical education for students in the three grade level divisions used for grades one through 12. The review is to include the current level of physical fitness prevalent among students consideration of expansion of the physical education standards and approaches advocated by various local and national organizations. The department is to report to the governor and general assembly with findings and recommendations by December 15 2005."	03/08/2005--(S) SUBCOMMITTEE MULDER WOOD BOETTGER AND SCHOENJAHN. S.J. 431.
KS	HB	2208	"an act establishing a task force on the prevention and treatment of obesity."	02/09/2005--(H) HEARING: TUES. 2/15/2005 1:30 PM RM 526-S
KS	SB	154	<b>"an act relating to food and beverages available to students in Kansas school districts; relating to nutrition guidelines."</b>	<b>04/08/2005--APPROVED BY GOVERNOR</b>
KS	SCR	1604	<b>"a concurrent resolution concerning healthy eating and physical activity in public elementary and secondary schools."</b>	<b>04/11/2005--(S) ENROLLED</b>



**2005 Legislative Activity: Physical Education Legislation**  
**Health Policy Tracking Service, a Thomson West Business, July 1, 2005**

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
KY	HB	56	"Creates the 9 member Commission for a Healthy Kentucky within the Cabinet for Health Services to develop an action plan to improve the health and well-being of all Kentuckians pursuant to the goals identified by Health Kentuckians 2010; encourage development of incentives for participation in employee wellness programs; defines "competitive food," "healthy beverage"; prohibit a school from selling during a school day certain chewing gum and water ices food with more than 40% added sugar by weight or items with more than 6 grams of fat per serving except for seeds and nuts; prohibit an elementary school from selling certain soda waters during a school day; permit a school to offer the a la carte sale in the cafeteria line those items that meet the United States Department of Agriculture standard for a breakfast or lunch component except permit the sale of frozen"	02/17/2005--(S) TO EDUCATION (S)
KY	HB	71	"Requires the Kentucky Board of Education to promulgate administrative regulations for the 2005-06 school year to include in the minimum requirements for high school graduation for all students the completion of the physical activity requirements and for students entering the ninth grade two credits of health and nutrition instruction; provide all students in kindergarten through grade twelve 45 minutes of daily or 225 minutes of weekly physical activity; specify alternative plans and activities for the integration of physical activity in the school day; encourage schools to develop physical education plans in consultation with a certified physical education specialist; clarify that the required physical activity shall be considered part of the instructional day; requires a school council to adopt a plan to integrate daily physical activity into the school day; require a school council's student assignment policy to include for all students 45 minutes of daily or 225 minutes of weekly physical activity and for students in kindergarten through grade eight 45 minutes per week or 180 minutes per month of health and nutrition	01/06/2005--(H) TO EDUCATION (H)
KY	HB	90	"Create new sections of KRS Chapter 156 and amend KRS 160.340 to require the Department of Education local school boards and schools to implement local school district wellness programs to increase physical activity and encourage healthy choices; EMERGENCY."	01/06/2005--(H) TO HEALTH AND WELFARE (H)
KY	SB	172	<b>"Requires 30 minutes of physical activity each day in schools or 150 minutes per week coordinated by a certified physical education specialist beginning with the 2006-2007 school year for preschool through intermediate programs 2007-2008 for middle school programs and 2008-2009 for high school programs; Prohibits beginning with the 2006-2007 school year a school from preparing or serving deep-fried foods in the cafeteria during the school day; require each school to publish a school menu that specifies nutritional information; require each school to limit access to no more than one day each week to retail fast foods in the cafeteria whether sold by contract or commercial vendor; contains other provisions relating to school nutrition."</b>	<b>03/16/2005--SIGNED BY GOVERNOR (ACTS CH. 84)</b>



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
KY	SB	222	"Requires the Kentucky Board of Education to promulgate administrative regulations for the 2005-06 school year to include in the minimum requirements for high school graduation for all students the completion of the physical activity requirements and for students entering the ninth grade two credits of health and nutrition instruction; provide all students in kindergarten through grade twelve 45 minutes of daily or 225 minutes of weekly physical activity; specify alternative plans and activities for the integration of physical activity in the school day; encourage schools to develop physical education plans in consultation with a certified physical education specialist; clarify that the required physical activity shall be considered part of the instructional day; requires a school council to adopt a plan to integrate daily physical activity into the school day; require a school council's student assignment policy to include for all students 45 minutes of daily or 225 minutes of weekly physical activity and for students in kindergarten through grade eight 45 minutes per week or 180 minutes per month of health and nutrition	02/15/2005--(S) TO EDUCATION (S)
ME	SB	263	"This bill implements the recommendations of the Commission to Study Public Health concerning schools children and nutrition. The bill: 1. Includes within the statewide system of learning results a nutrition component; Directs schools to require elementary and middle school students to participate in 150 minutes of physical activity per week outside of recess and high school students to participate in 220 minutes of physical activity per week and establishes a physical education consultant position within the Department of Education; and 12. Provides for other nutritional guidelines."	06/23/2005--SIGNED - PUBLIC LAW CHAPTER 435
MD	HB	525	"Requiring the State Department of Education to employ a full-time director of physical education."	04/05/2005--(S) FAVORABLE WITH AMENDMENTS REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MD	SB	233	"Requiring the State Department of Education to employ a full-time director of physical education."	05/26/2005--(S) SIGNED BY THE GOVERNOR CHAPTER 470
MD	SB	473	<b>"Requiring each county board of education to include the importance of physical activity as part of instruction in health education; requiring all vending machines in public schools to have and use a timing device in accordance with specified policies; etc."</b>	<b>05/10/2005--(S) SIGNED BY THE GOVERNOR CHAPTER 312</b>
MD	SB	800	"Establishing a Child Health Advisory Council; providing for the purpose of the Advisory Council; providing for the membership of the Advisory Council; providing for the terms of members of the Advisory Council; requiring the Governor to appoint a successor if a vacancy occurs; requiring the Governor to appoint the chair of the Advisory Council; providing for a quorum of the Advisory Council; requiring the Advisory Council to meet at least once each month; etc."	03/21/2005--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MA	HB	1090	<i>"An Act PROMOTING FITNESS AMONG SCHOOLCHILDREN IN THE COMMONWEALTH."</i>	03/14/2005--(H) REFERRED TO JOINT COMMITTEE ON EDUCATION
MA	HB	1102	<i>"An Act relative to requiring schools districts to convene Child Nutrition and Physical Activity Advisory Committees."</i>	03/21/2005--(H) DISCHARGED AND REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MA	HB	1127	<i>"An Act TO PROMOTE PHYSICAL ACTIVITY IN PUBLIC SCHOOLS."</i>	03/14/2005--(H) REFERRED TO JOINT COMMITTEE ON EDUCATION
MA	HB	1145	<i>"An Act ESTABLISHING A PHYSICAL EDUCATION REQUIREMENT IN THE PUBLIC SCHOOLS."</i>	03/14/2005--(H) REFERRED TO JOINT COMMITTEE ON EDUCATION
MA	HB	1199	<i>"An Act to Improve Quality Physical Education"</i>	03/14/2005--(H) REFERRED TO JOINT COMMITTEE ON EDUCATION
MA	HB	1214	<i>"An Act ESTABLISHING LOCAL SCHOOL HEALTH ADVISORY COUNCILS."</i>	03/14/2005--(H) REFERRED TO JOINT COMMITTEE ON EDUCATION



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
MA	HB	1460	"Resolved that Massachusetts public schools should implement a more rigorous initiative for educating middle school age children about the benefits of good nutrition and physical exercise; and be it further"	03/18/2005--(H) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MA	HB	2591	"An Act ESTABLISHING THE PUBLIC SCHOOLS PHYSICAL EDUCATION FUND."	04/11/2005--(H) REFERRED TO JOINT COMMITTEE ON REVENUE
MA	SB	85	"By Brian A. Joyce. Requires all public school students in grades 1 through 9 to attend a weekly class on nutrition education and physical fitness for not less than 45 minutes per week."	03/16/2005--(S) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MA	SB	326	"AN ACT WAIVING THE PHYSICAL EDUCATION REQUIREMENT IN THE COMMONWEALTH"	03/16/2005--(S) REFERRED TO JOINT COMMITTEE ON EDUCATION
MA	SB	331	"By Michael R. Knapik. Articulates mandatory disbursement levels for appropriations made for the reimbursement of cities and towns for the transportation of pupils in regional school districts by item 7035-0006."	05/16/2005--(S) NEW DRAFT SUBSTITUTED SEE SB2051
MA	SB	334	"AN ACT TO IMPROVE QUALITY PHYSICAL EDUCATION"	03/16/2005--(S) REFERRED TO JOINT COMMITTEE ON EDUCATION
MA	SB	2051	"By the Joint Committee on Education. Directs said committee to make an investigation and study of the articulated bill relative to physical education requirements in public schools."	05/16/2005--(S) DISCHARGED AND REFERRED TO SENATE COMMITTEE ON ETHICS AND RULES
MI	HB	4859	"A bill to amend 1976 PA 451 entitled &quot;The revised school code &quot; by amending section 1502 (MCL 380.1502) as amended by 1993 PA 335."	06/02/2005--(H) REFERRED TO COMMITTEE ON EDUCATION
MI	SB	57	"A bill to amend 1976 PA 451 entitled &quot;The revised school code &quot; (MCL 380.1 to 380.1852) by adding section 1505."	01/25/2005--(S) REFERRED TO COMMITTEE ON EDUCATION
MN	SB	711	"A bill for an act relating to education; providing for health and physical education course requirements"	02/03/2005--(S) SEE --- SF2267 ART. 2 SEC. 3 5 AND 67
MS	HB	1432	"AN ACT TO CREATE THE MISSISSIPPI SAVE OUR CHILDREN ACT; TO REQUIRE FAILING SCHOOL DISTRICTS TO IMPLEMENT CERTAIN PROGRAMS IN ORDER TO IMPROVE STUDENT PERFORMANCE; AND FOR RELATED PURPOSES."	02/01/2005--(H) DIED INSURANCE COMMITTEE
MO	HB	136	"This bill repeals 27 sections of obsolete education law. Many of the sections relate to one-time requirements or to programs that no longer exist. Some of the sections impose requirements that technology has now made irrelevant."	01/25/2005--REFERRED: ELEMENTARY AND SECONDARY EDUCATION
MO	HB	320	"There has been an error processing your request on page: /05info/BTS_Web/Summary.aspx. Please click on return to main bill page and try again. If you continue to get this error please contact the web admin: senwebmaster@senate.mo.gov"	05/10/2005--(S) PLACED ON INFORMAL CALENDAR SENATE COMMITTEE SUBSTITUTE SENATE SUBSTITUTE /SENATE COMMITTEE SUBSTITUTE PENDING
MO	HB	568	"To repeal sections 210.117 211.037 211.038 211.447 452.375 and 452.400 RSMo and to enact in lieu thereof six new sections relating to protection of children."	05/26/2005--DELIVERED TO GOVERNOR
MO	HB	823	"To amend chapter 167 RSMo by adding thereto one new section relating to a model school wellness program."	04/14/2005--(H) EXECUTIVE SESSION HELD
MO	HCR	21	"Supports policies to ensure a healthy school environment by increasing the physical education requirements in schools. (LR# 1603L.021)"	03/09/2005--(H) WITHDRAWN
MO	HCR	25	"Supports policies to ensure a healthy school environment by increasing the physical education requirements in schools. (LR# 1936L.011)"	04/12/2005--(H) REPORTED DO PASS NO TIME LIMIT



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
MO	SCR	4	"This Resolution supports implementation of school policies that ensure a healthy environment in our schools by increasing the physical education requirement in kindergarten through twelfth grade and by offering nutritious food and beverage choices. This Resolution is to be distributed to every school district in Missouri through the Department of Elementary and Secondary Education."	02/17/2005--(S) REFERRED S RULES JOINT RULES RESOLUTIONS & ETHICS COMMITTEE
MT	HJR	17	<b>"A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ENCOURAGING THE BOARD OF PUBLIC EDUCATION TO CONSIDER THE BENEFITS OF INCREASING HEALTH ENHANCEMENT IN SCHOOLS AND ENCOURAGING SCHOOLS TO PROVIDE STUDENTS WITH MORE OPPORTUNITIES FOR PHYSICAL ACTIVITY."</b>	<b>04/18/2005--(H) FILED WITH SECRETARY OF STATE</b>
NE	LB	681	"A BILL FOR AN ACT relating to education; to adopt the Physical Education in Schools Act. <P>"	06/03/2005--CARRIED OVER TO SECOND REGULAR SESSION
NH	HB	151	"This bill requires each school district to establish a school age nutrition and physical activity advisory committee to develop policy for nutrition and physical activity."	05/19/2005--(S) INEXPEDIENT TO LEGISLATE ROLL CALL 17Y-7N MOTION ADOPTED === BILL KILLED ===; SENATE JOURNAL 18 PG.347
NJ	HB	664	<i>"An Act concerning obesity education in public school districts and supplementing chapter 35 of Title 18A of the New Jersey Statutes."</i>	<i>01/13/2004--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE</i>
NM	HB	84	<b>"AN ACT RELATING TO EDUCATION; CLARIFYING, CORRECTING AND RECONCILING SECTIONS OF THE PUBLIC SCHOOL CODE TO COMPLY WITH THE EDUCATION REFORM OF 2003; DEFINING "TEACHER"; PROVIDING FOR SCREENING, MONITORING AND DIAGNOSTIC TESTING OF READING FOR KINDERGARTEN THROUGH GRADE TWO; EXTENDING THE TIME OF A LEVEL ONE LICENSE; PROVIDING FOR MENTORING FOR LEVEL THREE TEACHERS; CLARIFYING THAT SCHOOL BOARDS APPROVE ANNUAL BUDGETS; REQUIRING HEALTH EDUCATION AND PHYSICAL EDUCATION IN CERTAIN GRADES."</b>	<b>04/07/2005--SIGNED - CH.315</b>
NM	HB	566	"AN ACT RELATING TO EDUCATION; PROVIDING THAT SUCCESSFUL COMPLETION OF A JUNIOR RESERVE OFFICER TRAINING COURSE CURRICULUM SATISFIES THE PHYSICAL EDUCATION REQUIREMENT FOR HIGH SCHOOL GRADUATION; AMENDING A SECTION OF THE NMSA 1978."	01/31/2005--(7) HOUSE EDUCATION COMMITTEE
NM	SB	10	"AN ACT RELATING TO PUBLIC EDUCATION; CREATING A SCHOOL HEALTH EDUCATION AND NUTRITION STUDY COMMITTEE; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY."	02/01/2005--(4) DO PASS COMMITTEE REPORT ADOPTED-SENATE FINANCE COMMITTEE
NM	SB	264	"AN ACT RELATING TO PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO INSTITUTE A UNIFORM STATEWIDE SCHOOL CURRICULA BY GRADE AND SUBJECT."	01/20/2005--(2) SENATE FINANCE COMMITTEE-SENATE EDUCATION COMMITTEE
NM	SB	794	"AN ACT MAKING AN APPROPRIATION FOR OBESITY PREVENTION PROGRAMS."	02/26/2005--(29) DO PASS COMMITTEE REPORT ADOPTED-SENATE FINANCE COMMITTEE
NY	HB	2165	<i>"AN ACT to amend the education law in relation to the required instruction in physical education in elementary and secondary schools"</i>	<i>01/25/2005--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY EDUCATION</i>



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
NY	SB	3708	<i>"Provides for required instruction in physical education in elementary and secondary schools; requires that the regents shall include in its rules that students in elementary schools shall participate in physical education for a minimum of one hundred fifty minutes during each school week and that students in secondary schools shall participate for at least two hundred twenty-five minutes per week."</i>	03/30/2005--(S) INTRODUCED AND REFERRED TO COMMITTEE ON SENATE EDUCATION
NC	HB	773	"AN ACT REQUIRING NORTH CAROLINA PUBLIC SCHOOLS TO PROVIDE TO STUDENTS A RANGE OF PHYSICAL ACTIVITY REQUIRED EACH WEEK AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND COMMISSION."	03/17/2005--(H) REFERRED TO COMMITTEE ON RULES CALENDAR AND OPERATIONS OF THE HOUSE
NC	HB	865	"AN ACT to promote healthy active children in kindergarten through eighth grade."	03/23/2005--(H) REFERRED TO COMMITTEE ON EDUCATION
ND	HB	1048	<b>"AN ACT to amend and reenact section 15.1-21-02 of the North Dakota Century Code relating to required high school units."</b>	<b>03/18/2005--(H) FILED WITH SECRETARY OF STATE</b>
ND	HCR	3034	<b>"A concurrent resolution urging school districts to provide a midmorning and midafternoon recess to all students in kindergarten through grade six."</b>	<b>03/29/2005--(H) FILED WITH SECRETARY OF STATE</b>
ND	HCR	3051	"A concurrent resolution directing the Legislative Council to study ways in which state agencies can join with health care professionals school districts schools and parents to promote understanding regarding the interplay of health and educational success and to improve the health and well-being of elementary and high school students in this state."	03/23/2005--(S) SECOND READING FAILED TO ADOPT
OH	HB	105	<i>"To amend section 3313.60 and to enact section 3301.078 of the Revised Code to require each school district to provide instruction in physical education in each of grades kindergarten through eight and to require the Department of Education to provide each school district with access to research to facilitate the use of locally developed instructional objectives and to encourage students' regular participation in physical activity."</i>	06/21/2005--(S) REFERRED TO SENATE EDUCATION
OH	HB	173	<i>"To establish the School Physical Fitness and Wellness Advisory Council."</i>	04/07/2005--(H) REFERRED TO HOUSE EDUCATION
OH	SB	44	<i>"To amend section 3301.0718 of the Revised Code to require the State Board of Education to adopt the National Association for Sport and Physical Education standards for physical education in grades kindergarten through twelve and to remove the requirement that standards and model curricula for physical education are subject to approval by concurrent resolution of the General Assembly."</i>	02/08/2005--(S) REFERRED TO SENATE EDUCATION
OK	HB	1647	<b>"An Act relating to schools; creating the Oklahoma Kids Fitness Challenge Act; requiring the State Board of Education to establish a physical activity program for certain students; authorizing school districts to participate in the program; providing for certain physical activity options for the program; directing the Board to adopt a Walk Across Oklahoma activity plan; stating the plan challenges; providing certain content for the plan; allowing certain exception from requirements; providing for codification; providing an effective date; and declaring an emergency."</b>	<b>04/25/2005--(H) APPROVED BY GOVERNOR 04/25/2005</b>



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
OK	SB	312	"An Act relating to schools; directing State Board of Education to require school districts to provide certain physical education programs to all students; directing State Board of Education to require certain physical education instruction in elementary schools as a condition of accreditation; directing State Board of Education to disseminate certain information and strongly encourage districts to provide certain education programs; requiring alignment of certain instruction with Priority Academic Student Skills; directing State Board of Education to adopt rules; amending 70 O.S. 2001 Section 11-103.6 as last amended by Section 1 Chapter 82 O.S.L. 2004 (70 O.S. Supp. 2004 Section 11-103.6) which relates to curricular requirements for high school graduation; requiring school districts to strongly encourage students to complete certain physical education units; providing for codification; and providing an effective date."	04/06/2005--(S) APPROVED BY GOVERNOR 04/06/2005
OK	SB	346	"An Act relating to schools; stating legislative findings; directing State Department of Education to disseminate certain information to and strongly encourage districts to provide certain instruction; providing for codification; and providing an effective date ."	02/08/2005--(S) SECOND READING REFERRED TO EDUCATION
OK	SB	535	"An Act relating to schools; amending Section 1 Chapter 357 O.S.L. 2004 (70 O.S. Supp. 2004 Section 24-100a) which relates to the Healthy and Fit Kids Act of 2004; requiring State Department of Education to report on physical education programs in public schools; requiring Department to survey schools on healthy food plans and contents of vending machines; requiring Department to hold certain public hearing; providing an effective date; and declaring an emergency."	02/08/2005--(S) SECOND READING REFERRED TO EDUCATION
OK	SB	699	"An Act relating to schools; directing State Board of Education to require certain physical and health education instruction in elementary schools as a condition of accreditation; directing State Board of Education to adopt rules; providing for codification; and providing an effective date ."	02/08/2005--(S) SECOND READING REFERRED TO EDUCATION
OR	SB	228	<i>"Establishes minimum amount of participation in physical education by kindergarten through grade 8 public school students. Specifies requirements for physical education instruction."</i>	06/28/2005--(S) PUBLIC HEARING AND WORK SESSION HELD.
OR	SB	675	<i>"Directs Oregon Health Policy Commission to study and develop comprehensive approach to childhood obesity. Sunsets January 2 2008. Declares emergency effective on passage."</i>	05/23/2005--(H) PUBLIC HEARING HELD.
PA	HB	189	<i>"An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto providing for nutritional standards for competitive food sales; further providing for health services; providing for physical education and recess"</i>	06/22/2005--(S) REFERRED TO EDUCATION
PA	HB	191	<i>"An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto further providing for advisory health councils; ESTABLISHING LOCAL WELLNESS POLICIES; and providing for the establishment of a child health and nutrition advisory committee."</i>	06/22/2005--(S) REFERRED TO EDUCATION
RI	HB	5199	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high-sugar snack vending machines. This act would take effect upon passage."	03/09/2005--CONTINUED
RI	HB	5353	"This act would establish a pilot program to encourage physical exercise and promote healthy weight levels in children.<P>This act would take effect upon passage."	05/17/2005--CONTINUED
RI	HB	5563	"an act relating to education"	06/24/2005--SIGNED BY GOVERNOR



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STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
RI	HB	5568	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high sugar snack vending machines. This act would take effect upon passage."	03/09/2005--CONTINUED
RI	SB	556	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high-sugar snack vending machines. This act would take effect upon passage."	03/09/2005--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
<b>RI</b>	<b>SB</b>	<b>565</b>	<b>"an act relating to education"</b>	<b>06/24/2005--SIGNED BY GOVERNOR</b>
SC	HB	3106	"TO AMEND SECTION 59-29-80 AS AMENDED CODE OF LAWS OF SOUTH CAROLINA 1976 RELATING TO COURSES IN PHYSICAL EDUCATION AND ROTC PROGRAMS SO AS TO ALLOW BAND TO BE SUBSTITUTED FOR PHYSICAL EDUCATION INSTRUCTION."	01/11/2005--HOUSE REFERRED TO COMMITTEE ON EDUCATION AND PUBLIC WORKS HJ-83
SC	HB	3346	"TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976 BY ADDING CHAPTER 45 TITLE 44 TO ENACT THE SOUTH CAROLINA CHILDREN'S HEALTH OBESITY ACT INCLUDING PROVISIONS TO CREATE THE CHILD HEALTH ADVISORY COMMITTEE; TO PROVIDE FOR ITS MEMBERSHIP POWERS AND DUTIES INCLUDING DEVELOPING NUTRITION AND PHYSICAL ACTIVITY STANDARDS AND RECOMMENDATIONS TO BE IMPLEMENTED BY THE DEPARTMENT OF EDUCATION; TO PROVIDE FOR CERTAIN HEALTH AND NUTRITION SPECIALISTS TO BE EMPLOYED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION CONTINGENT UPON AVAILABLE FUNDING; TO REQUIRE SCHOOL DISTRICTS TO CONVENE NUTRITION AND PHYSICAL ACTIVITY ADVISORY COMMITTEES; TO REQUIRE STUDENT AND SCHOOL REPORT CARDS TO CONTAIN CERTAIN HEALTH DATA; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION TO REPORT TO CERTAIN LEGISLATIVE COMMITTEES ON THE IMPLEMENTATION OF THIS ACT."	05/26/2005--HOUSE RECOMMITTED TO COMMITTEE ON EDUCATION AND PUBLIC WORKS HJ-10



**2005 Legislative Activity: Physical Education Legislation**  
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STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
SC	HB	3499	"ESTABLISH PHYSICAL EDUCATION SCHOOL HEALTH SERVICES AND NUTRITIONAL STANDARDS IN ELEMENTARY SCHOOLS; TO PROVIDE FOR THE AMOUNT OF PHYSICAL EDUCATION INSTRUCTION A STUDENT IN KINDERGARTEN THROUGH FIFTH GRADE MUST RECEIVE EACH WEEK ON A PHASED-IN BASIS; TO PROVIDE FOR A CERTAIN PHYSICAL EDUCATION TEACHER TO STUDENT RATIO ON A PHASED-IN BASIS; TO PROVIDE FOR A MEASURE OF EFFECTIVENESS OF THE PHYSICAL EDUCATION PROGRAM IN ALL PUBLIC SCHOOLS; TO PROVIDE FOR A PHYSICAL EDUCATION ACTIVITY DIRECTOR; TO PROVIDE CERTAIN NUTRITIONAL STANDARDS FOR ELEMENTARY SCHOOLS; TO PROVIDE FOR A COORDINATED SCHOOL HEALTH MODEL AND AN ASSESSMENT PROGRAM FOR SCHOOL HEALTH EDUCATION PROGRAMS; TO PROVIDE THE MINIMUM AMOUNT OF TIME ELEMENTARY SCHOOL STUDENTS MUST HAVE TO EAT LUNCH; TO PROVIDE FOR THE ESTABLISHMENT OF A DISTRICT LEVEL AND AN ELEMENTARY SCHOOL LEVEL COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND PROVIDE ITS POWERS AND DUTIES; TO PROVIDE FOR A WEEKLY NUTRITION COMPONENT FOR THE HEALTH CURRICULUM."	06/03/2005--COPIES AVAILABLE
SC	SB	124	"TO AMEND SECTION 59-29-80 CODE OF LAWS OF SOUTH CAROLINA 1976 RELATING TO COURSES IN PHYSICAL EDUCATION TO PROVIDE IN ACCORDANCE WITH ADOPTED SOUTH CAROLINA PHYSICAL EDUCATION CURRICULUM STANDARDS STUDENTS IN PRE-KINDERGARTEN THROUGH FIFTH GRADE MUST BE PROVIDED A MINIMUM OF ONE HUNDRED FIFTY MINUTES A WEEK OF PHYSICAL EDUCATION."	05/18/2005--SENATE RECOMMITTED TO COMMITTEE ON EDUCATION SJ-52
SC	SB	500	"TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976 BY ADDING CHAPTER 10 ENTITLED PHYSICAL EDUCATION AND NUTRITIONAL STANDARDS TO TITLE 59 SO AS TO ESTABLISH PHYSICAL EDUCATION AND NUTRITIONAL STANDARDS IN ELEMENTARY SCHOOLS TO PROVIDE FOR THE AMOUNT OF PHYSICAL EDUCATION INSTRUCTION A STUDENT IN KINDERGARTEN THROUGH FIFTH GRADE MUST RECEIVE EACH WEEK ON A PHASED-IN BASIS PROVIDE FOR A MEASURE OF EFFECTIVENESS OF THE PHYSICAL EDUCATION PROGRAM IN ALL PUBLIC SCHOOLS PROVIDE FOR A PHYSICAL EDUCATION ACTIVITY DIRECTOR PROVIDE CERTAIN NUTRITIONAL STANDARDS FOR ELEMENTARY SCHOOLS PROVIDE THAT ELEMENTARY SCHOOLS SHALL REMOVE CERTAIN FOOD AND DRINKS FROM VENDING MACHINES PROVIDE THE MINIMUM AMOUNT OF TIME ELEMENTARY SCHOOL STUDENTS MUST HAVE TO EAT LUNCH PROVIDE FOR THE ESTABLISHMENT OF A DISTRICT LEVEL AND AN ELEMENTARY SCHOOL LEVEL COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND PROVIDE ITS POWERS AND DUTIES PROVIDE FOR NUTRITIONAL EDUCATION AND PROVIDE A MEASURE OF EFFECTIVENESS OF HEALTH EDUCATION PROGRAMS."	02/17/2005--SENATE REFERRED TO COMMITTEE ON EDUCATION SJ-1
TN	HB	953	"an act to amend tennessee code annotated title 4 chapter 40; title 4 chapter 51; title 43; title 49; title 56; title 68 and title 71 relative to physical education."	04/13/2005--WITHDRAWN.
TN	HB	1408	"an act to enact the &#147;tennessee student health act&#148; and amend tennessee code annotated title 49 relative to student health."	05/17/2005--TAKEN OFF NOTICE FOR CALENDAR IN: EDUCATION COMMITTEE



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STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
TN	HB	2055	"an act to amend tennessee code annotated title 4 chapter 29 and title 68 chapter 1 relative to child nutrition and wellness."	05/26/2005--TAKEN OFF NOTICE FOR CALENDAR IN: FINANCE WAYS & MEANS COMMITTEE
TN	HJR	85	<b>"a resolution urging the department of health and the department of education to develop a program which addresses the increasing prevalence of childhood obesity."</b>	<b>05/17/2005--SIGNED BY GOVERNOR.</b>
TN	HJR	88	<b>"a resolution urging the tennessee state board of education in cooperation with all local education agencies to develop and implement a curriculum of instruction which will enable students to adopt and maintain healthy lifestyle habits."</b>	<b>05/17/2005--SIGNED BY GOVERNOR.</b>
TN	SB	1071	"an act to amend tennessee code annotated title 4 chapter 40; title 4 chapter 51; title 43; title 49; title 56; title 68 and title 71 relative to physical education."	02/25/2005--WITHDRAWN.
TN	SB	1231	"an act to enact the &#147;tennessee student health act&#148; and amend tennessee code annotated title 49 relative to student health."	05/16/2005--RECEIVED FROM SENATE HELD ON HOUSE DESK.
TN	SB	2038	"an act to amend tennessee code annotated title 4 chapter 29 and title 68 chapter 1 relative to child nutrition and wellness."	05/28/2005--RECEIVED FROM SENATE HELD ON HOUSE DESK.
TN	SJR	38	"a resolution to create a special joint committee to study issues relative to the federal child nutrition act physical education and the coordinated school health improvement act of 1999."	05/28/2005--RULES SUSPENSION ADOPTED AYES 29 NAYS 0
TX	HB	517	"Relating to daily physical activity requirements in public schools."	05/03/2005--(H) NO ACTION TAKEN IN COMMITTEE
TX	HB	2785	"Relating to the health of school-age children."	04/12/2005--(H) LEFT PENDING IN COMMITTEE
TX	HB	3283	"Relating to the imposition of state taxes to fund childhood obesity prevention programs."	03/21/2005--(H) REFERRED TO WAYS & MEANS
TX	SB	29	"Relating to school district reporting of compliance with certain student health guidelines."	01/31/2005--(S) REFERRED TO EDUCATION
TX	SB	42	<b>"Relating to health education physical activity and food products in public primary and secondary schools."</b>	<b>06/17/2005--EFFECTIVE IMMEDIATELY</b>
TX	SB	426	"Requires TEA to collect best practices and develop incentives to provide access to school campuses after regular school hours and allows comp-ed funding to be used for transportation. It also creates a Texas Fruit and Vegetable Pilot Project to provide free snacks for students throughout the school day in Tarrant County and another district to be determined in the lower Rio Grande Valley. </html>"	05/22/2005--(H) COMMITTEE REPORT SENT TO CALENDARS
TX	SB	1379	"Addresses the growing epidemic of obesity poor nutrition and lack of physical activity among Texas children and adults. It ensures that the new school food nutrition policy is not weakened and will bring together the commissioners of agriculture education and state health services to review the status of health initiatives and programs to promote better health and nutrition and to prevent obesity at least once a year. C.S.S.B. 1379 also directs specific state agencies to create individual councils and prepare reports to promote consumer health and possibly require health insurance companies to offer benefit plans providing coverage for the treatment and prevention of obesity."	05/22/2005--(H) COMMITTEE REPORT SENT TO CALENDARS
UT	HJR	11	<b>"Resolution Encouraging Schools to Adopt Nutrition and Physical Activity Policies'</b>	<b>03/07/2005--(H) HOUSE/ TO LIEUTENANT GOVERNOR</b>
VT	HB	126	"Education; physical fitness grants; appropriation - This bill proposes to appropriate \$20 000.00 for grants to enable public schools to offer at least one-half hour of structured exercise three times per week in an after-school program."	02/01/2005--(H) IN EDUCATION



## 2005 Legislative Activity: Physical Education Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
VA	HB	2610	"Obesity and health and physical education in the public schools. Updates and strengthens the requirements for health and physical education instruction in the public schools. Requires a comprehensive health and physical education program in grades kindergarten through grade 12 and that the Board of Education prescribe the program in its Standards of Learning for Health and for Physical Education. Also the bill requires that school boards that choose to implement school breakfast programs comply with the National School Lunch Program's regulations governing Dietary Guidelines for Americans and disseminate information concerning the health consequences of obesity to students parents teachers school administrators and school nurses. In addition under the Standards of Quality school boards are required to emphasize good nutrition and physical fitness and exercise in health and physical education programs in the middle and high school grades as well as at the elementary level."	01/26/2005--(H) TABLED IN EDUCATION (22-Y 0-N)
VA	SB	747	"Childhood obesity. Requires the Board of Education to promulgate in cooperation with the State Health Department regulations establishing standards to ameliorate childhood obesity in the public schools. This bill also adds the improvement of school health as one of the criteria to be considered by local schools during the annual evaluation of division superintendents. Further the bill requires division superintendents to complete instruction concerning the causes and consequences of overweight and obesity by July 1 2006. The requirement for instruction may be satisfied by attendance at conferences seminars or in-service training."	01/20/2005--(S) FAILED TO REPORT (DEFEATED) IN EDUCATION AND HEALTH (5-Y 9-N)
VA	SB	1130	<b>"Elementary schools; physical education. Provides that physical education in elementary schools shall include activities such as but not limited to cardio-vascular muscle building or stretching exercises as appropriate."</b>	<b>03/29/2005--ACTS OF ASSEMBLY CHAPTER TEXT (CHAP0350)</b>
WV	HB	2816	<b>"AN ACT to amend the Code of West Virginia 1931 as amended by adding thereto a new article designated §5-1E-1 §5-1E-2 §5-1E-3 §5-1E-4 and §5-1E-5; and to amend and reenact §18-2-6a §18-2-7a and §18-2-9 of said code all relating to promoting healthy lifestyles; creating a Healthy Lifestyles Office in the Department of Health and Human Resources; establishing the functions of the Office; creating a special revenue account; establishing a voluntary private sector partnership program to encourage healthy lifestyles; establishing physical activity requirements in the schools; using body mass index as an indicator of progress; encouraging the use of healthy beverages in schools; and adding requirements for health education."</b>	<b>05/11/2005--CHAPTER 121 ACTS 2005</b>
WV	SB	416	"Relates to promoting healthy lifestyles; creating a Healthy Lifestyles Office in the Department of Education and the Arts; establishing the functions of the Office; creating a special revenue account; establishing a Voluntary Menu Labeling Program; requiring physical activity in the schools; and encouraging the use of health foods and beverages in the vending machines of schools."	03/01/2005--TO HEALTH AND HUMAN RESOURCES



Gov. Don Carcieri (R) of **Rhode Island** signed H.B. 5563 and S.B. 565 into law in June. Identical to each other, the measures require each district's school committee to establish a health and wellness subcommittee. Among their responsibilities, subcommittees will make recommendations regarding the district's health education curriculum and instruction.

Gov. Mark Sanford (R) of **South Carolina** signed the Students Health and Fitness Act of 2005. House Bill 3499 is a comprehensive bill that sets standards for both physical and health education. The bill requires that health curricula include a weekly nutrition component for students in kindergarten through fifth grade. In addition, the measure requires the Department of Education to develop an assessment program to evaluate each district's health education program.

**Maine** S.B. 263 implemented some of the recommendations offered by the Commission to Study Public Health that Concern Schools, Children and Nutrition. Among the adopted recommendations, the measure requires that the Department of Education to work with public schools to encourage nutrition education as part of the coordinated school health programs.

**Texas** S.B. 42, also signed into law in June, requires the Department of Education to make available a coordinated health program that emphasizes proper nutrition and exercise for middle and junior high school students. Existing law already established the program for elementary students. The measure also emphasizes that health education, with an emphasis in nutrition and exercise, must be included as part of the core curricula offered to students.

State lawmakers also adopted a couple of resolutions urging schools to provide their students with health education. **Oklahoma** Gov. Brad Henry (D) signed S.B. 312 urging school districts to "strongly encourage" high school students to complete two units of physical and health education. In **Tennessee** and **Virginia**, lawmakers also encouraged school divisions to provide age-appropriate and culturally sensitive health, nutrition and physical education.

The table on the following page highlights other measures that have been introduced and those that are currently pending before state legislative committees. Measures that are pending are italicized and highlighted in blue. Those that have been enacted are bolded and highlighted in yellow.



## 2005 Legislative Activity: Health Education

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	SUMMARY	STATUS
CA	HB	334	"An act to add Section 9005 to the Education Code relating to school nutrition."	05/25/2005--(H) IN COMMITTEE: SET SECOND HEARING. HELD UNDER SUBMISSION.
CA	HB	689	"An act to add Sections 51210.6 and Section 51210.8 to the Education Code relating to curriculum."	06/30/2005--(S) FROM COMMITTEE: DO PASS AND RE-REFER TO COMMITTEE ON APPROPRIATIONS RE-REFERRED. (AYES 11. NOES 0.).
CA	HB	826	"An act to add Article 3 (commencing with Section 9100) to Chapter 10 of Part 6 of the Education Code and to add Chapter 5 (commencing with Section 43600) to Division 17 of the Food and Agricultural Code relating to child nutrition."	06/30/2005--(S) FROM COMMITTEE: DO PASS AND RE-REFER TO COMMITTEE ON APPROPRIATIONS RE-REFERRED. (AYES 11. NOES 0.).
CT	SB	833	"To address childhood obesity and increase the availability of nutritious locally-grown foods."	01/24/2005--REFERRED TO JOINT COMMITTEE ON EDUCATION
GA	HB	280	"To amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to competencies and core curriculum so as to change certain provisions relating to a prescribed course of study in health and physical education; to provide for related matters; to repeal conflicting laws; and for other purposes."	02/07/2005--(H) SECOND READERS
GA	HB	647	"To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to elementary and secondary education so as to establish a special fund to be known as the School Health and Physical Education Support Fund; to provide for a state school health and physical education program; to provide for funds rules and reports related thereto; to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated relating to registration and licensing of motor vehicles generally so as to provide for special license plates promoting such program and related activities."	03/02/2005--(H) SECOND READERS
GA	HR	365	"Proposing an amendment to the Constitution so as to provide for the creation of a school health and physical education support fund and program; to provide funds for the program from the voluntary purchase of special license plates and other sources; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes."	03/02/2005--(H) SECOND READERS



## 2005 Legislative Activity: Health Education

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

IL	HB	1535	"Amends the Critical Health Problems and Comprehensive Health Education Act. Specifically includes as part of the design of the Comprehensive Health Education Program learning experiences that will aid students in making wise personal decisions in matters of nutrition. Provides that in the educational area of nutrition the Program shall include an emphasis on nutritional values and wellness. Requires the State Board of Education to develop and make available through Internet website resources instructional materials and guidelines concerning nutrition and wellness to all schools. Effective immediately."	05/24/2005--(S) REFERRED TO RULES
KY	HB	71	"Amends the minimum requirements for high school graduation for all students--requires the completion of the physical activity requirements and for students entering the ninth grade two credits of health and nutrition instruction; sets physical education standards."	01/06/2005--(H) TO EDUCATION (H)
MD	SB	473	<b>"Requiring each county board of education to include the importance of physical activity as part of instruction in health education; requiring all vending machines in public schools to have and use a timing device in accordance with specified policies; etc."</b>	<b>05/10/2005--(S) SIGNED BY THE GOVERNOR CHAPTER 312</b>
MA	HB	1102	<i>"An Act relative to requiring schools districts to convene Child Nutrition and Physical Activity Advisory Committees."</i>	<i>03/21/2005--(H) DISCHARGED AND REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES</i>
MA	HB	1214	<i>"An Act ESTABLISHING LOCAL SCHOOL HEALTH ADVISORY COUNCILS."</i>	<i>03/14/2005--(H) REFERRED TO JOINT COMMITTEE ON EDUCATION</i>
MA	HB	1460	<i>"Resolved that Massachusetts public schools should implement a more rigorous initiative for educating middle school age children about the benefits of good nutrition and physical exercise."</i>	<i>03/18/2005--(H) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES</i>
MA	HB	1638	<i>"An Act RELATIVE TO LOCAL CONTROL OF HEALTH EDUCATION CURRICULUMS."</i>	<i>03/28/2005--(H) REFERRED TO JOINT COMMITTEE ON PUBLIC HEALTH</i>
MI	HB	4859	<i>"Minimum requirements for health and physical education classes."</i>	<i>06/02/2005--(H) REFERRED TO COMMITTEE ON EDUCATION</i>
MN	HB	2	"A bill for an act relating to education; providing for early childhood adult family and kindergarten through grade 12 education including general education excellence in education special programs facilities and technology nutrition and accounting libraries early education prevention self-sufficiency and lifelong learning state agencies and technical and conforming amendments; authorizing rulemaking; providing for reports; appropriating money"	05/27/2005--(H) AUTHORS ADDED --- GAZELKA AND BLAINE
MN	SB	711	"A bill for an act relating to education; providing for health and physical education course requirements"	02/03/2005--(S) SEE --- SF2267 ART. 2 SEC. 3 5 AND 67
MN	SB	1155	"A bill for an act relating to education; enabling sixth through eighth grade girls and boys to receive self-defense and conflict resolution training as a health and physical education standard."	02/24/2005--(S) REFERRED TO EDUCATION



## 2005 Legislative Activity: Health Education

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

MO	HB	81	"This bill requires the State Board of Education to establish a coordinated health program board by January 1 2006. By January 1 2007 the health board must make available to every school district a program to prevent obesity cardiovascular disease and type II diabetes. The State Board of Education in cooperation with the Department of Health and Senior Services may provide the training. School districts have the option to participate in the training and in the program's implementation."	01/27/2005--REFERRED: ELEMENTARY AND SECONDARY EDUCATION
NH	HB	151	"This bill requires each school district to establish a school age nutrition and physical activity advisory committee to develop policy for nutrition and physical activity."	05/19/2005--(S) INEXPEDIENT TO LEGISLATE ROLL CALL 17Y-7N MOTION ADOPTED === BILL KILLED ===; SENATE JOURNAL 18 PG.347
NJ	HB	664	<i>"An Act concerning obesity education in public school districts."</i>	01/13/2004--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NJ	HB	2096	<i>"An Act concerning instruction on anger management as part of the core health and physical education curriculum."</i>	02/09/2004--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NJ	SB	838	<i>"An Act concerning instruction on anger management and supplementing chapter 35 of Title 18A of the New Jersey Statutes."</i>	02/05/2004--INTRODUCED IN THE SENATE REFERRED TO SENATE EDUCATION COMMITTEE
<b>NM</b>	<b>HB</b>	<b>84</b>	<b>"AN ACT RELATING TO EDUCATION; REQUIRING HEALTH EDUCATION AND PHYSICAL EDUCATION IN CERTAIN GRADES."</b>	<b>04/07/2005--SIGNED - CH.315</b>
NM	HB	899	"AN ACT MAKING AN APPROPRIATION TO THE PUBLIC EDUCATION DEPARTMENT TO SUPPORT COMPREHENSIVE HEALTH EDUCATION IN ELEMENTARY SCHOOLS."	03/02/2005--(33) DO PASS COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	SB	10	"AN ACT RELATING TO PUBLIC EDUCATION; CREATING A SCHOOL HEALTH EDUCATION AND NUTRITION STUDY COMMITTEE; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY."	02/01/2005--(4) DO PASS COMMITTEE REPORT ADOPTED-SENATE FINANCE COMMITTEE
NM	SB	525	"AN ACT RELATING TO NUTRITION; CREATING A NUTRITION COUNCIL; PROVIDING DUTIES; CREATING A FUND; REQUIRING NUTRITION AND HEALTH COURSES IN PUBLIC SCHOOLS; REQUIRING NUTRITION EDUCATION FOR CERTAIN LICENSED PRACTITIONERS; REQUIRING STUDIES; MAKING APPROPRIATIONS."	03/18/2005--(51) DO PASS AS AMENDED COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE- WITHDRAWN FROM COMMITTEE FOR SUBSEQUENT ACTION



## 2005 Legislative Activity: Health Education

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

NY	HB	3973	"AN ACT to amend the education law in relation to the teaching of health education in elementary schools"	02/07/2005--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY EDUCATION
NY	HB	6900	"Requires students to be given instruction on nutrition."	05/18/2005--(H) AMEND (T) AND RECOMMIT TO ASSEMBLY EDUCATION
NY	SB	3696	"Requires students to be given instruction on nutrition."	04/14/2005--(S) AMEND (T) AND RECOMMIT TO SENATE EDUCATION
NC	HB	1059	"AN ACT to correct inaccuracies in the use of certain terms in the general statutes pertaining to the administration of a school health education program."	06/06/2005--(S) REFERRED TO COMMITTEE ON HEALTH CARE
ND	HB	1048	<b>"AN ACT to amend and reenact section 15.1-21-02 of the North Dakota Century Code relating to required high school units."</b>	<b>03/18/2005--(H) FILED WITH SECRETARY OF STATE</b>
OK	SB	312	<b>"An Act relating to schools; directing State Board of Education to require school districts to provide certain physical education programs to all students; requiring school districts to strongly encourage students to complete certain health and physical education units."</b>	<b>04/06/2005--(S) APPROVED BY GOVERNOR 04/06/2005</b>
OK	SB	346	"An Act relating to schools; stating legislative findings; directing State Department of Education to disseminate certain information to and strongly encourage districts to provide certain instruction; providing for codification; and providing an effective date ."	02/08/2005--(S) SECOND READING REFERRED TO EDUCATION
OK	SB	699	"An Act relating to schools; directing State Board of Education to require certain physical and health education instruction in elementary schools as a condition of accreditation; directing State Board of Education to adopt rules; providing for codification; and providing an effective date ."	02/08/2005--(S) SECOND READING REFERRED TO EDUCATION
RI	HB	5199	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high-sugar snack vending machines. This act would take effect upon passage."	03/09/2005--CONTINUED
RI	HB	5563	<b>"Requires local school districts to establish subcommittees to decrease obesity and address school health and wellness policies for students and employees."</b>	<b>06/24/2005--SIGNED BY GOVERNOR</b>
RI	HB	5568	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high sugar snack vending machines. This act would take effect upon passage."	03/09/2005--CONTINUED



**2005 Legislative Activity: Health Education**  
**Health Policy Tracking Service, a Thomson West Business, July 1, 2005**

RI	SB	556	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education and nutrition. These policies would include but not be limited to the prohibition of carbonated soda and high-fat and/or high-sugar snack vending machines. This act would take effect upon passage."	03/09/2005--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
RI	SB	565	Identical to RI HB 5563	06/24/2005--SIGNED BY GOVERNOR
SC	HB	3499	<b>"TO ESTABLISH PHYSICAL EDUCATION SCHOOL HEALTH SERVICES AND NUTRITIONAL STANDARDS IN ELEMENTARY SCHOOLS; TO PROVIDE FOR THE AMOUNT OF PHYSICAL EDUCATION INSTRUCTION A STUDENT IN KINDERGARTEN THROUGH FIFTH GRADE MUST RECEIVE EACH WEEK ON A PHASED-IN BASIS; TO PROVIDE FOR A CERTAIN PHYSICAL EDUCATION TEACHER TO STUDENT RATIO ON A PHASED-IN BASIS; TO PROVIDE FOR A MEASURE OF EFFECTIVENESS OF THE PHYSICAL EDUCATION PROGRAM IN ALL PUBLIC SCHOOLS; TO PROVIDE CERTAIN NUTRITIONAL STANDARDS FOR ELEMENTARY SCHOOLS; TO PROVIDE FOR A COORDINATED SCHOOL HEALTH MODEL AND AN ASSESSMENT PROGRAM FOR SCHOOL HEALTH EDUCATION PROGRAMS; TO PROVIDE THE MINIMUM AMOUNT OF TIME ELEMENTARY SCHOOL STUDENTS MUST HAVE TO EAT LUNCH; TO PROVIDE FOR THE ESTABLISHMENT OF A DISTRICT LEVEL AND AN ELEMENTARY SCHOOL LEVEL COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND PROVIDE ITS POWERS AND DUTIES; TO PROVIDE FOR A WEEKLY NUTRITION COMPONENT FOR THE HEALTH CURRICULUM; AND TO PROVIDE THAT IMPLEMENTATION IS CONTINGENT UPON THE APPROPRIATION OF FUNDING."</b>	06/03/2005--COPIES AVAILABLE



**2005 Legislative Activity: Health Education**  
**Health Policy Tracking Service, a Thomson West Business, July 1, 2005**

SC	SB	500	"TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976 BY ADDING CHAPTER 10 ENTITLED PHYSICAL EDUCATION AND NUTRITIONAL STANDARDS TO TITLE 59 SO AS TO ESTABLISH PHYSICAL EDUCATION AND NUTRITIONAL STANDARDS IN ELEMENTARY SCHOOLS TO PROVIDE FOR THE AMOUNT OF PHYSICAL EDUCATION INSTRUCTION A STUDENT IN KINDERGARTEN THROUGH FIFTH GRADE MUST RECEIVE EACH WEEK ON A PHASED-IN BASIS PROVIDE FOR A MEASURE OF EFFECTIVENESS OF THE PHYSICAL EDUCATION PROGRAM IN ALL PUBLIC SCHOOLS PROVIDE FOR A PHYSICAL EDUCATION ACTIVITY DIRECTOR PROVIDE CERTAIN NUTRITIONAL STANDARDS FOR ELEMENTARY SCHOOLS PROVIDE THAT ELEMENTARY SCHOOLS SHALL REMOVE CERTAIN FOOD AND DRINKS FROM VENDING MACHINES PROVIDE THE MINIMUM AMOUNT OF TIME ELEMENTARY SCHOOL STUDENTS MUST HAVE TO EAT LUNCH PROVIDE FOR THE ESTABLISHMENT OF A DISTRICT LEVEL AND AN ELEMENTARY SCHOOL LEVEL COORDINATED SCHOOL HEALTH ADVISORY COUNCIL AND PROVIDE ITS POWERS AND DUTIES PROVIDE FOR NUTRITIONAL EDUCATION AND PROVIDE A MEASURE OF EFFECTIVENESS OF HEALTH EDUCATION PROGRAMS."	02/17/2005--SENATE REFERRED TO COMMITTEE ON EDUCATION SJ-1
TN	HJR	88	<b>"A resolution urging the tennessee state board of education in cooperation with all local education agencies to develop and implement a curriculum of instruction which will enable students to adopt and maintain healthy lifestyle habits."</b>	<b>05/17/2005--SIGNED BY GOVERNOR.</b>
TX	SB	1379	"Addresses the growing epidemic of obesity poor nutrition and lack of physical activity among Texas children and adults. It ensures that the new school food nutrition policy is not weakened and will bring together the commissioners of agriculture education and state health services to review the status of health initiatives and programs to promote better health and nutrition and to prevent obesity at least once a year. Includes nutrition in the health education curriculum."	05/22/2005--(H) COMMITTEE REPORT SENT TO CALENDARS
VA	HJR	260	<b>"Health and physical education. Urges school divisions to provide age-appropriate and culturally sensitive health nutrition and physical education necessary to develop the knowledge attitudes skills and behaviors required for students to adopt and maintain healthy eating habits and physically active lifestyles."</b>	<b>03/10/2004--(H) BILL TEXT AS PASSED HOUSE AND SENATE (HJ260ER)</b>

## BMI Reporting

States are turning to a common measurement of obesity known as the body mass index (BMI), which is used by health care professionals to determine if a child or adult is obese or overweight. BMI measures a person's weight in proportion to their height. Because being overweight or obese raises the risk of developing a coexisting medical condition, such as hypertension, diabetes, coronary heart disease and certain types of cancers, health care professionals use BMI to detect, treat and prevent obesity.

The USDA's *Dietary Guidelines for Americans* identifies an individual as obese if their BMI is 30 or higher. Individuals with BMIs ranging from 25 to 29 are considered overweight. For adults, BMI is calculated by dividing their weight in kilograms by their height in meters squared. For children, their BMI is compared with age and gender specific charts, commonly referred to as BMI-for-age. These charts help health care professionals determine if a child or adolescent is underweight, normal, at risk of overweight or overweight.

To assess the prevalence of obesity and the effects of school nutrition policies to curb the rising obesity rates in children, states are turning to legislation that requires the reporting of BMI. In 2003, **Arkansas** Gov. Mike Huckabee (R) signed legislation that required schools to send annual health report cards to parents with information about each student's health status, specifically the student's BMI. Despite the controversy caused by this mandate regarding privacy, the final results of the school-by-school body mass index report showed that 38 percent of Arkansas' public school students were overweight or at risk for being overweight. The Arkansas Center for Health Improvement (ACHI) is responsible for managing the statewide collection of BMI results. Next year, the Department of Health will take responsibility for distributing forms and disseminating information to schools. ACHI still will be responsible for generating the health reports and tracking obesity trends.

In 2004, other states introduced legislation calling for the measurement of students' BMI, but only one bill made it through the legislative process. The **Illinois'** Department of Health is required to collect data measuring obesity as part of the mandatory health examination required for students to attend public schools.

### Summary of Enacted Legislation

As part of a more comprehensive measure addressing obesity across all age groups, the **West Virginia** Legislature will require schools to report BMI measurements in an effort to monitor the effect of requiring each child to participate in physical education class. House Bill 2816 requires that BMI measurements be included in kindergarten screening procedures and requires that students in grades 4 through 12 have their BMIs measured through routine fitness testing procedures. The bill also requires training for school personnel responsible for taking the BMI measurements and requires schools to report the BMI measures to the State Department of Education via the West Virginia Education Information System. The department will then report the data, in the aggregate, to the governor, State Board of Education, the newly created Healthy Lifestyles Coalition and the Legislative Oversight Commission on Health and Human Resources Accountability.

**Tennessee** H.B. 445 authorizes local education agencies (LEAs) to implement a program that identifies children who are at risk of becoming obese. School systems that decide to implement this program must ensure that:

- A sufficient number of school staff has been properly trained to measure BMI
- Trained staff complete a BMI-for-age screening on each child whose parents have not requested exclusion from testing
- Parents and guardians receive a confidential health report card that provides the result of a child's BMI screening and the relevance of what the result signifies
- The results of each student's testing be transmitted to the Department of Health

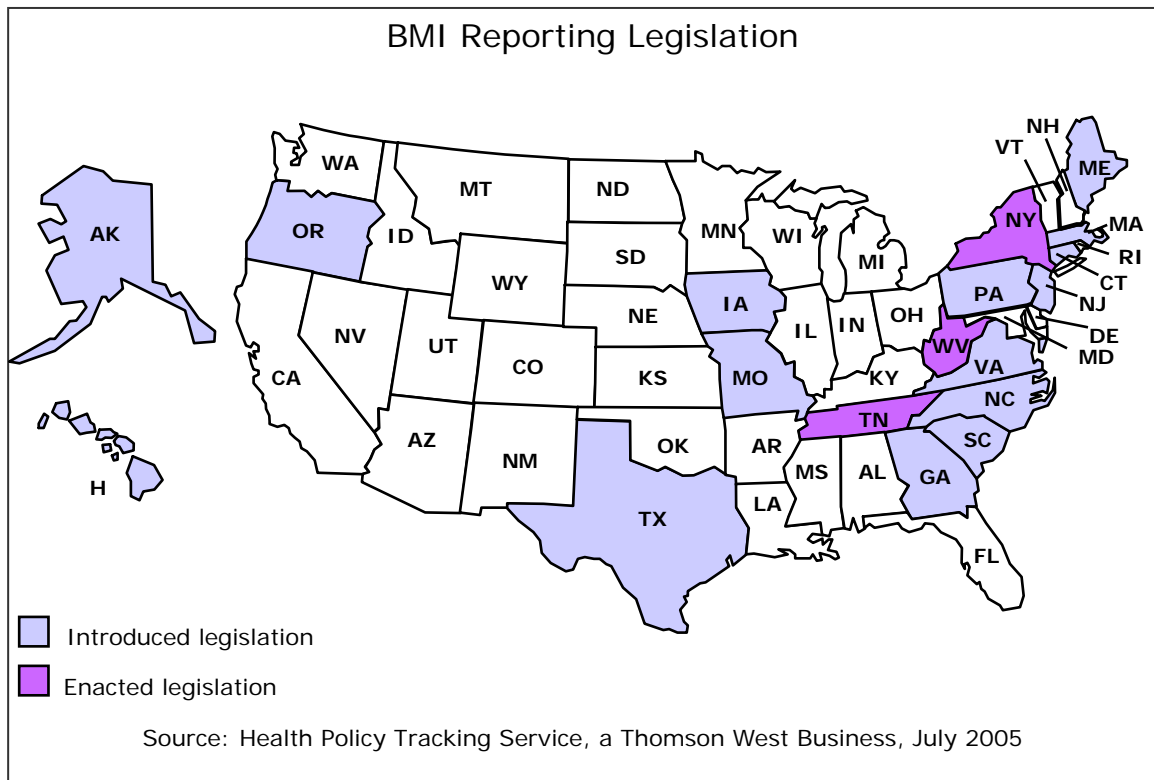
The Department of Health, with the assistance of the Department of Education, is responsible for developing a framework for LEAs to use in developing a program. Guidelines will provide standard practices for maintaining confidentiality and proper testing procedures. The Department of Health must also develop and disseminate a form for schools to report the students' results and develop a model health report card to be distributed to parents. If sufficient funding is provided, the Department is responsible for aggregating the results of the BMI screenings and reporting the information to the governor and legislative leadership on an annual basis by January 31. The measure urges schools whose aggregate data suggests high rates of overweight children to assess their nutrition and physical activity programs and make any necessary changes in order to reduce the rates of obesity.

It is estimated that the BMI reporting program will cost the state \$2 million and may increase local government expenditures by more than \$2 million.

In June, Gov. George Pataki (R) launched **New York's** child obesity prevention program called Activ8Kids!. The program consolidates several of the New York Department of Health's community-based initiatives to address childhood obesity. Through the enactment of S.B. 3668, the state's public health appropriations bill, the Legislature is requiring the state program to develop a BMI-for-age screening program for children between the ages of 2 and 18. As part of the screening program, parents will be notified of their child's BMI measurement and will be offered an explanation of their child's results as well as any necessary recommendations for improving the health of their child.

### **2005 Legislative Activity**

The map on the following page highlights the 18 states that introduced BMI reporting legislation this year.



There are a few noteworthy measures that did not make it through the legislative pipeline. **Arkansas** S.B. 166 sought to repeal the mandate requiring schools to report on student's BMI measurements. Sen. Kim Hendren (R) introduced legislation to repeal BMI testing because of feedback he received from parents claiming that the testing was intrusive and that athletic kids were being classified as overweight or obese. Although the legislator helped pass the bill unanimously two years ago, he said, "I think legislators ought to be big enough to admit when we made a mistake." The bill never made it out of the Senate Committee on Education. In addition the sponsor of **Georgia** H.B. 497 decided not to pursue her proposed BMI legislation after receiving negative feedback from constituents. Rep. Stephanie S. Buckley's (D) measure required public schools to calculate and then inform the parent of the child's BMI through an academic report card. Buckley received harsh reactions, including complaints that the measure could harm students' self-esteem. **Maine's** Gov. John Balducci (D) signed a watered down version of S.B. 263, which sought to implement the recommendations of the Commission to Study Public Health that Concerns Schools, Children and Nutrition. The Joint Standing Committee on Education and Cultural Affairs unanimously approved an amendment to the bill that, among other changes, stripped away the provisions requiring the development of BMI screening program for schools.

The table on the following page highlights other measures that have been introduced and those that are currently pending before state legislative committees. Measures that are pending are italicized and highlighted in blue. Those that have been enacted are bolded and highlighted in yellow. The bill summaries provided in the chart reflects the introduced versions of the bills.



## 2005 Legislative Activity: Body Mass Index Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
AK	SB	162	"An Act relating to monitoring and reporting of student discipline and safety of student health pertaining to height nutrition and physical activity of the percentage of the legislative body with a body mass index that exceeds 25.0 and of state capitol vending machine profits; requiring schools to report school health status and policy the percentage of students that are overweight and at risk of being overweight and profits from vending machines; and requiring the evaluation of health education programs on the basis of health reports and screening."	04/20/2005--(S) MINUTE (HEALTH EDUCATION & SOCIAL SERVICES)
AR	SB	166	"AN ACT TO REPEAL THE REQUIREMENT THAT SCHOOL DISTRICTS INCLUDE AS PART OF A STUDENT'S REPORT THE STUDENT'S ANNUAL BODY MASS INDEX PERCENTILE AND OTHER INFORMATION; AND FOR OTHER PURPOSES."	01/24/2005--(S) READ FIRST TIME RULES SUSPENDED READ SECOND TIME REFERRED TO SENATE COMMITTEE ON EDUCATION
CT	SB	1174	"To increase recess times for students in grades kindergarten to five to establish local School Wellness committees to ensure that only low-fat nutritious food and drinks are available at schools for purchase by students and to acquire state-wide children's body mass index information to decrease the incidence of childhood obesity."	03/21/2005--FAVORABLE CHANGE OF REFERENCE HOUSE TO COMMITTEE ON EDUCATION
GA	HB	497	"To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to student health so as to provide for a statement of a student's body mass index in each student's report card or grade report; to provide for the computation of the body mass index; to provide for written information to parents or legal guardians of students who have a body mass index above the normal range; to provide for related matters; to repeal conflicting laws; and for other purposes."	02/17/2005--(H) SECOND READERS
HI	HB	378	"Establishes a surveillance system in the department of education to track childhood data."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION HOUSE FINANCE REFERRAL SHEET 3



## 2005 Legislative Activity: Body Mass Index Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
HI	HR	24	"Requesting the Department of Education AND THE DEPARTMENT OF HEALTH TO COORDINATE EFFORTS TO plan and develop a surveillance system for tracking childhood obesity data and implementing best practices prevention and treatment intervention programs to reduce childhood obesity."	03/17/2005--(H) REPORT ADOPTED. REFERRED TO THE COMMITTEE(S) ON HOUSE FINANCE AS AMENDED IN (HD 1) WITH NONE VOTING NO AND REPRESENTATIVE(S) EVANS HERKES SAIKI SHIMABUKURO THIELEN EXCUSED.
HI	SB	490	"Establishes a surveillance system in the department of education to track childhood data."	01/31/2005--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS/SENATE HEALTH SENATE WAYS AND MEANS.
IA	HB	541	"This bill requires the board of directors of each public school to prohibit elementary school student access to vending machines offering food and beverages in attendance centers; to include as part of an academic progress report that the Code requires each school district to annually submit to the community the amounts and specific sources of funds received and expenditures made by the school district from competitive food and beverage contracts; to send annually to a student's parent or guardian a student health report that includes a body mass index (BMI) percentile by age for the student and an explanation of the possible health effects relating to body mass index nutrition and physical activity. The determination of a student's BMI must be done with regard for the student's privacy and the student shall be excused from BMI determination if the student's parent or guardian files with the school principal a written request that the pupil be excused."	03/09/2005--(H) SUBCOMMITTEE DOLECHECK FORD AND TOMENGA. H.J. 602.



## 2005 Legislative Activity: Body Mass Index Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
IA	SB	89	"This bill directs the Iowa department of public health to establish a program to collect and maintain data on the height weight and body mass index of students attending elementary and secondary schools that voluntarily participate in the program. The department must recruit the schools in consultation with the department of education; provide technical assistance to participating schools; develop numerical and alpha identifiers yet protect the individual identity of students; and enter data electronically into the federal centers for disease control and prevention's pediatric nutrition surveillance system. A participating school must agree to weigh and measure all students enrolled in the school under sanitary conditions and with regard for the privacy of each student. However a student is excused from participation in the program if the student's parent or guardian files with the principal a written request to excuse the student."	02/07/2005--(S) SUBCOMMITTEE BOLKCOM GASKILL HOUSER AND WOOD. S.J. 202.
ME	SB	263	including requiring confidential assessments of the height and weight of all Maine schoolchildren in kindergarten and grades 1, 3, 5, 7 and 9 and compilation and reporting of this data. Each school also is required to provide the parents of schoolchildren who participate in this assessment with a confidential report on their child's weight height and body-mass index as well as accompanying information."	06/23/2005--SIGNED - PUBLIC LAW CHAPTER 435
MA	SB	108	<i>"By Richard T. Moore John J. Binienda et al. Authorizes schools to examine students with body mass indexes in the 95th percentile for diabetes; articulates reporting requirements relative to children found to be at risk for said disease."</i>	03/16/2005--(S) REFERRED TO JOINT COMMITTEE ON CHILDREN AND FAMILIES
MO	HB	320	"There has been an error processing your request on page: /05info/BTS_Web/Summary.aspx. Please click on return to main bill page and try again. If you continue to get this error please contact the web admin: senwebmaster@senate.mo.gov"	05/10/2005--(S) PLACED ON INFORMAL CALENDAR SENATE COMMITTEE SUBSTITUTE SENATE SUBSTITUTE /SENATE COMMITTEE SUBSTITUTE PENDING



## 2005 Legislative Activity: Body Mass Index Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
MO	HB	568	"Establishes the Model School Wellness Program administered by the Department of Elementary and Secondary Education to create pilot programs in school districts encouraging students to avoid tobacco use balance their diets get regular exercise and become familiar with chronic medical conditions resulting from being overweight. School districts receiving the grants will establish programs that address academic success and encourage links between school and home. The tobacco prevention initiative will focus on fourth and fifth grades while the obesity prevention element will cover kindergarten through fifth grade. The bill requires hands-on professional development and an evaluation after the 2005-2006 school year that will include changes in body mass index and measurement of changing behaviors related to nutrition physical activity and tobacco use. The provisions of this section will expire six years from the effective date."	06/24/2005--DELIVERED TO SECRETARY OF STATE
MO	HB	823	"To amend chapter 167 RSMo by adding thereto one new section relating to a model school wellness program."	04/14/2005--(H) EXECUTIVE SESSION HELD
NJ	HB	3503	<i>"An Act concerning pupil health and supplementing chapter 40 of Title 18A of the New Jersey Statutes."</i>	11/15/2004--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NY	HB	5763	<i>"Requires schools to implement a method to measure report and analyze the body mass index of its students."</i>	02/28/2005--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY EDUCATION
NY	SB	472	<i>"AN ACT to amend the education law in relation to requiring body mass index screenings as part of school medical screenings"</i>	01/14/2005--(S) INTRODUCED AND REFERRED TO COMMITTEE ON SENATE EDUCATION
NY	SB	3668	<b>"AN ACT to amend the public health law regarding the childhood obesity prevention program."</b>	<b>04/12/2005--(F) SIGNED BY THE GOVERNOR</b>
NC	HB	694	<i>"AN ACT REQUIRING LOCAL ADMINISTRATIVE AGENCIES TO ANNUALLY COLLECT AND REPORT DATA ON THE BODY MASS INDEX (big) OF SCHOOL CHILDREN IN CERTAIN GRADES AS RECOMMENDED BY THE STUDY COMMITTEE FOR CHILDHOOD OVERWEIGHT/OBESITY OF THE HEALTH AND WELLNESS TRUST FUND COMMISSION"</i>	03/17/2005--(H) REFERRED TO COMMITTEE ON RULES CALENDAR AND OPERATIONS OF THE HOUSE



## 2005 Legislative Activity: Body Mass Index Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
OR	HB	2329	<i>"Requires Department of Education to develop and implement pilot project to measure body mass index of students in selected schools and to send health status report cards to parents of students whose body mass index was measured. Appropriates moneys to department for pilot project. Declares emergency effective July 1 2005."</i>	<i>01/20/2005--(H) REFERRED TO EDUCATION WITH SUBSEQUENT REFERRAL TO WAYS AND MEANS.</i>
OR	SB	559	<i>"Requires Department of Education to develop and implement pilot project to measure body mass index of students in selected schools and to send health status report cards to parents of students whose body mass index was measured. Appropriates moneys from General Fund to department for pilot project. Declares emergency effective July 1 2005."</i> <i>"Amending the act of March 10 1949 (P.L.30 No.14) entitled An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto further providing for health services and comprehensive health records."</i>	<i>02/15/2005--(S) REFERRED TO EDUCATION AND WORKFORCE THEN WAYS AND MEANS.</i>
PA	HB	190		<i>02/01/2005--(H) REFERRED TO EDUCATION</i>
SC	HB	3346	"TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976 BY ADDING CHAPTER 45 TITLE 44 TO ENACT THE SOUTH CAROLINA CHILDREN'S HEALTH OBESITY ACT INCLUDING PROVISIONS TO CREATE THE CHILD HEALTH ADVISORY COMMITTEE; TO PROVIDE FOR ITS MEMBERSHIP POWERS AND DUTIES INCLUDING DEVELOPING NUTRITION AND PHYSICAL ACTIVITY STANDARDS AND RECOMMENDATIONS TO BE IMPLEMENTED BY THE DEPARTMENT OF EDUCATION; TO PROVIDE FOR CERTAIN HEALTH AND NUTRITION SPECIALISTS TO BE EMPLOYED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION CONTINGENT UPON AVAILABLE FUNDING; TO REQUIRE SCHOOL DISTRICTS TO CONVENE NUTRITION AND PHYSICAL ACTIVITY ADVISORY COMMITTEES; TO REQUIRE STUDENT AND SCHOOL REPORT CARDS TO CONTAIN CERTAIN HEALTH DATA; AND TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION TO REPORT TO CERTAIN LEGISLATIVE COMMITTEES ON THE IMPLEMENTATION OF THIS ACT."	05/26/2005--HOUSE RECOMMITTED TO COMMITTEE ON EDUCATION AND PUBLIC WORKS HJ-10
TN	HB	445	<b>"AN ACT to amend Tennessee Code Annotated Title 49 Chapter 6 and Title 68 relative to completion of a health report card on all public school children in Tennessee."</b>	<b>05/23/2005--PUBLIC CHAPTER 194</b>



## 2005 Legislative Activity: Body Mass Index Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
TN	HB	1719	"an act to amend Tennessee code annotated title 49 chapter 1 and title 49 chapter 2 relative to student health and wellness."	03/29/2005--TAKEN OFF NOTICE FOR CALENDAR IN SUBCOMMITTEE K-12 OF EDUCATION OF EDUCATION COMMITTEE
TN	SB	247	"an act to amend tennessee code annotated title 49 chapter 6 and title 68 relative to completion of a health report card on all public school children in tennessee. whereas u.s. surgeon general richard carmona md has called obesity; the greatest threat to public health today; and whereas all available data reflects that children and adolescents are exercising less and consuming more unhealthy foods; and whereas those unhealthy lifestyles have led to a greater incidence of overweight children and adolescents. childhood obesity can lead to chronic health problems such as type 2 diabetes; and whereas as many as 50% of tennessee children and adolescents may be overweight; and whereas identification of children and adolescents who may be overweight is the first step in addressing this national and state crisis and the screening tool known as a body mass index is a quick and easy screening test to determine possible risk using weight and height measurements; now therefore"	05/23/2005--COMPANION BECAME PUBLIC CHAPTER 194
TN	SB	949	"an act to amend Tennessee code annotated title 49 chapter 1 and title 49 chapter 2 relative to student health and wellness."	04/01/2005--ASSIGNED TO GEN. SUB OF EDUCATION COMMITTEE
TX	SB	205	"Relating to inclusion of a public school student's body mass index in the student's grade report card."	02/03/2005--(S) REFERRED TO EDUCATION
TX	SB	545	"Relating to the creation of the Type 2 Diabetes Screening Program Advisory Council and the establishment of a Type 2 diabetes screening program for school children."	02/28/2005--(S) REFERRED TO EDUCATION
VA	HB	2140	"Virginia Wellness-Related Fitness Test. Requires the local school boards of each school division to annually administer the Virginia Wellness-Related Fitness Test that must include an assessment of students' height and weight. Height and weight must be measured in grades K 3 7 and 10 unless students are admitted for the first time to a public kindergarten or elementary school and have been weighed and measured as part of the comprehensive physical examination. The Department of Education must enter into a memorandum of agreement with the Department of Health for the sharing of aggregate information on physical fitness height and weight from which personal identifiers have been removed."	02/02/2005--(H) PASSED BY INDEFINITELY IN EDUCATION (13-Y 9-N)



## 2005 Legislative Activity: Body Mass Index Legislation

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

STATE	BILL TYPE	BILL NUMBER	BILL SUMMARY	STATUS
WV	HB	2816	"AN ACT to amend the Code of West Virginia 1931 as amended by adding thereto a new article designated §5-1E-1 §5-1E-2 §5-1E-3 §5-1E-4 and §5-1E-5; and to amend and reenact §18-2-6a §18-2-7a and §18-2-9 of said code all relating to promoting healthy lifestyles; creating a Healthy Lifestyles Office in the Department of Health and Human Resources; establishing the functions of the Office; creating a special revenue account; establishing a voluntary private sector partnership program to encourage healthy lifestyles; establishing physical activity requirements in the schools; using body mass index as an indicator of progress; encouraging the use of healthy beverages in schools; and adding requirements for health education."	05/11/2005--CHAPTER 121 ACTS 2005
WV	SB	416	"A BILL to amend the Code of West Virginia 1931 as amended by adding thereto a new article designated §5-1E-1 §5-1E-2 §5-1E-3 §5-1E-4 and §5-1E-5; and to amend and reenact §18-2-6a and §18-2-7a of said code all relating to promoting healthy lifestyles; creating a Healthy Lifestyles Office in the Department of Education and the Arts; establishing the functions of the Office; creating a special revenue account; establishing a Voluntary Menu Labeling Program; requiring physical activity in the schools; and encouraging the use of health foods and beverages in the vending machines of schools."	03/01/2005--TO HEALTH AND HUMAN RESOURCES

## Advertising and Marketing Restrictions

Food-related industries are facing strong criticism from public health advocates around the world who claim their advertisements and marketing strategies are contributing to the rising rate of obesity in children and adolescents. Public health advocates cite as examples the companies that have developed Internet games and commercials that specifically market their cereal, candy, kids' meal or other foods to the younger population. According to the Kaiser Family Foundation, children see about 40,000 TV ads a year—a majority of which are related to food.

In response to critics, companies are voluntarily reducing the advertisement of certain products to children and are developing campaigns that foster healthy eating habits. Earlier this year, Kraft announced that the company will curb its Oreo and Kool-Aid advertising campaigns to children under the age of 12. PepsiCo no longer advertises its soft drinks to children under 12 and Frito-Lay, PepsiCo's snack unit, will no longer advertise its Cheetos chip brand to children under eight. McDonald's also launched its "Go Active" campaign and sent its famous mascot to schools to teach children about living a physically active life.

This year, four states have introduced legislation restricting the advertising and marketing of foods of minimal nutritional value on school grounds or school buses. **Maine** S.B. 263 was introduced containing a provision prohibiting the advertisement of unhealthy food and beverages on school grounds as of Sept. 30, 2007. Gov. John Baldacci (D) signed the measure into law in June, however, the Joint Standing Committee on Education and Cultural Affairs unanimously voted to amend the bill striking out several of the recommendations offered by the Commission to Study Public Health that Concern Schools, Children and Nutrition, including the advertising restriction.

**Massachusetts** fiscal year 2003 budget included a provision that allowed local school committees to authorize the sale of advertising on school buses owned or operated by the school district. The law prohibits promoting products that are illegal for minors, including alcohol, tobacco, drugs and gambling. In March 2005, S.B. 1921 was introduced to amend the advertisement restrictions. The measure would also prohibit the promotion on school buses of fast food restaurants, candy, any beverage with added artificial or refined sweeteners and processed foods containing more than 35 percent of its calories from fat, 10 percent of its calories from saturated fat or more than 35 percent sugar by weight. The bill is currently before the Joint Committee on Transportation.

**Oregon** legislators introduced two bills addressing the advertisement of food and beverage items on school grounds. Senate Bill 560 prohibits the advertising of food and beverage items on vending machines that do not meet specific nutritional standards as stipulated in the bill. Although the Legislature is still in session, the measure has not seen any action since March. Senate Bill 860 mandates local school district boards to develop wellness policies, which must include advertising guidelines. The bill passed the Senate in May and is before the House committee on Business, Labor and Consumer Affairs.

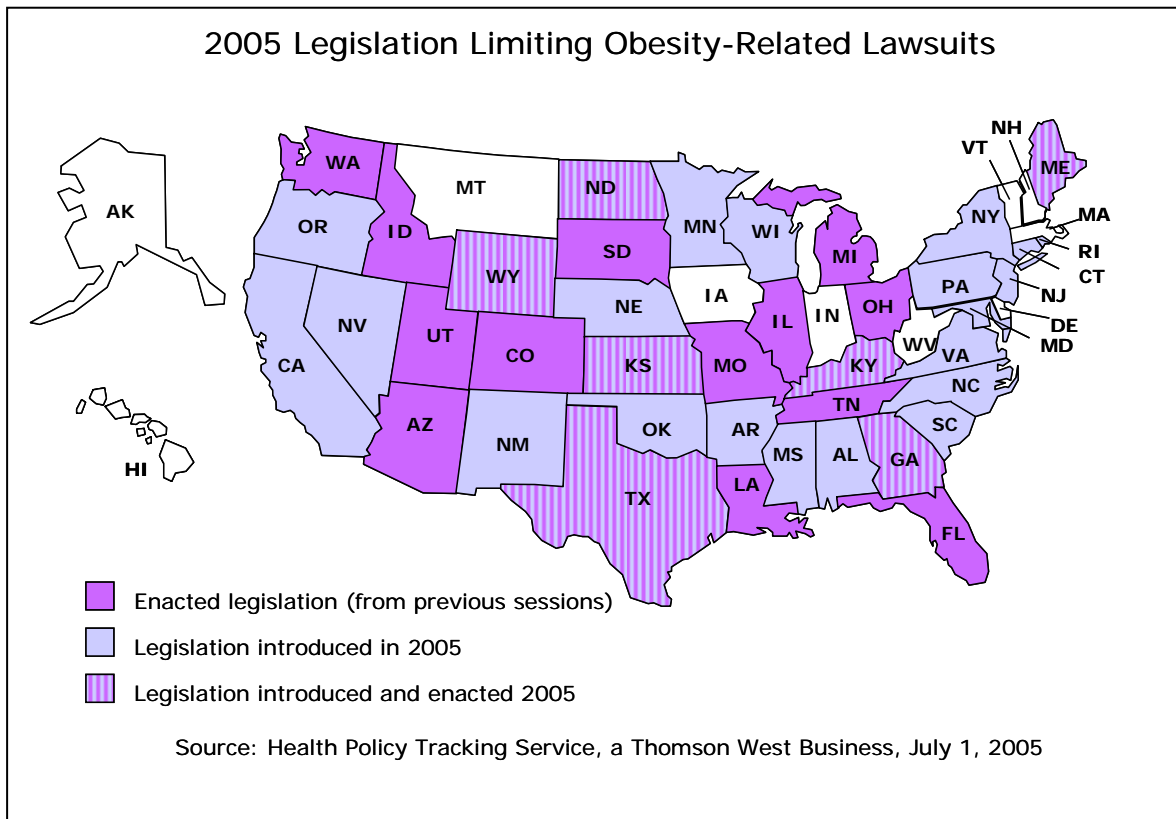
In **Pennsylvania**, H.B 185 was sent to the Senate for deliberation but not before removing the provisions prohibiting schools from signing vending contracts that contain exclusive advertising rights of available items on school grounds.

## Industry Liability Lawsuits

In 2004, dozens of bills were introduced that limited an individual's ability to sue food and beverage companies. Commonly referred to as the Commonsense Consumption Act, these measures limit the civil liability of manufacturers, distributors, advertisers, trade associations, and sellers or retailers of food or beverages for damages resulting from weight gain, obesity or obesity-related conditions. Supporters of these bills, including the National Restaurant Association, believe that restaurant and food manufacturers should not be held liable for personal decisions made by individuals. However, opponents of such legislation, including the American Heart Association and the National Trial Lawyers Association, fear that these bills will only encourage restaurants to continue to provide menu options that are high in fat and calories. In addition, opponents believe that these bills are unnecessary because courts throw out cases they deem "frivolous" by way of Rule 11, a federal act that sanctions attorneys who bring such cases before the court.

**Louisiana** was the first state to enact the Commonsense Consumption Act in 2003. In 2004, 26 states introduced Commonsense Consumption Acts and governors in 12 states signed the measures into law.

During the 2005 legislative sessions, 40 obesity liability bills were introduced in 26 states and two bills from New Jersey were carried over from 2004. Legislative action is highlighted in the map below.



The chart below highlights those measures that are pending before the state legislators as of July 1, 2005.

<b>Industry Liability Lawsuit Legislation, Pending Legislation</b>		
<b>State</b>	<b>Bill Number</b>	<b>Status</b>
MN	H.B. 118	5/23 – Passed House, sent to Senate
NC	H.B. 1245	4/18 – In House, Judiciary Committee
NJ	H.B. 3514	11/22/04 – In Assembly, Judiciary Committee
	S.B. 1462	11/22/04 – In Senate, Judiciary Committee
NY	H.B. 5076	2/16 – In Assembly, Committee on Assembly Codes
	S.B. 2482	2/16 – In Senate, Committee on Senate Codes
OR	H.B. 2591	6/10 – Passed House, sent to Senate
	S.B. 988	2/25 – In Senate, Judiciary Committee
PA	H.B. 670	6/21 – Passed House, sent to Senate
	H.B. 1772	6/21 – In House, State Government Committee
	S.B. 375	3/10 – In Senate, Judiciary Committee
RI	H.B. 5630	2/16 – In House, Judiciary Committee
WI	H.B. 338	4/15 – In House, Judiciary Committee
	S.B. 161	4/7 – In Senate, Committee on Judiciary, Corrections and Privacy

Bills that failed to gain further action during the legislative process include those in **Alabama, Arkansas, California, Connecticut, Iowa, Maryland, Mississippi, Montana, Nebraska, New Hampshire, Nevada, New Mexico, Oklahoma, South Carolina** and **Virginia**. These measures failed due to time constraints on committee legislative calendars or because of the push by opponents that the passage of such bills is unnecessary since courts throw out lawsuits that appear to be “frivolous.”

One bill to note is **Arkansas** H.B.1823, which failed to pass the Senate before the Legislature adjourned. Although the bill contained common liability provisions found in other bills introduced this year, additional requirements were placed on chain restaurants identified as having 10 or more national locations conducting business under the same trade name. The measure stated that these restaurants would be immune from civil liability only if they posted nutritional information, such as calories, sodium, and saturated fat and trans fat, next to each item sold. The bill also would have required that the following statement appear at the bottom of each menu page: "Recommended limits for a 2,000-calorie daily diet are 20 g of saturated fat and 2,400 mg of sodium. Saturated fat numbers include trans fat." Sponsors of the measure believe that it is reasonable for the public to expect chain restaurants to post nutritional information because of the consistency of menu items offered.

## Nutritional Reporting Requirements by Restaurants

State legislators are increasingly turning to legislation that mandates certain food establishments to post nutritional information directly on their menus or menu boards. Public health advocates and the Center for Science in the Public Interest (CSPI) are in full support of such measures that shed light on the amount of calories, sodium and fat consumed and hope that a better informed consumer may curb rising obesity rates. According to the National Restaurant Association (NRA), Americans are increasingly spending more of their food dollars (47 percent in 2005 compared to 26 percent in 1970) on restaurant meals, in both full-service and quick-service facilities. The restaurant industry forecasts that sales will reach approximately \$5 billion in 2005 and will make up 4 percent of the U.S. gross domestic product.

Most of the menu labeling bills introduced target chain restaurants and franchises. These bills face major opposition from the NRA and restaurant owners claiming that nutritional information is already available to the consumer by request or via the Internet. Restaurant owners argue that such a legislative mandate would be very expensive, requiring small business owners to pass additional costs to consumers, who in turn, could take their business elsewhere.

CPSI has been a force in introducing legislation that models their recommendations. CPSI recommends that Congress and/or state legislatures require food-service chains with 10 or more units to list the calorie, sodium, saturated and trans fat contents of standard menu items on their menus or menu boards.

**California, Maine, New York** and **Pennsylvania** introduced menu labeling legislation in both the 2003 and 2004 legislative sessions, as well as this year's sessions. Other states that introduced such legislation include **New Hampshire** (2003), **New Jersey** (2004), **Ohio** (2003 and 2004) and **Texas** (2003), as well as, the **District of Columbia**. None of these measures were enacted.

While most of the bills introduced in 2005 require restaurants to post nutritional information for available menu items, **Massachusetts'** legislation H.B. 3814 requires that at least one item be made available on the kid's menu with a fat content of less than 22 grams. The bill is currently before the Joint Committee on Public Health.

The chart on the following page highlights those states where menu labeling legislation was introduced in 2005 and the status of the bill.

<b>2005 Legislative Activity: Menu Labeling Legislation</b>		
<b>State</b>	<b>Bill Number</b>	<b>Status</b>
AR	H.B. 1823	Adjourned, bill did not make it out of the Senate Public Health, Welfare and Labor Committee
CA	H.B. 105	Menu labeling provision removed
CT	S.B. 168	Died with adjournment
HI	H.B. 1579	Died with adjournment
	S.B. 1098	Died with adjournment
IL	H.B. 249	Died with adjournment
	S.B. 520	Died with adjournment
ME	H.B. 86	Voted down in Senate (31 to 4) & House (125 to 25)
MA	H.B. 3814	Pending, Joint Committee on Public Health
	S.B. 160	Pending, Joint Committee on Community Development and Small Business
NJ	H.B. 3064	Pending, will be revisited after the November state elections
NY	H.B. 5664	Pending
	S.B. 4551	Pending, Committee on Senate Health
PA	H.B. 375	Pending, Committee on Agriculture and Rural Affairs
VT	H.B. 327	Died with adjournment
WV	H.B. 2816	Enacted, but menu labeling mandate removed

### **Federal Activity**

In May, the "Health Lifestyles and Prevention America Act" was introduced in the U.S. Senate. The act calls for restaurants that are part of a chain with 20 or more locations doing business under the same name to post the following nutritional information on their menu for each item served: number of calories, grams of saturated and trans fats, and milligrams of sodium. Senate Bill 1074 is before the Committee on Finance.

## Product Labeling and Claims

Very few states are focusing on legislation that regulates the nutritional labels of food and beverage products. Most states are focusing on providing nutritional information on food and beverage items made available for purchase in both sit-down and quick-service restaurants. An overview of menu labeling legislation can be found in the chapter on nutritional reporting requirements by restaurants. Only two states—**California** and **Connecticut**—have introduced other “nutritional labeling” legislation.

The **California** measure calls for the state department of Health Services to establish a voluntary food inspection program that would award the “California Choice Seal” for packaged food items that meet the following nutritional standards:

- No more than 35 percent of the total calories shall be from fat, excluding nuts, seeds, and nut butters
- No more than 10 percent of the total calories from fat shall be from saturated fat
- No more than 35 percent of the total weight of the food shall be composed of sugar, excluding fresh fruits and vegetables

To fund the program, the state would assess a fee on the program participants. Although the Legislature is still in session, H. B. 105 has not seen any action since February.

In **Connecticut**, S.B. 403 was introduced requiring alcoholic beverages to have a nutritional label similar to that provided on soda bottles, which provide calorie and sugar information, among other nutritional information. The bill never made it out of the Senate.

## Biotechnology: Labeling of Genetically Modified Products

Agriculture biotechnology, more commonly in the form of genetic modification, has sparked debate here in the United States and across the globe, but more so in Europe than anywhere else. Genetic modification technologies allows scientists to alter the genetic makeup of plants and animals in an effort to make crops and farm animals disease resistant, to increase crop yields and to increase muscle mass in animals. However, critics argue that not enough is known about this science and fear that these modifications can be harmful to humans.

Several sources point out that U.S. farmers are the largest producers of genetically modified (GM) crops. Product labeling of genetically modified produce or meat products is not federally mandated, however, states are slowly taking up the issue to require the labeling of such products. The *Vermont Guardian* reports that Vermont became the first state in the nation to require the labeling of GM seeds in 2003. This year, a few states have introduced legislation calling for the labeling of genetically modified products.

In May, **Alaska** Gov. Frank Murkowski signed S.B. 25 requiring genetically modified fish and fish products to be labeled as such. Other states that introduced GM labeling bills this year include **Hawaii**, **New Mexico** and **New York**. **Massachusetts** carried over legislation from last year.

## Snack and Soda Taxes

State legislators are looking at snack and soda taxes to provide additional revenue for public health campaigns targeted to address obesity. According to a Yale study released in 2000, a one-cent tax on soft drinks, candy, chips and other snack items could raise \$1.8 billion—money that public health advocates hope is appropriated to fund obesity research and national- or state-based anti-obesity efforts. The study estimates that the one-cent tax would generate \$1.5 billion from soft drinks, \$70 million from candy, \$54 million from potato chips and an additional \$190 million from other snack items. However, opponents of snack and soda tax legislation, including the Grocery Manufacturers of America (GMA) and the Snack Food Association, have been successful at defeating the measures introduced in states during the past couple of years. According to the GMA, in the early 1990s, several states, including California, Maine, Maryland and the District of Columbia, implemented snack taxes. However, due to the complexity involved in the collection and administration of the tax, the measures were repealed. Opponents argue that taxing snack foods leads to consumer and retailer confusion, establishes government imposed preferences, and creates competitive disadvantages for retailers whose businesses operate near state borders. No new snack or soda tax legislation has been enacted in the past two years.

In 2004, the following states introduced snack and soda tax legislation: **Georgia, Indiana, Michigan, Nebraska, New Mexico, New York, Oklahoma, South Dakota, Texas** and **West Virginia**. The table below highlights the 10 states where measures were introduced during the 2005 legislative sessions.

<b>2005 Legislative Activity: Snack and Soda Legislation</b>		
<b>State</b>	<b>Bill Number</b>	<b>Status</b>
AL	H.B. 135	Died with adjournment
AR	H.B. 2649	Died with adjournment
MD	H.B. 307	Died with adjournment
MI	H.B. 4912	Pending, Committee on Tax Policy
	H.B. 4913	Pending, Committee on Tax Policy
	S.B. 587	Pending, Committee on Appropriations
	S.B. 588	Pending, Committee on Appropriations
MT	S.B. 332	Died with adjournment
NE	L.B. 628	Died with adjournment
NM	H.B. 675	Died with adjournment
	S.B. 283	Died with adjournment
NY	H.B. 5665	Pending, Committee on Assembly Ways and Means
TX	H.B. 1105	Died with adjournment
	H.B. 3324	Died with adjournment
WA	H.B. 10987	Died with adjournment
	S.B. 5778	Died with adjournment
	S.B. 5973	Died with adjournment

## Insurance Coverage for Morbid Obesity Surgery

State lawmakers continue to debate the necessity of mandating health insurance companies to provide coverage for a variety of health care benefits, including coverage for morbid obesity surgery, more commonly referred to as gastric bypass surgery. As with all mandates for health care benefits, proponents contend that these requirements are necessary to ensure adequate health care for consumers by providing needed coverage for a particular disease, treatment or service. Opponents of mandated benefit legislation believe that any additional requirements of insurers contribute to the rising costs of health insurance policies, which in turn factors in to the rising number of uninsured.

**Georgia** was the first state to enact a coverage requirement for insurers in the form of a mandated offering law in 1999. Two states followed suit in 2000—**Indiana** and **Virginia**.

In 2001, **Maryland** enacted the nation's first mandated benefit coverage requirement, differing from the requirements enacted in Georgia, Indiana and Virginia. Maryland's law requires individual and group health insurers and managed care organizations to provide coverage, not just to offer coverage, for gastric bypass surgery or any other surgical method that is recognized or approved by the National Institutes of Health.

To be eligible for coverage under the state laws, an individual's body mass index must be either greater than 40 kilograms per meter squared or equal to or greater than 35 kilograms per meter squared with a coexisting medical condition, such as hypertension, sleep apnea, diabetes or a cardiopulmonary condition.

In 2005, five states--**Alaska, Connecticut, Mississippi, Missouri** and **Tennessee**--introduced legislation requiring insurers to provide or offer coverage for surgical procedures used to treat morbid obesity. **New Jersey** carried over a measure from last year, and **Georgia** and **Virginia** introduced measures to amend their mandated offering laws to a mandated benefit requirement.

Gov. Mitch Daniels (R) of **Indiana** signed S.B. 360 in May. The measure amends the coverage requirement for morbid obesity surgery for individual and group insurers and under the state health benefit plans. The bill adds a provision prohibiting physicians from performing obesity surgery on individuals under the age of 21 unless two physicians determine that the procedure is medically necessary in order to save the individual's life. Senate Bill 360 also sets forth reporting requirements for deaths or complications resulting from these surgeries and sunsets the reporting requirements on June 1, 2010. The provisions of this measure took effect on July 1.

**Maryland** S.B. 333 extends the date by which the Task Force to Study Utilization Review of the Surgical Treatment of Morbid Obesity must submit its recommended guidelines and repeals the sunset date for this mandate. **Mississippi** enacted legislation that requires a commission to study the feasibility of mandating insurers to cover the procedure. The Mississippi Council on Obesity Prevention and Management must submit a report to the Legislature before Jan. 1, 2006.

The table on the following page lists the bills introduced this year.

<b>2005 Mandated Benefit Legislation: Morbid Obesity Legislation</b>		
<b>State</b>	<b>Bill Number</b>	<b>Status</b>
AK	H.B. 10	Died with adjournment
CT	H.B. 5721	Died with adjournment
	H.B. 43	Died with adjournment
	S.B. 130	Died with adjournment, study bill
	S.B. 1300	Died with adjournment
GA	H.B. 43	Died with adjournment, would have amended existing mandated offering requirement
<b>IN</b>	<b>S.B. 360</b>	5/11 – Signed into law
<b>MD</b>	H.B. 462	Vetoed, however, companion bill (S.B. 333) signed into law
	<b>S.B. 333</b>	5/10 – Signed into law
MO	H.B. 84	Died with adjournment
MS	S.B. 2791	Died in committee
	S.C.R. 579	Enacted 3/17, requires the Mississippi Council on Obesity Prevention and Management to study health insurance coverage for the treatment of obesity
NJ	H.B. 1515	Carried over from 2004
TN	H.B. 90	Died with adjournment
	S.B. 786	Died with adjournment
VA	H.B. 1936	Died with adjournment, would have amended existing mandated offering requirement
	S.B. 1032	Died with adjournment, would have amended existing mandated offering requirement

## Medicaid Benefits and Services to Treat Overweight and Obese Individuals

The federal government currently does not require states to provide Medicaid benefits for obesity treatment. In an effort to reduce state Medicaid expenditures resulting from costs associated with treating obesity-related medical conditions, Congressman Edolphus Towns (D-NY) introduced the Medicaid Obesity Treatment Act of 2005 (H.R. 286). The act amends Title XIX of the Social Security Act to require states to provide Medicaid prescription drug coverage for the treatment of obesity. The measure was referred to the Committee on Energy and Commerce where it awaits further action.

State policymakers are slowly introducing bills that allow Medicaid treatment options. This year, two of the four bills introduced were enacted into law.

In May, **Colorado** Gov. Bill Owens (R) signed H.B. 1066 into law. The Obesity Treatment Pilot Program will be designed to treat a Medicaid beneficiary through the use of behavioral modification, self-management training and medication. Eligible participants must be over the age of 15, have a BMI equal to or greater than 30 and a coexisting medical condition, such as diabetes, hypertension or coronary heart disease. According to the fiscal report prepared by the state, 7,815 fee-for-service beneficiaries over the age of 15 have a BMI equal to or greater than 30. Of those, it is estimated that 10 percent would participate in the pilot program at a total cost of \$290,000 for the first year, which would be covered by federal funds and other revenue sources, such as donations. The bill explicitly prohibits the allocation of general funds in fiscal years 2006 and 2007 to support the pilot program. If an independent study demonstrates that the program provides cost savings to the state, general funds may be appropriated to continue the program after June 30, 2007. The Obesity Treatment Pilot Program is scheduled to sunset on July 1, 2010.

On May 12, **Iowa** Gov. Tom Vilsack (D) signed H.B. 841 into law. The Medicaid Reform Act allows the state to keep \$180 million in Medicaid dollars and adds up to 30,000 people to the state's program. Among its provisions, the measure contains language requiring the Medicaid program to develop a strategy to provide dietary counseling to child and adult Medicaid enrollees by July 1, 2006. Counseling and support services will be offered to assist enrollees in developing a personal weight loss program.

**Minnesota** also introduced a bill this year that requires the state to cover prescription drugs used to treat obesity if the treatment is integral and necessary for treating obesity-related medical conditions, including hypothyroidism, Cushing's disease, hypothalamic lesions, cardiac disease, respiratory disease, diabetes or hypertension. House Bill 2474 was introduced in April and has not seen further action.

**Florida** H.B. 1873, introduced in April, would require the state to develop disease management program that target obesity.

Of interest, under a Republican Senate budget plan introduced in **Michigan** the state would offer lower premiums to Medicaid beneficiaries that sign a "personal responsibility agreement." Enrollees who sign such an agreement would agree to keep their medical appointments, exercise regularly and not smoke. According to the *Lansing State Journal*, critics of the Republican plan point out that this new incentive

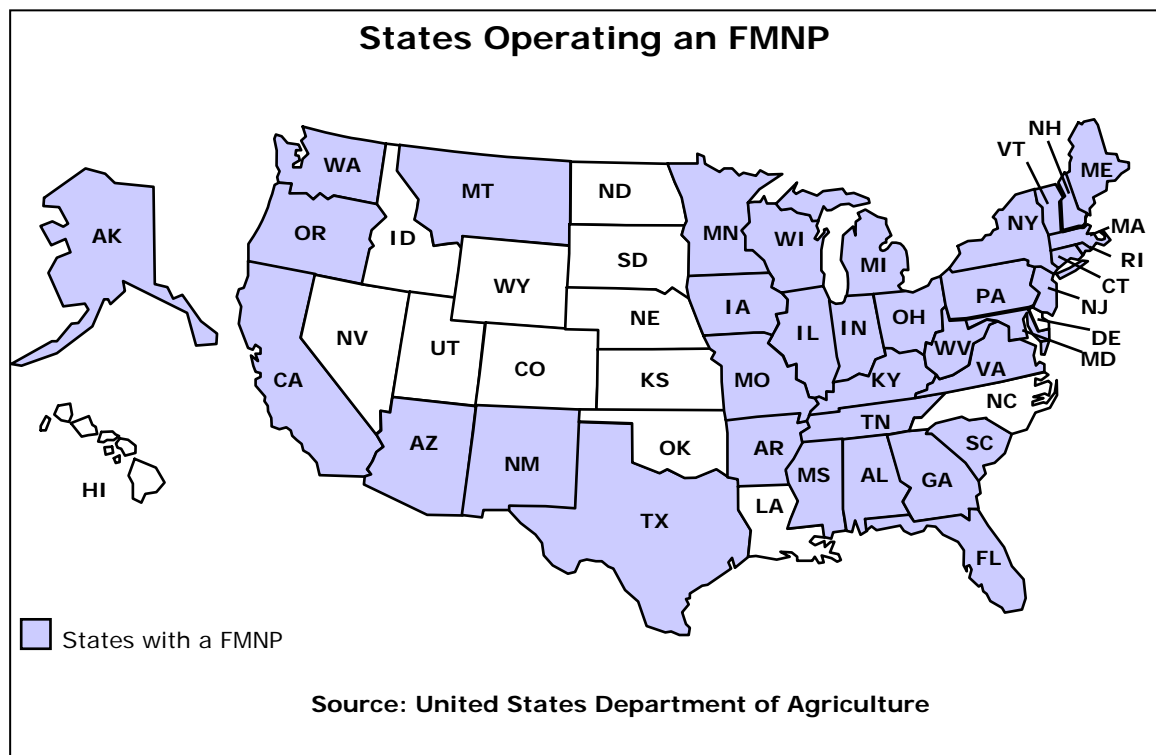
would single out individuals who are unable to afford healthier foods and exercise equipment. In addition, the state's Medicaid director noted that the budget proposal does not appropriate funding to administer the agreements.

## Farmers' Market Access and Development

The farmers' market legislation introduced in states commonly distributes general fund dollars in support of the WIC Farmers' Market Nutrition Program (FMNP) or the Seniors Farmers' Market Nutrition Program. The WIC FMNP, a state/federal initiative, distributes coupons to WIC recipients that can be used to purchase fresh vegetables, fruits and herbs directly from state-approved farmers or farmers' markets. The latest statistics from the U.S. Department of Agriculture (USDA) indicate that more than 2.3 million WIC recipients received farmers' market benefits and that 16,226 farmers and 2,345 farmers' markets accepted coupons in 2003, which resulted in more than \$24.2 million in revenue for farmers.

The WIC program is funded primarily through federal dollars, and approximately 30 percent of the total cost of the program is supported through state matching funds. Federal guidelines set the benefit level for FMNP recipients at no less than \$10 and no more than \$20 per year per recipient. However, a state may supplement the benefit level with its matching funds. Authorized farmers or farmers' markets submit the WIC coupons to the state agency for reimbursement. Additionally, states may provide nutrition education to FMNP recipients.

According to the United States Department of Agriculture, 36 states operate an FMNP as highlighted in the map below.



The Senior FMNP awards grants states to provide low-income seniors, who are at least 60 years of age with household incomes at or below 185 percent of the federal poverty guidelines, with access to fresh fruits and vegetables. The USDA is responsible for administering this program. Congress authorized \$15 million for the Senior FMNP through 2007.

### **2005 Legislative Activity**

Most of the farmers' market legislation introduced this year provides general fund dollars to support the federal/state programs. Several governors across the country have adopted their respective budget bill that includes a line-item for the WIC program. These states include **Arkansas, Georgia, Illinois, Iowa, New Jersey, Texas** and **West Virginia**.

The **New Mexico** budget bill appropriated state funds to New Mexico State University to promote farmers' markets. Gov. Matt Blunt (R) of **Missouri** vetoed the general fund distribution for both the WIC and Senior FMNP because the programs were cancelled for the calendar year.

In **Louisiana**, S.C.R 19 was adopted "urging and requesting" the Department of Health and Hospitals, which is the state's public health agency, to study the possibility of implementing a state-wide WIC FMNP.

In federal action, Senate Majority Leader William Frist introduced S.B. 1325 in June. The measure contains provisions that would provide incentives to farmers' markets that are established in low-income areas.

## Grocery Stores

Over the past 15 years there have been at least 40 studies, articles or research papers documenting the problem of access to supermarkets and nutritious foods in urban and rural areas. However, not many state legislative measures have been introduced that would create incentives for locating grocery stores or supermarkets in neighborhoods that need them the most.

Last year, HPTS was able to identify one state-initiated effort to increase access to supermarkets in low-income urban and rural areas in **Pennsylvania**. In May 2004, the Pennsylvania Legislature enacted S.B. 1026, a broad authorization of \$3 billion for economic development funds for the state. One section of the law set aside \$100 million for establishing 10 new supermarkets in Philadelphia during the next 5 years.

In 2005, HPTS only identified one bill—in Nevada—that provided a temporary tax incentive for locating or expanding grocery stores in southern Nevada. Senate Bill 229, signed into law in April, allows for developers to submit an application for a partial abatement of one or more of the taxes imposed under state law.

HPTS was able to identify several studies that address the need for locating businesses that sell an abundant supply of fresh produce in low-income areas. A list of a few of the more recent or prominent studies follows.

Neighborhood Groceries: New Access to Health Food in Low-income Communities; California Food Advocates; January 2003. This report highlights three markets in the San Francisco Bay area with successful outcomes.

Supermarket Access in Low-income Communities; Prepared by the Prevention Institute for the Center for Health Improvement; 2003

The Urban Grocery Store Gap; Cotterill, R.W., Franklin, A.W.; Food Marketing Policy Center; University of Connecticut; 1995. This report seems to be the seminal report (77 pages) on the topic. However, it was published nine years ago and the Center no longer engages in such studies.

Higher Prices, Fewer Choices: Shopping for Food in Rural America; Morris, P.M.; Public Voice for Food and Health Policy, Washington, D.C.; 1990

Attracting Grocery Store Retail Investment to Inner-City Neighborhoods: Planning Outside the Box; Potchuchuki, M.; Wayne State University, 2003

Food Availability in Allegheny County, Pennsylvania; Dalton, E; Ehrlich, S; Flores, M; Heberlein, E; Niemeyer, M; Heinz School Review, 2003

The Persistence of LA's Grocery Store Gap: The Need for New Food Policy Approach to Market Development; Schaffer, Amanda; 2002

No Place to Shop: Food Access Lacking in the Inner City; Weinberg, Z; Race, Poverty and the Environment; Winter, 2000

Rural Poor's Access to Supermarkets and Large Grocery Stores; Family Economics and Nutrition Review; 1999 Vol. 12, nos 3 and 4.

The research conducted in 1995, by Ronald Cotterill, director of the Food Policy Center at the University of Connecticut, is cited by nearly every other research document and would appear to be the seminal research on this issue, even though the research was conducted more than nine years ago. The recent research conducted by Dr. Kameshwari Pothukuchi at Wayne State University was cited by several people HPTS talked to as being the most comprehensive report on metropolitan efforts to attract supermarket development in low-income areas.

Provided below is a synopsis of the key findings and recommendations from a survey of 32 metropolitan areas and the subsequent report by Dr. Pothukuchi in her recent research paper.

### Findings

- Low-income zip codes tend to have fewer and smaller grocery stores than higher income zip codes.
- There is a direct correlation between the higher proportion of people on public assistance and the lower number and smaller size of grocery stores.
- The “poorest” zip codes in 21 of the nation’s largest metropolitan areas had only 55 percent of the grocery store square footage of the wealthier zip codes in the same areas.
- Research has indicated that inner cities may have been underserved by as much as 25 percent with regard to existing demand for retail. In the economically distressed neighborhoods of Chicago, retail sales were \$2.3 billion short of the retail buying power of the residents. Assuming that approximately 14 percent of this retail potential could reasonably be captured entirely by supermarkets and other grocery stores, approximately 28 new supermarkets (with annual sales of \$11.6 million—the national average) could have been developed. Detroit’s unmet retail buying power of \$441 million could sustain five or six new supermarkets.
- Emerging evidence indicates that the strength of urban markets in general documents interest in inner cities on the part of supermarkets due to suburban saturation.
- The saturation of the suburbs with supermarkets is leading chains to consider new markets, since other growth opportunities—mergers and acquisitions—have been exhausted.
- Chains that are 3<sup>rd</sup>, 4<sup>th</sup> or lower in market penetration in a metropolitan area often are more interested in establishing a store in a low-income urban area to increase market share.
- The lack of information about urban opportunities and the tendency to apply the standard suburban model to urban areas tend to hinder supermarket development in such areas.
- Urban locations do present problems to development. Sites to accommodate the current standard big-box stores are scarce or need significant public intervention, which most cities seem reluctant or unable to offer.
- Often public agencies do not believe it is within their mission or their goals to advocate for supermarkets, although they tend to for housing or other retail entities. If public agencies do get involved their assistance focuses on:
  - Needs assessment
  - Reviewing rezoning applications
  - Identifying sites
- Costs associated with inner-city store operation (rent, labor, insurance, etc.) are higher than in suburban locations. In addition, there is the cost of catering to the

tastes and cultures of smaller, minority populations that raises the marginal cost for leading supermarket chains, in comparison to suburban locations.

Conclusions offered by the 32-city survey conducted by K. Pothukuchi

- Community-wide initiatives to attract supermarkets were rare in the cities surveyed.
- Successful initiatives were characterized by activities to assess market demand, to identify multiple sites, to assemble incentives and other development assistance, and to recruit multiple corporate supermarket chains.
- Successful initiatives involved political leadership, at the highest level, in collaboration with effective community-based non-profit organizations.
- Despite the acknowledged absence of supermarkets, planning and development agencies were not proactive and waited for proposals from developers. There appears to be the assumption on the part of planners that if developers are not coming forth with proposals it is because market conditions are not suitable.

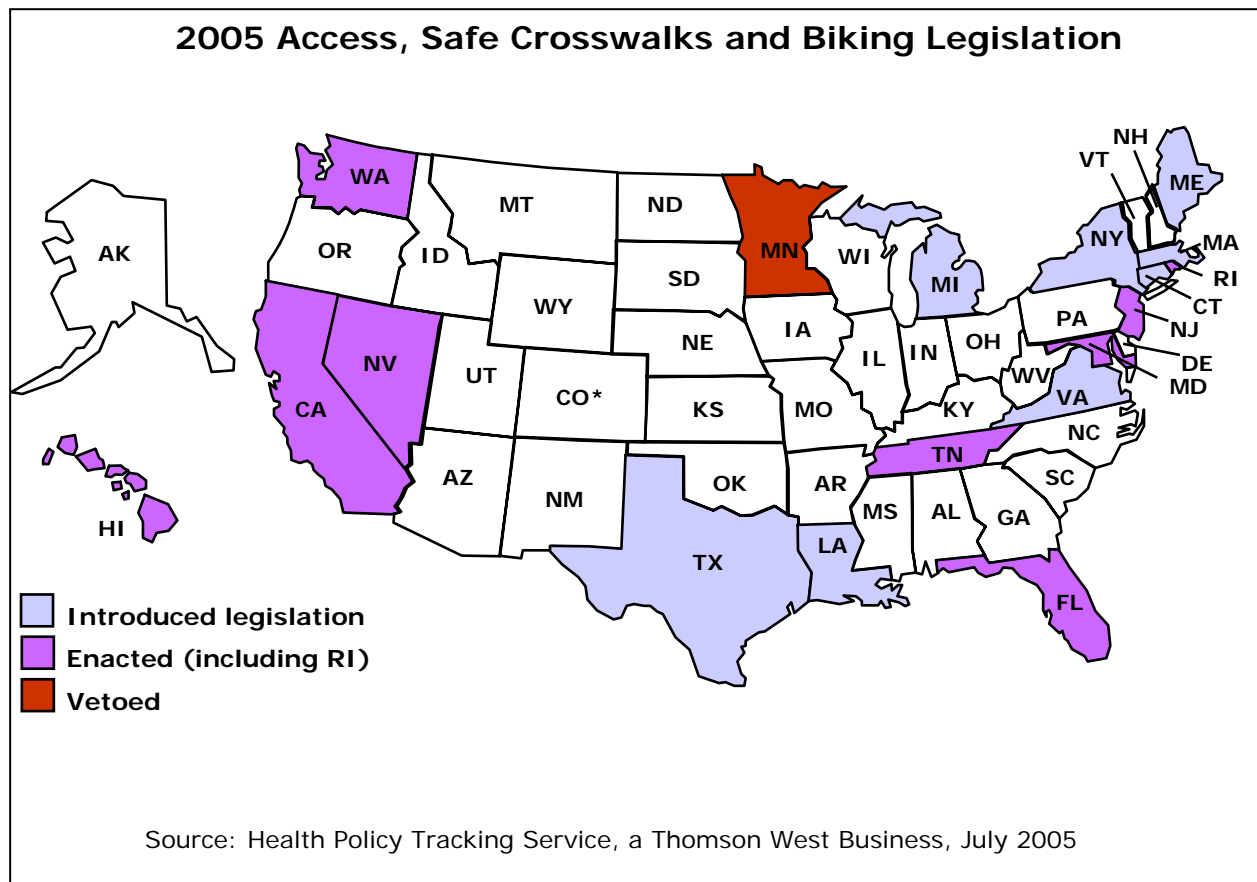
<b>Atlanta, GA</b> <i>Austin, TX</i> <b>Boston, MA</b> <i>Bridgeport, CT</i> <i>Buffalo, NY</i> <b>Chicago, IL</b> <i>Cincinnati, OH</i> <b>Cleveland, OH</b>	<b>Dallas, TX</b> <i>Dayton, OH</i> <b>Detroit, MI</b> <i>Hartford, CT</i> <i>Houston, TX</i> <i>Knoxville, TN</i> <b>Los Angeles, CA</b> <b>Memphis, TN</b>	<b>Milwaukee, WI</b> <b>Minneapolis, MN</b> <b>New Haven, CT</b> <i>New Orleans, LA</i> <b>New York, NY</b> <b>Philadelphia, PA</b> <i>Pittsburgh, PA</i> <b>Portland, OR</b>	<b>Rochester, NY</b> <b>San Antonio, TX</b> <b>Seattle, WA</b> <b>St. Louis, MO</b> <i>Syracuse, NY</i> <i>Toledo, OH</i> <b>Washington, DC</b> <i>Wichita, KS</i>
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Bold Type = Cities with Empowerment Zones or Enterprise Communities

Italics = Development facilitated by Public Subsidy

## Access, Safe Crosswalks and Biking

To promote physical fitness, weight loss, obesity prevention and alternative transportation methods, some state lawmakers have begun initiatives to create or improve access to and the safety of fitness facilities, walking and biking paths. HPTS identified at least 18 states that have introduced bills relating to improving bills addressing these issues. (see map below). Of those states, at least nine have enacted a law or resolution.



Although the bills vary in their proposed actions, the trend highlights the increased efforts by states to prevent and reduce obesity and to promote healthy lifestyles. As another emerging trend, many states have taken other non-legislative actions to improve and promote access to walking and biking facilities, including the **South Carolina** Bicycle and Pedestrian Program, the Bike Plan **Hawaii** Project and the **Michigan** Land Use Leadership Council's initiatives.

### Summary of 2005 Enacted Activity

In **California**, legislators identify the obesity epidemic in S.C.R. 4 and note that cities, towns, counties and special districts have opportunities to affect the epidemic positively through planning and programs that provide safe and accessible walking and bicycling facilities and infrastructure. The measure encourages various government, community, school and businesses to take the lead on the issue and to increase recreation and physical activity accessible to all Californians.

The **Hawaii** Senate and House of Representatives each passed a resolution that: 1) urges the state and counties to recognize walking and bicycling as fundamental means of recreation and transportation and 2) encourages the state and counties to develop places to bike and walk and to plan, design and construct all new streets and highways to accommodate bicyclists and pedestrians.

As part of a larger transportation bill, **Florida** lawmakers enacted H.B. 1681 which charges the Department of Transportation to conduct a system study of bicycle facilities that are on or connected to the State Highway System. The study must include the following:

1. A review of department standards for bicycle lanes to determine if they meet the needs of bicyclists
2. Identification of state highways with existing designated bicycle lanes
3. Identification of state highways with no designated bicycle lanes and any constraints to incorporating these facilities
4. Identification of all bicycle facility needs on the highway system
5. Review and identification of possible funding sources for new or improved facilities
6. A proposed implementation plan that will identify the incorporation of bicycle facilities, including associated costs, on state highways programmed for rehabilitation or new construction

The department must submit the study results and proposed plan to the governor and Legislature by October 1, 2005.

Also mandating a study, **Nevada** H.B. 231 requires the regional planning commission, the regional planning coalition and local and regional government agencies to conduct a study of safe walking routes to schools for students in a county with a population of 100,000 or more. The study must include the following:

- A review and evaluation of the existing walking paths and sidewalks within a 1-mile radius of each public school located in the county
- Recommendations for improvements to the conditions of those walking paths and sidewalks
- A review and evaluation of the programs currently implemented in the county to ensure safe walking routes for pupils to schools

The study report must be submitted to the Director of the Legislative Counsel Bureau before the start of the next legislative session.

To increase the physical activity of the citizens of **Washington** state, lawmakers adopted S.B. 5186. The Legislature notes within the bill that providing opportunities for walking, biking, horseback riding and other regular forms of exercise is best accomplished through collaborative efforts between the private sector and local and state policymakers. The Legislature also noted its intent to promote policy and planning efforts that increase access to inexpensive or free opportunities for regular exercise in all communities around the state. The bill mandates each county and city that develops a comprehensive plan to include the following:

- A land use element to consider, wherever possible, utilizing urban planning approaches to promote physical activity
- A transportation element to include a pedestrian and bicycle component incorporating collaborative efforts to identify and designate planned improvements

for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles

Each county government also must include within its comprehensive transportation plan any new or enhanced bicycle or pedestrian facilities or any other changes that promote non-motorized transit. In addition, the bill charges the Parks and Recreation Commission with maintaining policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, as well as the superintendent of public instruction to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes.

**Maryland** lawmakers also enacted a large transportation bill that included language reflecting the General Assembly's full support of the inclusion of a continuous bike and pedestrian path as part of the Intercounty Connector project. The bill urges the Department of Transportation to review options for a trail system on the Intercounty Connector. However, the introduced version of the bill would have required the department to study the construction of a continuous bicycle and pedestrian path and, under certain circumstances, to design and build such a path.

**New Jersey** Acting Gov. Richard Codey (D) recently signed into law S.B. 1831, the "Hackensack Meadowlands Transportation Planning District Act." The act develops the concept of a transportation planning district in the Meadowlands, permitting the assessment of fees on future development to ensure adequate infrastructure for increased vehicular, mass transit, pedestrian and bicyclist traffic caused by development. The bill creates the Meadowlands Transportation Planning Board, responsible for creating the transportation plan. The plan will include the establishment of goals, policies, needs and improvement priorities for all modes of transportation including walking and bicycling. The bill also calls for the development of strategies to improve pedestrian and bicyclist safety.

**Rhode Island** adopted two identical bills increasing the safety of bicycle facilities. Both bills set definitions for "bicycle lane", "bicycle route" and "bicycle trail" or "path." The bills also prohibit motor vehicles from using a bicycle lane and amend the "Right-of-Way" law to require vehicle drivers to yield to bicyclists

While the **Tennessee** Legislature did not pass legislation calling for improved access to walking and biking facilities, they did pass H.J.R. 648, a resolution recognizing the City of Mt. Juliet on its development of new bike lanes and sidewalks. The resolution commended the state's cities and towns that continue to improve and support efforts benefiting the health and safety of citizens.

### **Vetoed Legislation**

Although the **Minnesota** Legislature passed a sweeping transportation funding bill that called for increased bicycle commuting, Gov. Tim Pawlenty (R) vetoed the legislation. The bill mandated the commissioner of transportation to promote bicycle commuting in order to promote health through physical activity and to decrease traffic congestion. The commissioner was to undertake the following in the promotion:

- Consider the effect on bicycle commuting in the design of transportation facilities throughout the state
- Encourage employers who are making capital improvements to their facilities to incorporate design elements that will facilitate bicycle commuting
- Encourage employers that provide parking or other subsidies for drivers to provide subsidies for bicycle commuters

However, Gov. Pawlenty objected to the tax and transportation funding aspects of the bill, including a proposed state gasoline tax increase. The veto message contained no mention of the promotion of bicycle commuting.

The table on the following page highlights other measures that have been introduced and those that are currently pending before state legislative committees. Measures that are pending are italicized and highlighted in blue. Those that have been enacted are bolded and highlighted in yellow. The bill summaries provided in the chart reflects the introduced versions of the bills.



## 2005 Legislative Activity: Access to Walking and Biking

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

State	Bill Type	Bill Number	Bill Summary	Status
CA	HB	864	"An act to add Chapter 2.5 (commencing with Section 104700) to Part 3 of Division 103 of the Health and Safety Code relating to physical fitness."	04/19/2005--(H) IN COMMITTEE: SET FIRST HEARING. HEARING CANCELED AT THE REQUEST OF AUTHOR.
CA	SB	523	"An act to amend Section 2106 of the Streets and Highways Code relating to transportation and making an appropriation therefor ."	06/29/2005--(H) PLACED ON APPROPRIATIONS SUSPENSE FILE.
CA	SCR	4	"Relative to public health awareness."	05/03/2005--(S) CHAPTERED BY SECRETARY OF STATE. RES. CHAPTER 32 STATUTES OF 2005.
CT	HB	6631	"To reduce the incidence of obesity in children and adolescents."	04/19/2005--REFERRED BY HOUSE TO COMMITTEE ON APPROPRIATIONS
FL	HB	603	"Bicycle Lanes; directs DOT to select & fund consultant to perform study of bicycle facilities connected to State Highway System; requires results of study be presented to Governor & Legislature; provides for management of study by state Pedestrian & Bicycle Coordinator; provides for inclusion of certain elements in study; requires study include implementation plan."	05/06/2005--(H) DIED ON CALENDAR LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO HB 1681 (CH. 2005-281)
FL	HB	1681	"Transportation; establishes program to provide matching funds for dredging projects in eligible counties; requires that Fla. Seaport Transportation & Economic Development Council adopt rules for evaluating said projects; provides presumptions re liability in certain actions against dept.; creates Northwest Fla. Transportation Corridor Authority encompassing Escambia Santa Rosa Okaloosa Walton Bay Gulf Franklin & Wakulla Counties etc. Amends FS."	06/20/2005--APPROVED BY GOVERNOR; CHAPTER NO. 2005-281; SEE ALSO HB 1029 (CH. 2005-261) SB 2602 (CH. 2005-71)
FL	SB	460	"Transportation; Sebesta (Compare H 0603 1ST ENG/H 1029 1ST ENG/H 1681 S 1040 CS/S 1576 1ST ENG/S 2602) Transportation; establishes program to provide matching funds for dredging projects in eligible counties; authorizes DOT to fund certain eligible aviation planning projects to be performed by not-for-profit organizations representing majority of public airports; creates provisions entitled ""Northwest Florida Transportation Corridor Authority""; directs DOT to select & fund consultant to perform study of bicycle facilities etc. Amends FS."	05/04/2005--(S) PLACED ON SPECIAL ORDER CALENDAR - SENATE JOURNAL 01074; READ SECOND TIME -SENATE JOURNAL 00941; AMENDMENT(S) ADOPTED -SENATE JOURNAL 00942; SUBSTITUTED HB 1681 -SENATE JOURNAL 00943; LAID ON TABLE LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO HB 1029 (CH. 2005-261) HB 1681 (CH. 2005-281) SB 2602 (CH. 2005-71)
FL	SB	1040	"Bicycle Lanes/Pedestrian Ways; requires incorporation of bicycle & pedestrian ways into state regional & local transportation plans & programs; requires establishment of bicycle lanes under certain circumstances; provides for said lane width requirements in DOT's construction standards; revises purpose of DOT's Safe Paths to Schools Program; requires DOT to establish grant program to fund projects that support program etc. Amends 335.065 .066 .093."	05/06/2005--(S) DIED IN COMMITTEE ON TRANSPORTATION



## 2005 Legislative Activity: Access to Walking and Biking

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

State	Bill Type	Bill Number	Bill Summary	Status
HI	HB	1397	"Requires the department of transportation to build two-way bikeways on Queen Kaahumanu Highway and Waimea Bypass Road."	02/18/2005--(H) PASSED SECOND READING AND REFERRED TO THE COMMITTEE(S) ON HOUSE FINANCE WITH NONE VOTING NO AND SOUKI TAKUMI EXCUSED.
HI	HB	1425	"Appropriates funds for capital improvement projects for the benefit of the 5th representative district."	01/31/2005--(H) REFERRED TO HOUSE FINANCE REFERRAL SHEET 7
HI	HR	18	"Requesting the department of education to require at least one hundred fifty minutes of physical activity physical education or exercise each week for elementary school students require after-school programs to offer physical activity opportunities encourage schools and communities to adopt safe routes to school programs and conduct an assessment of school Physical activity facilities."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION REFERRAL SHEET 3
HI	HR	28	"requesting that the department of transportation take necessary STEPs to fill the vacant position of bicycle and pedestrian coordinator for the bike plan hawaii project."	03/10/2005--(H) REPORT ADOPTED; REFERRRED TO THE COMMITTEE(S) ON HOUSE FINANCE WITH NONE VOTING NO AND REPRESENTATIVE(S) HERKES LUKE MARUMOTO SAIKI EXCUSED.
HI	HR	160	<b>"URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN hAWAII."</b>	<b>05/10/2005--(H) TRANSMITTED TO PUBLIC.</b>
HI	HCR	15	"Requesting the department of education to require at least one hundred fifty minutes of physical activity physical education or exercise each week for elementary school students require after-school programs to offer physical activity opportunities encourage schools and communities to adopt safe routes to school programs and conduct an assessment of school Physical activity facilities."	01/24/2005--(H) REFERRED TO HOUSE EDUCATION REFERRAL SHEET 3
HI	HCR	31	"requesting that the department of transportation take necessary STEPs to fill the vacant position of bicycle and pedestrian coordinator for the bike plan hawaii project.."	03/10/2005--(H) REPORT ADOPTED; REFERRRED TO THE COMMITTEE(S) ON HOUSE FINANCE WITH NONE VOTING NO AND REPRESENTATIVE(S) HERKES LUKE MARUMOTO SAIKI EXCUSED.
HI	HCR	214	"URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN hAWAII."	04/04/2005--(S) REFERRED TO SENATE TRANSPORTATION AND GOVERNMENT OPERATIONS/SENATE INTERGOVERNMENTAL AFFAIRS.
HI	SR	53	<b>"URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN hAWAII."</b>	<b>04/22/2005--(S) CERTIFIED COPIES OF RESOLUTIONS SENT APRIL 7 2005</b>
HI	SCR	94	"URGING THE STATE AND COUNTIES TO RECOGNIZE WALKING AND BICYCLING AS FUNDAMENTAL MEANS OF RECREATION AND TRANSPORTATION IN hAWAII."	04/08/2005--(H) REFERRED TO HOUSE TRANSPORTATION HOUSE FINANCE REFERRAL SHEET 48
LA	HB	2	"AN ACT To provide with respect to the capital outlay budget and the capital outlay program for state government state institutions and other public entities; to provide for the designation of projects and improvements; to provide for the financing thereof making appropriations from certain sources; and to provide for related matters."	06/27/2005--(H) SENT TO THE GOVERNOR FOR EXECUTIVE APPROVAL.



## 2005 Legislative Activity: Access to Walking and Biking

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

State	Bill Type	Bill Number	Bill Summary	Status
ME	HR	670	"This resolve requires the Department of Transportation to conduct a study on the feasibility benefits and cost of constructing a network of off-road bike and walking paths along the commuting corridors with the highest volume of traffic in the State."	05/03/2005--(S) PURSUANT TO JOINT RULE 310.3 PLACED IN LEGISLATIVE FILES (DEAD)
MD	HB	1351	"Repealing the prohibition on the issuance of bonds by the Maryland Transportation Authority to finance a transportation facilities project without legislative approval of the General Assembly; requiring the General Assembly to establish each year the maximum aggregate amount of debt outstanding of the Authority; authorizing the Authority to increase if specified conditions are met the amount of its debt outstanding by not more than a specified amount above the maximum amount; etc."	02/23/2005--(H) HEARING 3/8 AT 3:00 P.M.
MD	SB	255	<b>"Expanding the definition of tax-supported debt to require the Capital Debt Affordability Committee to review and make recommendations regarding specified debt issued by the Department of Transportation and the Maryland Transportation Authority; repealing a requirement that the Capital Debt Affordability Committee review and make recommendations about specified debt issued by the Department of Transportation; etc."</b>	<b>05/26/2005--(S) SIGNED BY THE GOVERNOR CHAPTER 472</b>
MA	SB	1929	<b>"AN ACT RESOLVE AUTHORIZING AND DIRECTING THE MASSACHUSETTS HIGHWAY DEPARTMENT TO DESIGN AND CONSTRUCT A CLASS ONE BIKEWAY WITHIN THE ROUTE 146 RECONSTRUCTION PROJECT"</b>	<b>03/25/2005--(S) REFERRED TO JOINT COMMITTEE ON TRANSPORTATION</b>
MI	SB	338	"An act to provide for the classification of all public roads streets and highways in this state and for the revision of that classification and for additions to and deletions from each classification; to set up and establish the Michigan transportation fund; to authorize the state transportation commission counties cities and villages to borrow money issue bonds and make pledges of funds for transportation purposes; to authorize counties to advance funds for the payment of deficiencies necessary for the payment of bonds issued under this act; to provide for appropriations and tax levies by counties and townships for county roads; to authorize contributions by townships for county roads; to provide for the establishment and administration of the state trunk line fund local bridge fund comprehensive transportation fund and certain other funds; to define the purposes for which Michigan transportation funds may be allocated; to provide for Michigan transportation fund grants; to provide for review and approval of transportation programs; to provide for submission of annual legislative requests and reports; to provide for the establishment and conditions for grants."	03/23/2005--(S) REFERRED TO COMMITTEE ON COMMERCE AND LABOR
MN	HB	119	"A bill for an act relating to capital improvements; authorizing the issuance of state bonds; appropriating money for extension of the Paul Bunyan Trail."	01/10/2005--(H) INTRODUCTION AND FIRST READING REFERRED TO AGRICULTURE ENVIRONMENT AND NATURAL RESOURCES FINANCE



## 2005 Legislative Activity: Access to Walking and Biking

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

State	Bill Type	Bill Number	Bill Summary	Status
MN	HB	2461	"Appropriating money for transportation Metropolitan Council and public safety activities; allocating county state-aid highway funds; allocating portion of metropolitan sales tax revenue to transit fund; modifying provisions related to state mail state highways and bridges county state-aid highways county wheelage taxes toll facilities railroad grade crossings traffic fine allocations commercial motor vehicles day activity center buses other motor vehicles state aviation airport noise mitigation reporting bridges in smaller cities highway signs various accounts weight limits on highways and other 0 traffic regulations drivers' licenses and permits 1 transit facilities and operations gasoline sales 2 wetland replacement near the city of Cologne the 3 employment status of public safety radio 4 communications operators the insurance verification 5 sampling program maximum train speeds in the city of 6 Orr park-and-ride lots a restriction on ethanol 7 requirements deputy registrar positions in Carver and 8 Hennepin Counties and bicycle programs; requiring 9 studies and reports"	05/19/2005--CHAPTER NUMBER 88
MN	SB	86	"A bill for an act relating to capital improvements; appropriating money to acquire an excursion boat and landing for the Bonanza Education Center; authorizing the sale of state bonds."	01/06/2005--(S) REFERRED TO FINANCE
NV	HB	231	<b>"AN ACT relating to justices&amp;#146; courts; revising the jurisdiction of certain justices&amp;#146; courts with respect to the issuance of orders for protection against domestic violence; and providing other matters properly relating thereto."</b>	<b>05/24/2005--(H) APPROVED BY THE GOVERNOR. CHAPTER 149.</b>
NJ	HB	2544	"An Act concerning the New Jersey Meadowlands Commission and supplementing P.L.1968 c.404 (C.13:17-1 et seq.)."	06/20/2005--SUBSTITUTED BY S1831 (SS/2R)
NJ	HB	3441	<i>"An Act allowing taxpayers a deduction against gross income for commuting to work by means of bicycling supplementing Title 54A of the New Jersey Statutes."</i>	<i>10/25/2004--INTRODUCED REFERRED TO ASSEMBLY TRANSPORTATION COMMITTEE</i>
NJ	SB	1831	<b>"An Act concerning the New Jersey Meadowlands Commission and supplementing P.L.1968 c.404 (C.13:17-1 et seq.)."</b>	<b>06/24/2005--APPROVED P.L.2005 C.102.</b>
NJ	SB	2444	<i>"An Act allowing taxpayers a deduction against gross income for commuting to work by means of bicycling supplementing Title 54A of the New Jersey Statutes."</i>	<i>03/21/2005--INTRODUCED IN THE SENATE REFERRED TO SENATE BUDGET AND APPROPRIATIONS COMMITTEE</i>
NY	HB	2635	"AN ACT in relation to directing the metropolitan transportation authori- ty and the department of transportation to prepare an alternative transportation plan and make recommendations to the legislature regarding the implementation of transportation alternatives to the automobile on the South Fork of Long Island including the preparation of a capital plan to implement such recommendations"	01/28/2005--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY CORPORATIONS AUTHORITIES COMMISSIONS
NY	SB	1416	"AN ACT in relation to directing the metropolitan transportation authori- ty and the department of transportation to prepare an alternative transportation plan and make recommendations to the legislature regarding the implementation of transportation alternatives to the automobile on the South Fork of Long Island including the preparation of a capital plan to implement such recommendations"	01/28/2005--(S) INTRODUCED AND REFERRED TO COMMITTEE ON SENATE TRANSPORTATION



## 2005 Legislative Activity: Access to Walking and Biking

### Health Policy Tracking Service, a Thomson West Business, July 1, 2005

State	Bill Type	Bill Number	Bill Summary	Status
RI	HB	5451	"an act relating to motor and other vehicles -- bicycle facilities"	06/22/2005--EFFECTIVE WITHOUT GOVERNOR'S SIGNATURE
RI	HB	5951	"<P>This act would update terminology and references related to existing and future bicycle facilities being developed as part of the statewide system plan. Specifically it would add definitions for ""bicycle route"" and bicycle lane "" would modify the definition of ""bicycle trail or path "" and would allow bicycles to ride other than single file on bicycle trails or paths.<P>This act would also amend various laws relating to motor vehicle offenses and fines for such offenses to include offenses and fines for actions that infringe upon or interfere with bicycle facilities. It would prohibit vehicles from operating or parking on bicycle lanes trails or paths and require motorists to yield the right-of-way to persons operating a bicycle or motorized wheelchair upon a bicycle lane.<P>This act would take effect upon passage."	04/14/2005--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
RI	SB	283	"an act relating to motor and other vehicles -- bicycle facilities"	06/22/2005--SIGNED BY GOVERNOR
TN	HJR	648	"a resolution to congratulate the city of mt. juliet on the opening of new bike lanes and sidewalks."	05/27/2005--SIGNED BY GOVERNOR.
TX	SB	426	"Many of today's youth suffer from obesity which has reached epidemic proportions. There is a much higher percentage of children who are overweight and many children have increasingly sedentary lifestyles. Moreover the number one risk factor for adult obesity is obesity in adolescence. Poor diet and physical inactivity account for an estimated 300 000 deaths each year; only tobacco use causes more preventable deaths. That reality not only threatens quality of life but indicates looming health care costs for the state in the future. Studies show that comprehensive prevention programs have reduced obesity and prevented the onset of diabetes and that children who are physically fit perform better academically. C.S.S.B. 426 would better use schools to address the issue of obesity and to improve the health and productivity of school-age children. C.S.S.B. 426 requires TEA to collect best practices and develop incentives to provide access to school campuses after regular school hours and allows comp-ed funding to be used for transportation. It also creates a Texas Fruit and Vegetable Pilot Project to provide free snacks for students throughout the school day in Tarrant County and another district"	05/22/2005--(H) COMMITTEE REPORT SENT TO CALENDARS
VA	HJR	90	"Virginia Route 5 Bikeway Project in Charles City County. Memorializes the Commonwealth Transportation Board to move forward with the construction of Alternative 3 of the Virginia Route 5 Bikeway Project in Charles City County."	02/10/2004--(H) TABLED IN TRANSPORTATION (21-Y 0-N)
VA	HJR	111	"Study; Safe Routes to School; report. Requests the Board of Education to examine the feasibility and appropriateness of implementing a Safe Routes to School Program in the Commonwealth. In conducting its study the Board shall examine (i) Safe Routes to School programs in other states; (ii) the respective roles of state and local education transportation law enforcement and other entities; (iii) current initiatives in the Commonwealth addressing student safety in walking or cycling to school; (iv) relevant fiscal and safety concerns; and (v) such other issues as it deems necessary."	02/14/2004--(H) TABLED IN RULES (16-Y 0-N)



## 2005 Legislative Activity: Access to Walking and Biking Health Policy Tracking Service, a Thomson West Business, July 1, 2005

State	Bill Type	Bill Number	Bill Summary	Status
WA	SB	5186	"AN ACT Relating to increasing the physical activity of Washington citizens; amending RCW 36.70A.070 36.81.121 28A.300.040 and 28A.320.015; reenacting and amending RCW 35.77.010 and 79A.05.030; and creating new sections.</p><p>"	05/10/2005--GOVERNOR SIGNED.