



NetScan's Health Policy Tracking Service
A Service of Thomson West

**State Actions to Promote Nutrition, Increase
Physical Activity and Prevent Obesity:**

A 2006 First Quarter Legislative Overview

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The Robert Wood Johnson Foundation.*

**Completed by:
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State Actions to Promote Nutrition, Increase Physical Activity and Prevent Obesity: A 2006 First Quarter Legislative Overview

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The economic effect of rising obesity rates and costs associated with treating overweight and obese individuals has ignited government intervention on the state level over the past four years. Estimates indicate that providing medical treatment to obese Americans has cost the country \$75 billion, of which taxpayers pay more than half through the nation's Medicare and Medicaid programs.¹ The Centers for Disease Control and Prevention estimate that nearly 65 percent of adults and 15 percent of children and adolescents are overweight or obese.² Other statistics released by Thomson Medstat indicate that children covered by Medicaid are six times more likely to be treated for morbid obesity than children with private insurance.³

States continue to press forward in their crusade to curb obesity rates, particularly among children. Similar to past years, the main focus for both federal and state lawmakers remains within the school system. Because overweight children and adolescents are 70 to 80 percent more likely to become heavysset adults,⁴ lawmakers believe that mandating or recommending nutritional and physical education guidelines for schools will encourage children to make healthier choices in the future and maintain healthy weights.

One governor in particular, Arkansas' Mike Huckabee (R), current chairman of the National Governors Association (NGA), has spearheaded efforts in his state and nationwide to encourage state lawmakers to develop strategies and adopt policies that promote healthy behaviors. Last year, Gov. Huckabee launched *Healthy America: Wellness Where We Live, Work and Learn*, a yearlong initiative. The *Healthy America* Task Force, a bipartisan group comprised of Huckabee and five other governors, worked with health professionals, business leaders, policymakers and the public to identify strategies governors can use to improve the health of Americans. NGA released the *Creating for Healthy States: Actions for Governors* report, which offers ideas to create "a culture of wellness."

Governors in five states emphasized initiatives to reduce obesity rates in their State of the State addresses this year. Citing the state's levels of obesity and alcohol and tobacco use, **Indiana** Gov. Mitch Daniels (R) called for increasing health awareness

¹ Eric A. Finkelstein, Ian C. Fiebelkorn and Guijing Wang, *State-Level Estimates of Annual Medical Expenditures Attributable to Obesity*, 12 OBESITY RESEARCH, 18-24 (2004).

² Centers for Disease Control and Prevention, *Prevalence of Overweight and Obesity Among Adults: United States, 1999–2002*, available at <http://www.cdc.gov/nchs/products/pubs/pubd/hestats/obese/obse99.htm>

³ Mike Stobbe, *Study Tracks Medicaid Kids, Obesity*, THE CHARLESTON GAZETTE, Feb. 1, 2006.

⁴ Office of the Surgeon General, *The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity* (2001), available at http://www.surgeongeneral.gov/topics/obesity/calltoaction/fact_adolescents.htm

through the existing *InShape Indiana* program. *InShape Indiana* serves to connect state residents with programs that emphasize healthy living. In addition, the Web site offers residents the ability to update their own individual health profiles to help monitor their progress. On May 6, *InShape Indiana* participants will be granted free admission to state parks so that interested residents can participate in a two- to three-mile walk.

Kentucky Gov. Ernie Fletcher (R) plans to initiate the *Governor's Fitness Program* this year to reduce rates of obesity and promote wellness and physical activity programs for adults and children. Taking into consideration the recommendations from the Business Forum on Education and the Kentucky Board of Education, the governor proposed adding three additional days of school over the next biennium, which would allow extra time for fitness and health activities. In addition, he proposed using high-speed technology to provide health and fitness activities within the classroom to benefit both students and teachers. In continuing efforts to improve the health of all Kentuckians, reforms to the state employee health plan and Medicaid will include wellness initiatives, health assessments, disease management programs and incentives to encourage healthy lifestyles.

Gov. Bob Erlich (R) of **Maryland** asked legislators to invest in senior nutrition programs. In **New Mexico**, Gov. Bill Richardson (D) highlighted the connection between children's health and physical education and nutrition in schools. The governor called for daily physical education classes in elementary schools, more before- and after-school activities and healthier food and drink in cafeterias, including the removal of carbonated beverages. And in **Ohio**, in his State of the State address, Gov. Bob Taft (R) announced his plan to expand the school breakfast and lunch program to increase pupils' access to nutritious meals.

CREATING HEALTHY, ACTIVE SCHOOL ENVIRONMENTS

The main focus for federal and state lawmakers remains within the school system. The leading policy initiatives to improve the health of children include the following objectives:

- Establishing nutritional standards for foods and beverages sold in schools
- Restricting access to and sales of competitive foods and beverages
- Setting physical education and activity requirements
- Educating children about nutrition and active living
- Monitoring and reporting students' body mass index (BMI)

Lawmakers, parents and students tend to be divided on the role state lawmakers should have in setting statewide nutrition and physical education requirements for elementary, middle school and high school students. Some argue that decisions should remain with local school administrators, school boards and parents. Others maintain that the state government, which incurs a significant portion of the rising healthcare costs, should facilitate healthy school environments. However, the costs of such mandates are often the sticking point. Facing annual budget constraints and pressure to meet academic standards, state and local officials and school administrators and educators often express concern about legislative mandates that cut off additional sources of revenue or impose additional curricula requirements.

Despite the push back from some local governments, state legislators continue to take action on measures that improve the health environment and education of children this year.

Of the 44 states that are holding a legislative session this year:

- 32 states are considering health and physical education legislation.
- 28 states are considering legislation that sets or recommends nutritional standards.
- 12 states are considering BMI reporting legislation.

New trends in legislation identified by the Health Policy Tracking Service (HPTS) include the following initiatives:

- Measures in **Arizona, California, Colorado, Connecticut, Iowa, Oklahoma** and **Vermont** would increase access to or promote fruit and vegetable consumption through farm-to-school or school garden programs.
- Bills in **Arizona** and **Connecticut** would offer schools financial incentives for providing healthy items or adopting nutritional standards.
- Measures in **Massachusetts, Missouri** and **Virginia** would establish education requirements for certain school personnel.

Additionally, **Mississippi** and **Virginia** lawmakers who have not made this issue a priority in the past considered measures that would have set statewide standards.

To monitor childhood obesity rates and eventually assess the impact of policies targeting schools, lawmakers are turning to legislation that tracks children's and teenagers' BMI measurements. BMI legislation gained national attention in 2003 when Gov. Huckabee required **Arkansas** schools to measure each student's BMI and send health report cards to parents. **Illinois, New York, Pennsylvania, Tennessee** and **West Virginia** also are monitoring students BMI.

Local school officials also have kept busy this year as they prepare to adopt local school wellness policies as required by the federal "Child Nutrition and WIC Reauthorization Act of 2004." Schools participating in the National Lunch Program must have policies in place that promote healthy nutrition and physical activity by the beginning of the 2006-2007 school year. States have issued model policies to help guide local school districts when developing and implementing their own local school wellness policies.

INDUSTRY INITIATIVES

In response to growing concerns over childhood obesity, the food and beverage and vending industries have taken steps to help reduce the prevalence of obesity, especially in school-age children. Although the food and beverage industries voluntarily are reducing the advertisements of certain products to children, two states carried-over legislation restricting the advertising and marketing of unhealthy foods and beverages on school grounds and buses.

Last year, the American Beverage Association (ABA) announced a new voluntary school vending policy aimed at providing healthier beverages. The policy asked the beverage industry and school districts to implement the following guidelines:

- In elementary schools, to provide only water and 100 percent juice
- In middle schools, to provide only nutritious and/or lower calorie beverages, such as water, 100 percent juice, sports drinks, no-calorie soft drinks and low-calorie juice drinks (Full-calorie soft drinks and juice drinks with 5 percent or less juice may be provided after school.)

- In high schools, to provide a variety of beverage choices, with no more than 50 percent of the vending selections being soft drinks.

While the policy relies on voluntary implementation by individual companies and school districts, the ABA's Board of Directors represents 20 beverage companies and 85 percent of beverage sales from school vending machines. In addition, ABA announced in December that the amount of non-diet soft drink sales in schools dropped more than 24 percent in 2002 and 2004, while sales of sports drinks, bottled water, diet soda and fruit juice increased.

The National Automatic Vending Merchandising Association launched a Web site to educate students, schools and vendor operators about nutritional alternatives and improve snack items made available. The association is working with state legislators to ensure that the additional funding streams received by schools from vending contracts are protected.

As the retail food industry continues to make healthier options available to adults and children, state lawmakers continue to push restaurants to post nutritional information on their menus or menu boards to better inform consumers about the nutritional content of meals consumed outside the home. Although none of the introduced bills have been enacted, the mere introduction of these measures provides a public forum for debate and development of future public policy affecting the restaurant industry. Lawmakers in nine states plus the **District of Columbia** are considering menu labeling legislation this year.

Lawmakers also continue to introduce legislation to prohibit individuals from suing food-related businesses for damages resulting from weight gain, obesity or obesity-related conditions. To date, 22 states have laws on the books that prohibit these lawsuits from being filed. Lawmakers in 16 states are considering legislation in 2006.

COVERAGE FOR OBESITY TREATMENT

In response to the high prevalence of obesity and in an attempt to improve the lives of overweight individuals, both private and public healthcare plans have begun to cover obesity-related treatments and procedures. Earlier this year, Medicare announced that it would begin covering additional surgical procedures for morbidly obese beneficiaries.

Although the federal government does not require states to provide Medicaid benefits for obesity treatment, lawmakers in several states are taking the lead in providing treatment and incentives to lose weight. Last year, governors in **Colorado** and **Iowa** signed measures to provide some degree of treatment for overweight or obese patients. In **Michigan**, a federal waiver has been filed that will reduce co-payments for those Medicaid beneficiaries who engage in healthy behaviors. This year, lawmakers in **Massachusetts, Minnesota, Missouri** and **Virginia** are discussing various options.

On the private side, four states — **Georgia, Indiana, Maryland** and **Virginia** — require insurers to provide or offer coverage for gastric bypass surgery. This year, lawmakers in **Connecticut, Georgia, Missouri, New Jersey, Oklahoma** and **Virginia** introduced legislation addressing health insurance coverage for morbid obesity treatment. Measures in **Alaska** and **Tennessee** carried over from 2005.

FUNDING STATE INITIATIVES

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 tax measures have been enacted in the past four years, lawmakers continue to introduce such legislation. This year, measures were introduced in four states — **Indiana, Kansas, New Mexico** and **Wisconsin**.

CREATING HEALTHY, ACTIVE COMMUNITIES

Legislators in 11 states introduced bills to improve access to or safety of public fitness, walking and biking facilities and to promote alternative transportation methods. This level of activity highlights state lawmakers' continuing interest in preventing and reducing obesity through the promotion of healthy, active lifestyles. Legislation enacted in **Kentucky** this year directs the Legislation Research Commission to study the state's bicycling and pedestrian transportation activities. In **Washington**, lawmakers have appropriated funds for "safe route to school" programs. Lawmakers in eight other states are considering measures that promote pedestrian and bicycle pathways.

Farmers' markets also are gaining support from state houses. Legislators in seven states introduced measures to appropriate general fund dollars to support access to fresh produce for low-income WIC recipients and seniors. And in **New Mexico** and **New York**, legislation to support the development of farmers' markets was considered.

Highlights of non-legislative, statewide initiatives are provided below.

Massachusetts

Last year, state 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. The campaign was developed by the Massachusetts Governor's Committee on Physical Fitness and Sports (MGCPF). In January, MGCPF and the Department of Education announced the creation of the *Every Body Move!* grant program that will award 25 schools up to \$7,500 each during the 2006-2007 academic year to develop or sustain physical activity programs before, during or after school for children between the ages of 8 and 14.

Ohio

The "*Best Buckeye Healthy Schools*" program, a five-year-old initiative, recognizes schools that have achieved a gold, silver or bronze standard in improving the overall health of children. The program is designed to track the progress of schools' efforts to achieve the highest standard in the area of tobacco, nutrition and physical activity education. Schools that achieve a gold standard are given a flag to fly outside their building. In February, Gov. Taft announced that the program will now offer a one-time \$450 award to schools that achieve the gold standard.

Tennessee

In partnership with the Tennessee Alliance with Boys and Girls Club, Inc., the Department of Health launched the "*Commit to be Fit*" pilot program that emphasizes healthy eating and teaches children about the benefits of physical activity. Children participating in the program will be screened quarterly to monitor their attitudes toward healthy habits. If the program is successful, the Department hopes to expand it statewide.

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 put forth initiatives that improve the health of their constituents — both young and old — by working with various stakeholders to develop sound policy. HPTS anticipates that state lawmakers will continue to develop policies to promote nutrition, increase physical activity and encourage their constituents to lead healthier lives.

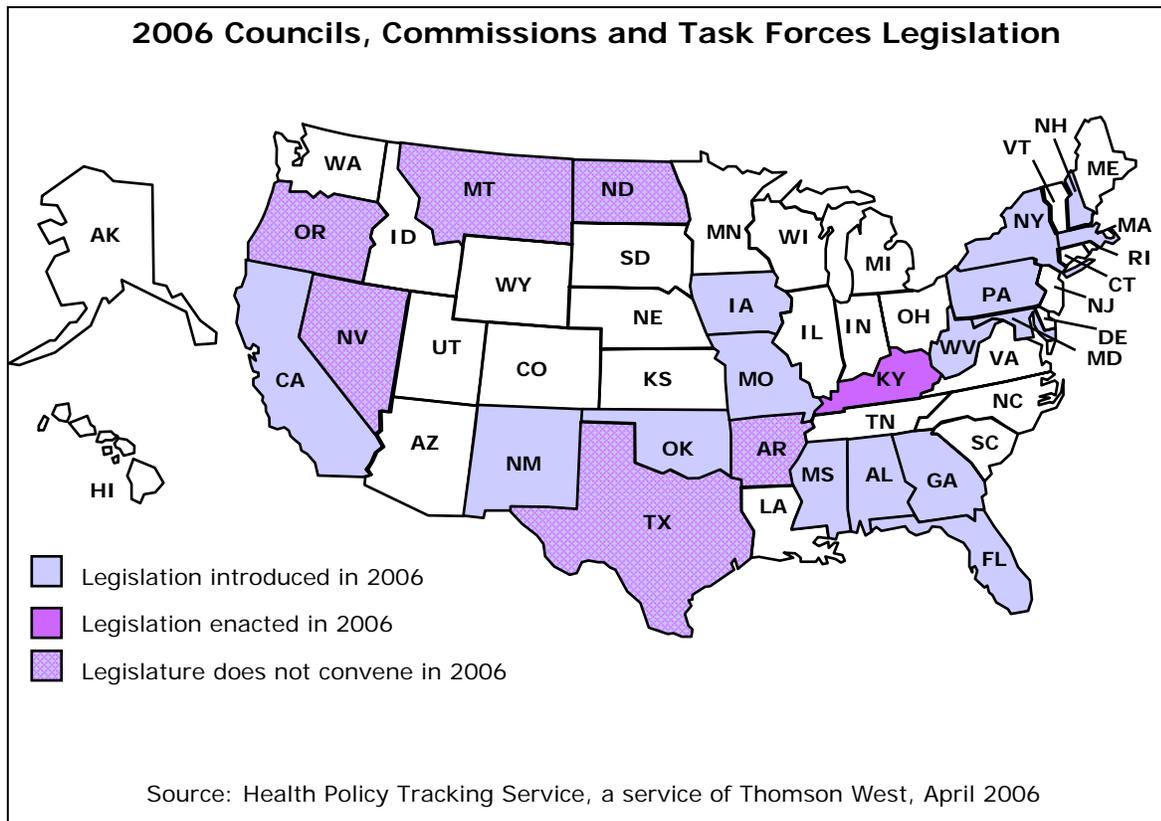
ACKNOWLEDGMENTS

This report was prepared by Carla I. Plaza and 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.

HPTS would like to thank The Robert Wood Johnson Foundation for its continued support in producing reports that will serve to inform state legislators, policymakers, and public health advocates on the comprehensive action states are taking to encourage individuals to lead healthier lives.

Councils, Commissions and Task Forces

Before recommending or adopting a new policy, lawmakers often call for the establishment of a council, commission or task force to study the issue and to report findings and policy recommendations. Increasing rates of overweight and obese individuals have spurred states to evaluate contributing factors and examine how to resolve the negative trend. In 2006, 16 states have considered legislation that calls for studies and policy recommendations pertaining to obesity, nutrition and physical activity.



STATE LEGISLATIVE ACTIVITY

Details of some of the measures under consideration are provided below.

On March 30, **Kentucky** Gov. Ernie Fletcher (R) enacted a resolution, S.C.R. 98, directing the Legislative Research Commission to study the economic and public health impacts of the state's bicycling and pedestrian transportation activities. The commission also will examine options for addressing the state's obesity crisis. The commission report must include an analysis of public and private programs that improve physical exercise opportunities through biking and walking, focusing on model programs that educate residents about healthy lifestyles, are conducted at minimal cost and have a positive impact on communities. The report also must contain an analysis of bicycle safety and suggest methods to improve safety. The report must be completed by Oct. 1, 2006.

Kentucky lawmakers also are considering H.C.R. 195, a resolution that would direct the Legislative Research Commission to establish a task force to study the feasibility of establishing a wellness program for state employees and Medicaid recipients. The study would include an analysis of the feasibility of a pilot wellness project, a review of literature

on wellness programs, an analysis of the potential costs and benefits of a wellness program and an analysis of potential public and private partnerships. The resolution passed the House and was sent to the Senate for further action. Lawmakers in **Florida** and **New York** also introduced measures calling for a council or task force on workplace wellness, demonstrating an increased focus on the workplace as an outlet for promoting health and wellness among the working adult population.

In **Iowa**, S.B. 2251 would charge the departments of Education and Public Health to establish a 24-member healthy children task force. The task force would assess current policies affecting the health of children, particularly those pertaining to physical activity and nutrition, and to develop and submit policy recommendations by Jan. 1, 2007. The bill has passed the Senate and awaits a final vote in the House.

Pennsylvania H.B. 185 contains a provision for the establishment of an interagency coordinating council for child health and nutrition to annually review and revise the Pennsylvania nutrition and activity plan to prevent obesity and related chronic diseases. The plan would include recommendations regarding physical education and nutrition guidelines for food and beverages sold in schools. The bill also calls for the secretary of education to establish an advisory committee to offer recommendations to the council. House Bill 185 was carried over from the 2005 session, during which it passed the House and was referred the Senate Committee on Education. In March, the measure passed the Committee on Education and was re-referred to the Appropriations Committee.

Three **Maryland** bills contain similar provisions to establish a panel to develop recommendations to enhance obesity prevention and awareness among students and parents. As introduced, H.B. 1418 and S.B. 457 would have established nutritional standards and required county school boards to assess students' BMI measurements and provide health report cards to parents. However, lawmakers determined that it was in the best interest of the state to spend another year studying the obesity issue and have stripped away most of the nutrition and BMI provisions. The current versions of H.B. 1418 and S.B. 457 would establish a blue ribbon panel responsible for developing an action plan to reduce obesity rates in the state; however, the bills differ in their requirements for the panel. Both bills would require the panel to submit a report with its recommendations to state lawmakers in 2007. Each bill has passed its chambers of origin; therefore, it is likely one of the bills will be sent to the governor if the two chambers can agree on bill language. A third bill, S.B. 436, originally called for a Maryland Obesity Awareness and Prevention Task Force; however, the measure received an unfavorable report in the Senate Committee

State lawmakers have introduced a measure to establish an **Oklahoma** Farm-to-School Program to provide fresh, locally grown produce to schools, to teach students about healthy eating and to help local farmers. House Bill 2655 also calls for a 15-member Oklahoma Farm-to-School Task Force to study the barriers of implementing a farm-to-school program and to recommend resolutions in a report to state lawmakers by Dec. 31, 2006.

Mississippi lawmakers sought to extend the repeal of the Mississippi Council on Obesity Prevention and Management with two bills this session. Both measures, H.B. 783 and S.B. 2934, died in the Senate Insurance Committee. A bill in **New Hampshire**, S.B. 290, would have established an advisory council on wellness to assist the Department of Education in developing nutrition and fitness curricula and a New Hampshire School Wellness Program. However, the bill was defeated in the Senate.



2006 Legislative Activity: Councils, Commissions and Task Forces Legislation

Health Policy Tracking Service, a service of Thomson West, April 3, 2006

Color Key: Pink = Died; Green = Continued; Yellow = Passed one chamber; Purple = Passed both chambers; Blue = Signed by governor

State	Bill Type	Bill Number	Summary	Status
AL	SB	324	"Under existing law every public school is required to carry out a system of physical education the character of which shall conform to the program outlined by the State Department of Education. Also under existing law elective courses in physical education are to be available to all students as determined by the local board of education. This bill would require over a specified time that each public school student in grades K to 12 inclusive participate in physical education instruction each school day or a variety of physical education activities. This bill would require the State Board of Education to adopt necessary rules and methods to implement this requirement. This bill would also create the Public School Physical Education Task Force to study and report to the Legislature and the State Board of Education regarding the implementation of the physical education requirement."	01/19/2006--READ FOR THE FIRST TIME AND REFERRED TO THE SENATE COMMITTEE ON EDUCATION
CA	HB	1888	"An act to add Chapter 4.5 (commencing with Section 104250) to Part 1 of Division 103 of the Health and Safety Code relating to public health."	03/22/2006--(H) FROM COMMITTEE: DO PASS AND RE-REFER TO COMMITTEE ON HIGHER EDUCATION RE-REFERRED. (AYES 10. NOES 4.) (MARCH 21).
CA	HCR	114	"Relative to a Legislative Task Force on Diabetes and Obesity."	03/22/2006--(H) FROM COMMITTEE: BE ADOPTED, AND RE-REFER TO COMMITTEE ON APPROPRIATIONS RE-REFERRED. (AYES 10. NOES 2.) (MARCH 21).
CA	SCR	73	"Relative to the California Task Force on Youth and Workplace Wellness."	04/03/2006--(S) SET FOR HEARING APRIL 19.
FL	HB	783	"Wellness Program for State Employees; defines term "aged-based & gender-based benefits" for purposes of state group insurance program; creates Florida State Employee Wellness Council within DMS; provides for membership; provides for reimbursement of per diem & travel expenses; provides purpose & duties of council. Amends 110.123. EFFECTIVE DATE: 07/01/2006."	03/23/2006--(H) NOW IN FISCAL COUNCIL -HOUSE JOURNAL 00284
FL	SB	382	"Wellness Programs/State Employees; defines term "aged-based & gender-based benefits" for purposes of state group insurance program; creates Florida State Employees Wellness Council within DMS; provides for membership; provides for reimbursement of per diem & travel expenses; provides purpose & duties of council. Amends 110.123. EFFECTIVE DATE: 07/01/2006."	03/07/2006--(S) NOW IN WAYS AND MEANS - SENATE JOURNAL 00195
GA	HR	1159	"Urging and requesting the Department of Community Health the Department of Human Resources and the Insurance Department to jointly undertake a study of health insurance coverage for the treatment of obesity including the compilation of data on the treatment of severe or morbid obesity through bariatric surgery."	02/21/2006--(H) COMMITTEE FAVORABLY REPORTED
IA	SB	2251	"An act directing the Department of Education and the Iowa Department of Public Health to convene a Healthy Children Task Force and providing an effective date."	3/16/2006--PASSED SENATE.
KY	HCR	195	"Direct the Legislative Research Commission to study the feasibility of establishing a wellness program for state employees and Medicaid recipients; establish a fourteen member task force; and require the task force to report its findings and recommendations to the Legislative Research Commission no later than November 1, 2006."	03/15/2006--(S) TO HEALTH AND WELFARE (S). 03/10/2006--(H) 3RD READING, ADOPTED 92-0.
KY	SCR	98	"Direct the Legislative Research Commission to study Kentucky's bicycling and pedestrian activities and options for increasing tourism related opportunities and improving public health through bicycling and pedestrian activity."	03/30/2006--SIGNED BY GOVERNOR (ACTS CH. 91). 03/21/2006--(H) 3RD READING, ADOPTED 97-0. 02/09/2006--(S) 3RD READING, ADOPTED 37-0.
MD	HB	1418	"Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc."	03/24/2006-- (H) THIRD READING PASSED (131-5)



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State	Bill Type	Bill Number	Summary	Status
MD	SB	436	"Establishing the Maryland Obesity Awareness and Prevention Task Force in the Department of Health and Mental Hygiene; providing for the purpose of the Task Force; providing for the membership chair and staff of the Task Force; providing that a member of the Task Force may receive specified reimbursement as provided in the State budget; providing for the duties of the Task Force; requiring the Task Force to submit specified reports to the Governor and the General Assembly on or before specified dates; etc."	03/27/2006--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MD	SB	457	"Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc."	03/27/2006--(S) THIRD READING PASSED (37-10)
MA	SB	2373	"Directs the board of education in consultation with the department of public health to establish certification requirements and criteria for food service directors and managers in public schools; regulates the sale of food and beverages in the Massachusetts public schools; excludes meals provided through the national school lunch and breakfast programs from said provisions; regulates beverage types contents and sizes; mandates the sale of fruit and non-fried vegetables; mandates the availability of nutritional information; directs said departments to review reported cases of obesity and eating disorders; directs the department of public health to establish an annual public service campaign regarding pediatric overweight; prohibits the sale of the articulated food and beverages including but not limited to beverages with added or artificial sweeteners in public schools; establishes and regulates the membership and operation of a special commission charged with analyzing childhood obesity nutrition physical activity education and wellness."	03/22/2006--(S) POSTPONED UNTIL 3/29/2006
MS	HB	783	"AN ACT TO CREATE THE MISSISSIPPI COUNCIL ON OBESITY PREVENTION AND MANAGEMENT TO EXTEND THE DATE OF REPEAL; AND FOR RELATED PURPOSES."	02/28/2006--(S) DIED INSURANCE COMMITTEE. 01/26/2006--(H) PASSED
MS	SB	2934	"AN ACT TO EXTEND THE AUTOMATIC REPEALER ON THE MISSISSIPPI COUNCIL ON OBESITY PREVENTION AND MANAGEMENT; AND FOR RELATED PURPOSES."	01/31/2006--(S) DIED INSURANCE COMMITTEE
MO	HB	1856	"To amend chapter 192 RS MO by adding thereto one new section relating to obesity with an emergency clause."	03/29/2006--(H) REFERRED: HEALTH CARE POLICY
NH	SB	290	"This bill establishes a wellness program in New Hampshire schools that combines education about nutrition with physical exercise."	02/23/2006--(S) INEXPEDIENT TO LEGISLATE MOTION ADOPTED VOICE VOTE--BILL KILLED-- SENATE JOURNAL 6 PG. 117
NM	SB	217	"AN ACT RELATING TO NUTRITION; CREATING A NUTRITION COUNCIL; PROVIDING DUTIES; REQUIRING STUDIES; MAKING AN APPROPRIATION."	01/31/2006--(7) SENATE FINANCE COMMITTEE- SENATE PUBLIC AFFAIRS COMMITTEE
NY	HB	10221	"Establishes a task force on occupational wellness; such task force shall be within the department of health and shall consist of thirteen members."	03/08/2006--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY HEALTH
NY	HB	10461	"277 Exec L - Establishes the New York state council on food policy; authorizes the establishment of an advisory board to assist the council; enumerates the powers and duties of the council and board which include developing comprehensive coordinated state food policies."	03/27/2006--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY GOVERNMENTAL OPERATIONS
NY	SB	4606	"Establishes a task force on occupational wellness; such task force shall be within the department of health and shall consist of thirteen members."	01/04/2006--(S) REFERRED TO SENATE HEALTH
OK	HB	2149	"An Act relating to sunset; amending 74 O.S. 2001 Section 1382 which relates to the Wellness Council; re-creating the Council; and modifying termination date."	03/29/2006--(S) REPORTED DO PASS JOINT SUNSET REVIEW COMMITTEE; COMMITTEE REPORT FILED
OK	HB	2655	"agriculture - Oklahoma Farm to School Program Act - codification – emergency"	04/03/2006--(S) RECOMMENDATION TO THE FULL COMMITTEE; DO PASS AS AMENDED APPROPRIATIONS/SUB-NATURAL RESOURCES AND REGULATORY SERVICES SUB-COMMITTEE



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State	Bill Type	Bill Number	Summary	Status
OK	HJR	1037	"A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency."	02/07/2006--(H) SECOND READING REFERRED TO HEALTH AND HUMAN SERVICES
OK	HJR	1039	"A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency."	02/07/2006--(H) SECOND READING REFERRED TO RULES
PA	HB	185	"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 school district notification of residential development and for contracts for competitive food or beverage contracts; further providing for funding for charter schools for cyber charter school requirements and prohibitions and for enrollment and notification; and providing for free and reduced-price school lunches for certain students. COMPETITIVE FOOD OR BEVERAGE CONTRACTS AND FOR NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE SALES IN SCHOOLS; FURTHER PROVIDING FOR CERTAIN HEALTH SERVICES AND FOR ADVISORY HEALTH COUNCILS; PROVIDING FOR LOCAL WELLNESS POLICIES FOR AN INTERAGENCY COORDINATING COUNCIL FOR CHILD HEALTH AND NUTRITION FOR DUTIES OF THE DEPARTMENT OF EDUCATION AND FOR PHYSICAL EDUCATION; AND FURTHER PROVIDING FOR PHYSIOLOGY AND HYGIENE."	03/20/2006--(S) RE-REFERRED TO APPROPRIATIONS. 06/21/2005--(H) FINAL PASSAGE (175-24)
WV	SCR		"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."	01/12/2006--TO RULES

School Nutrition

Because of nutrition's proven impact on weight, health and academics, many lawmakers continue to focus on instilling lifelong healthy behaviors in children through encouraging or mandating improved nutrition in state public school systems. Studies show that soft drink and fat consumption among adolescents has increased since the 1970s. Advocates contend that this is due in part to an increase in the availability of competitive foods and beverages, which tend to be high in fat and added sugar and low in nutrients, in schools. They stress that the availability of such products also contradicts health and nutrition education classes.¹ Studies demonstrate that the presence of à la carte foods and vending machines in schools, common venues for competitive foods and foods of minimal nutritional value (FMNV), are associated inversely with fruit and vegetable consumption.^{2,3} As students spend a great amount of time in school, advocates emphasize the important role of schools in promoting, facilitating and teaching lifelong healthy eating habits. Although the American Dietetic Association promotes a balanced healthy diet that includes eating all foods in moderation, they also advocate school nutrition integrity, defined as "a guaranteed level of performance that ensures that all foods available and consumed by children in schools are consistent with the Recommended Daily Allowances (RDA) and the Dietary Guidelines for Americans, and contribute to the development of lifelong eating habits."¹

The food and beverage industries historically have opposed state school nutrition legislation that restricts access to or the sale of certain foods and beverages, emphasizing that a healthy diet can include all foods and beverages in moderation. However, in the past year, due in part to the growing number of school nutrition regulations, some associations and companies have altered their positions and taken initiatives of their own to prevent obesity. In 2005, the American Beverage Association adopted a new voluntary school vending policy aimed at providing healthier beverages in schools.⁴ Industry leaders and local school officials maintain that school nutrition decisions should be made at the local — not state — level. Without the additional revenue generated from partnerships between businesses and schools, funding for certain school activities such as physical education, athletics, art and music classes, may be in jeopardy.

Some lawmakers argue that school nutrition is a local issue to be overseen by local school administrators, school boards and parents. Others maintain that the government, which incurs a significant portion of the rising healthcare costs, should intervene in the obesity crisis and facilitate healthy lifestyles, particularly in schools in which children may not make nutritious food choices. Despite the controversial debate over school nutrition, HPTS has seen much federal and state activity in the past several years.

STATE LEGISLATIVE ACTIVITY

A frenzy of school nutrition legislative activity continues in the 2006 legislative sessions, with many states following trends of recent years as well as preparing to comply with the provisions of the "Child Nutrition and WIC Reauthorization Act of 2004," which requires the

¹ American Dietetic Association, Local Support for Nutrition Integrity in Schools (2000), available at http://www.eatright.org/cps/rde/xchg/ada/hs.xsl/advocacy_3779_ENU_HTML.htm

² Martha Y. Kubik, Leslie A. Lytle, Peter J. Hannan, Cheryl L. Perry, Mary Story, *The Association of the School Food Environment with Dietary Behaviors of Young Adolescents*, 93(7) Am. J. Public Health, 1168-73 (2003).

³ Marie-Pierre St-Onge, Kathleen L. Keller, Steven B. Heymsfield, *Changes in Childhood Food Consumption Patterns: A Cause for Concern in Light of Increasing Body Weights*, 78 Am. J. Clin. Nutr. 1068-73 (2003).

⁴ American Beverage Association, School Partnerships: Beverage Industry School Vending Policy (2005), available at http://www.ameribev.org/schools/vending_policy.asp

also contains requirements pertaining to local wellness policies and physical activity in elementary schools. This is the first bill with school nutrition mandates to become law in Indiana. Last year, the state's neighbors **Kentucky** and **West Virginia** adopted stringent school nutrition standards.

Current law in **Colorado** encourages school districts to ensure that at least 50 percent of items available for sale in school vending machines meet acceptable nutritional standards. House Bill 1056 mandates the 50 percent threshold for vending machine items. The bill awaits further action by the governor. Last year, a similar bill, S.B. 197, died in the House. Another school nutrition bill, S.B. 127, would create a program to make free fruits and vegetables available to students in public schools. The bill has passed the Senate and awaits action in the House Appropriations Committee.

Similar bills in **Maryland**, H.B. 1418 and S.B. 457, originally would have set forth specific nutrition standards; however, most of those provisions were removed through the legislative process. The current versions of both bills would establish a panel to develop obesity prevention and awareness recommendations targeting students and parents. Senate Bill 457 also would prohibit the sale of FMNV in vending machines through the end of the school day, consistent with state Board of Education regulations adopted in 2005. Each bill has passed its chamber of origin.

Last year, **New Jersey's** former acting governor, Richard Codey (D), announced the release of the Department of Agriculture's model school nutrition policy, which sets specific nutrition regulations that school districts must comply with by Sept. 1, 2007. The policy will be implemented in two phases. This year, lawmakers introduced a bill, S.B. 1218, that would codify the regulations. The model policy, and the bill if enacted, bans all FMNV and all foods and beverages listing sugar as the first ingredient from being sold on elementary, middle and high school property during the school day. The policy also sets restrictions for the types and portion sizes of beverages and for fat content. The Senate unanimously passed the bill and sent it to the House for further consideration.

California continues to lead school nutrition initiatives with H.B. 469. The bill would require the state Department of Education to maintain the existing nutritional guidelines for all schools and to add guidelines for sugar and sodium. The bill passed the House and awaits action by the Senate.

Among its many provisions, **Pennsylvania** H.B. 185 would impose restrictions on competitive food and beverage contracts and require every local education agency that participates in the National School Lunch Program to review the nutritional value of and adopt nutritional guidelines for all foods and beverages available during the school day. House Bill 185 was carried over from the 2005 session during which it passed the House and was referred to the Senate. The bill is in the Senate Committee on Appropriations.

After a yearlong debate, **Connecticut** Gov. M. Jodi Rell (R), the state Senate and the state Department of Education reached agreement on a legislative proposal for school nutrition.⁵ Senate Bill 381, "An Act Concerning Healthy Food and Beverages in Schools" contains strict beverage provisions that would apply to all school levels. The bill would continue to allow for local control over food sold in schools; however, it would provide a unique financial

⁵ Press Release, Connecticut State Senate Democratic Leadership; Williams, Governor Rell, Commissioner Sternberg Reach Agreement on Healthy Schools Legislation (Feb. 1, 2006); *available at* <http://www.senatedems.ct.gov/pr/leaders-060201.html>

incentive for schools to offer healthy foods. School districts participating in the National School Lunch Program would decide and report to the state Department of Education each year whether they will offer only healthy foods, as defined by the department's new nutritional guidelines. Districts that do so would receive from the state an additional 10 cents per lunch — a substantial increase from the current rate of 5 cents per lunch. The measure awaits action in both chambers' Appropriations committees. Last year, Gov. Rell vetoed a controversial bill with sweeping school nutrition and physical activity mandates, citing in the veto message her strong support for local control of schools and parental participation.

Also of note, unlike in recent years, some **Mississippi** lawmakers have been focused on nutrition efforts in schools in 2006, with four measures that propose nutrition standards. The activity follows the 2005 actions of the state's neighbors **Louisiana** and **Arkansas**, which set more stringent school nutrition standards. However, all four Mississippi nutrition standards bills died in committee. The **Virginia** Legislature, which has been reluctant to make such decisions at a state level, considered two identical bills that would have established school nutrition guidelines; however, both were continued to 2007.

Last year, **Arizona** lawmakers passed a law prohibiting FMNV and sugared, carbonated beverages from being sold at elementary, middle and junior high schools, effective July 2006. This year, Rep. Mark Anderson (R) and State Superintendent Tom Horne pushed for a bill, H.B. 2557, that would make the standards mandatory for high schools. However, the bill received strong opposition from the Arizona Beverage Association, which found the measure to be too restrictive, and some legislators who believed it would usurp local control. The strong opposition led Rep. Anderson to amend H.B. 2557.⁶ The changes made to the bill would have required the Department of Education to develop separate minimum standards for high schools and to establish a pilot program to provide financial incentives for the first 50 high schools to adopt the standards. Despite the amendments, Rep. Anderson was unable to garner enough support and decided not to pursue the bill further during this session.⁶ He contends that many legislators want to see the impacts of the standards on elementary, middle and junior high schools before extending them to high schools.⁷

Developing Local Wellness Policies

As the federal government requires local school wellness policies to be in place by the beginning of the 2006-2007 school year, many states have considered legislation in the past two years to help guide school districts in their efforts to comply. This year, lawmakers in at least seven states — **Florida, Georgia, Indiana, Massachusetts, Mississippi, New Hampshire** and **Pennsylvania** — have introduced legislation to assist school districts in establishing wellness councils and policies, which should include goals for nutrition and nutrition education.

In addition to school nutrition mandates, enacted **Indiana** S.B. 111 contains provisions to assist school districts with developing local wellness policies. **Mississippi** lawmakers killed all but one school nutrition bill this session — H.B. 319. The measure, enacted March 15, also is intended to aid local school districts in complying with the federal mandate. **Georgia** S.B. 474, **Pennsylvania** H.B. 185 and **New Hampshire** S.B. 290 each contain provisions pertaining to local school wellness policies. While the Georgia and Pennsylvania bills passed their chambers of origin, the New Hampshire bill was defeated in the Senate and the Georgia bill died upon adjournment.

⁶ Anne Ryman, *High school junk-food ban in the trash*, THE ARIZONA REPUBLIC, Feb. 23, 2006.

⁷ Jim Small, *Lawmakers look to policy to attack rising childhood obesity rates*, ARIZONA CAPITOL TIMES, Feb. 28, 2006.

While the **New Mexico** Legislature did not consider such legislation, Gov. Bill Richardson (D) recently approved the final version of school nutrition and wellness rules. The adopted school wellness rules included guidelines for local school wellness policies as well as health and physical education performance standards.

Establishing Committees, Councils and Task Forces

Instead of mandating school nutrition standards, several states are considering legislation to appoint statewide or local committees, councils or task forces to study the issues and formulate recommendations. This year, lawmakers in at least ten states — **California, Iowa, Maryland, Massachusetts, Missouri, New Hampshire, New Mexico, Oklahoma, Pennsylvania** and **Tennessee** — have introduced such legislation. The following paragraphs highlight recent bill actions.

Pennsylvania H.B. 185 contains a provision for the establishment of an interagency coordinating council for child health and nutrition to annually review and revise the Pennsylvania nutrition and activity plan to prevent obesity and related chronic diseases. The plan would include recommendations regarding nutrition guidelines for food and beverages sold in schools. The bill also calls for the secretary of education to establish an advisory committee to offer recommendations to the council. The bill passed the House and awaits action in the Senate.

In **Iowa**, S.B. 2251 would charge the departments of Education and Public Health to establish a 24-member healthy children task force. The task force would assess current policies affecting the health of children, particularly those pertaining to physical activity and nutrition, and to develop and submit policy recommendations by Jan. 1, 2007. The bill has passed the Senate and awaits a final vote in the House.

Two **Maryland** bills, S.B. 457 and H.B. 1418, contain similar provisions to establish a panel to develop recommendations to enhance obesity prevention and awareness among students and parents. Each bill would require the panel to submit a report with the recommendations to state lawmakers in 2007. Each bill has passed its chamber of origin; therefore, it is likely one of the bills will be sent to the governor if the two chambers can agree on bill language.

A bill in **New Hampshire**, S.B. 290, would have established an advisory council on wellness to assist the Department of Education in developing nutrition and fitness curricula and a New Hampshire School Wellness Program. However, the bill was defeated in the Senate.

Creating Model Policies and Programs

Another policy trend of recent years is the development of model policies and programs for state and local education officials to use as a guideline in developing their own initiatives. This year, legislators in **Florida, Georgia, Iowa** and **New Hampshire** introduced such measures. The New Hampshire bill, S.B. 290, charged the commissioners of education and health and human services with developing a model school fitness and nutrition policy; however, the bill was defeated in the Senate. The Georgia measure died upon adjournment. Measures in Florida and Iowa are still under consideration.

Increasing Access to Fresh Produce

Becoming a bigger trend in 2006 compared to recent years are bills that increase or promote access to fresh fruits and vegetables in schools, rather than restricting access to certain foods. Lawmakers in at least seven states have introduced related legislation, including **Arizona, California, Colorado, Connecticut, Iowa, Oklahoma** and **Vermont**. The table on the following page highlights related legislation in 2006.

2006 Legislation to Increase Access to Fresh Produce			
State	Bill	Status	Summary
AZ	H.B. 2565	01/23/06— Second reading in House	Would establish an instructional school garden program.
CA	H.B. 1381	02/09/06—Referred to Senate committees on Education and Rules	Would amend the law on the Instructional School Gardens Program.
CA	H.B. 2121	02/21/06—Assigned for committee hearing March 23	Would encourage statewide implementation of farm-to-school programs.
CO	S.B. 127	03/07/06—Referred to House Committee on Appropriations	Would create a program to make free fruits and vegetables available to students in public schools.
CT	S.B. 375	03/20/06—Referred to Senate and House committees on Appropriations	Would establish farm-to-school programs within the departments of Education and Agriculture. Would create the "Connecticut-Grown for Connecticut Kids Week."
IA	H.B. 2061	01/17/06—Referred to House subcommittee	Would establish a fresh fruits and vegetables pilot program for schools.
OK	H.B. 2655	04/03/06—Reported out favorably from Senate subcommittee	Would establish the "Oklahoma Farm-to-School Program Act."
OK	S.B. 1515	03/20/06—Referred to House Appropriations and Budget Committee	Identical to OK H.B. 2655
VT	H.B. 456	03/29/06— In Senate Committee on Education	Would award grants to schools to develop farm-to-school connections and to teach nutrition education.
VT	S.B. 272	01/10/06— In Senate Education Committee	Would award grants to schools to develop farm-to-school connections and to teach nutrition education. Would provide incentives to increase the use of locally grown foods in public schools and state agencies.

Other Initiatives

This year, at least 11 states — **California, Connecticut, Iowa, Maryland, Massachusetts, Missouri, New Mexico, Oklahoma, Rhode Island, Virginia** and **Wyoming** — are considering legislation that does not fit into the key trends.

Iowa lawmakers enacted a bill that establishes a nutrition and physical activity community obesity prevention grant program. Senate Bill 2124 strives to increase fruit and vegetable consumption and physical activity (up to 60 minutes per day) among elementary school children. The Department of Public Health will award grants to six communities in each of six regions; however, the program is contingent on funding. A bill in **Rhode Island**, H.B. 7065, also would call for the establishment of community pilot programs to promote healthy weight and weight management in children.

Oklahoma S.B. 1459 would require the state departments of Education and Health to assist the Healthy and Fit School Advisory Committees by making information and technical assistance available to schools for use in establishing healthy school nutrition environments,

reducing childhood obesity, developing physical education and activity programs, preventing diet-related chronic diseases and establishing school wellness policies. The bill passed the Senate and was reported out favorably by the House Common Education Committee.

Last year, Kentucky legislators enacted a law that established credentialing and continuing education requirements for food service personnel. This year, **Massachusetts** and **Missouri** are considering bills with similar provisions. The bill in Massachusetts, S.B. 2373, also would require an annual public service campaign on pediatric obesity. The Massachusetts measure and **California** H.B. 569 would require nutritional content information to be provided in schools. California H.B. 569 has passed the House and awaits further action in Senate committees.

Two identical and innovative bills in **Virginia** would have required all superintendents to receive instruction on the causes, consequences, prevention and reduction of childhood obesity; however, H.B. 1593 and S.B. 206 were continued to 2007. **Wyoming** H.B. 72 would have established a healthy living/healthy learning program, but the bill failed upon introduction.

Other School Nutrition Policies

In addition to legislative initiatives, **Arizona's** and **New Mexico's** departments of Education finalized their school nutrition policies. In accordance with the law passed last year, the Arizona Department of Education released the finalized version of "[The Arizona Nutrition Standards](#)," which include restrictions on the fat, sugar and caloric content of foods; beverages available for sale; and maximum portion sizes for food and beverage items.

New Mexico Gov. Richardson recently approved the final version of school nutrition and wellness rules, proposed by himself and the Public Education Department as part of his "Healthy Kids" initiative. The final nutrition rules prohibit food vending in elementary schools, set strict nutritional content standards for food vending and fundraisers in middle and high schools and establish stringent beverage regulations for all school levels. The rules also limit à la carte food items to those that meet the following restrictions:

- No more than 400 calories
- No more than 16 grams of fat
- No more than two grams of saturated and trans fats combined
- No more than 30 grams of sugar per package or serving

Despite a defeated proposal in the 2004 legislative session, **Illinois** Gov. Rod Blagojevich (D) renewed his efforts in late 2005 to restrict the sale of unhealthy foods and beverages in schools by urging the state Board of Education to take action. In March, the state Board of Education adopted rules to ban junk food and soft drinks during the school day in elementary and middle schools effective for the 2006-2007 school year. However, upon receiving notice of the adopted rules, the state's Joint Committee on Administrative Rules took the unusual action of blocking the plan. The legislative committee expressed that they support the proposal but that the rules should address the nutrition of cafeteria items and meals, not just that of competitive foods and beverages. The board hopes to revise and adopt a new proposal in time for the 2006-2007 school year.^{8,9}

⁸ The Associated Press, Legislators Block Illinois Junk Food Ban from Taking Effect (April 11, 2006), THE WASHINGTON POST, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/04/11/AR2006041102124.html>

⁹ Illinois State Board of Education, Press Release: ISBE Adopts Gov. Blagojevich's Proposal to Ban Junk Food in Illinois Elementary and Middle Schools (Mar. 16, 2006), available at <http://www.isbe.net/news/2006/mar16a.htm>



Color Key: Pink = Died; Green = Continued; Yellow = Passed one chamber; Purple = Passed both chambers; Blue = Signed by governor

State	Bill Type	Bill Number	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; and providing for an effective date."	03/01/2006--(S) MINUTE(HEALTH EDUCATION & SOCIAL SERVICES)
AZ	HB	2557	"An act amending section 15-242 Arizona Revised Statutes; relating to the Department of Education."	01/31/2006--SECOND READ
AZ	HB	2565	"An act amending Title 3 chapter 1 Article 1 Arizona Revised Statutes by adding section 3-109.03; relating to the Department of Agriculture."	01/23/2006--SECOND READ
CA	HB	469	"An act to amend Section 49531.1 of the Education Code, relating to pupils."	02/02/2006--(S) REFERRED TO COMMITTEES ON HEALTH AND EDUCATION. 01/23/2006--(H) READ THIRD TIME, PASSED, AND TO SENATE. (AYES 65. NOES 7. PAGE 4069.)
CA	HB	569	"An act to add Section 49437 to the Education Code relating to pupil nutrition."	03/01/2006--(S) FROM COMMITTEE CHAIR WITH AUTHOR'S AMENDMENTS: AMEND AND RE-REFER TO COMMITTEE. READ SECOND TIME AMENDED AND RE-REFERRED TO COMMITTEE ON APPROPRIATIONS. 06/01/2005--(H) READ THIRD TIME, PASSED, AND TO SENATE. (AYES 46. NOES 17. PAGE 2011.)
CA	HB	1381	"An act to amend Sections 51795, 51796, 51797 and 51798 of and to add Section 51796.5 to the Education Code and to amend Section 40507 of the Public Resources Code relating to school gardens. School instructional gardens: pupil nutrition."	02/09/2006--(S) REFERRED TO COMMITTEES ON EDUCATION AND RULES. 01/30/2006--(H) READ THIRD TIME, PASSED, AND TO SENATE. (AYES 74. NOES 5. PAGE 4153.)
CA	HB	2121	"An act relating to child nutrition."	02/21/2006--(H) FROM PRINTER. MAY BE HEARD IN COMMITTEE MARCH 23.
CA	SCR	73	"Relative to the California Task Force on Youth and Workplace Wellness."	04/03/2006--(S) SET FOR HEARING APRIL 19.
CO	HB	1056	"CONCERNING THE PROVISION OF HEALTHY NUTRITION ALTERNATIVES IN PUBLIC SCHOOLS."	03/31/2006--APPROVED BY BOTH CHAMBERS
CO	SB	127	"Creates a program to make free fruits and vegetables available to students in public schools ("program"). Requires that a certain percentage of the public schools participating in the program are schools that are eligible for free or reduced-cost lunch under the "National School Lunch Act." Sets requirements with regard to the application process for schools that wish to participate in the program. Requires that Colorado produce be used in the program to the maximum extent practicable. Requires the department of education to use a portion of the funds that may be appropriated for school breakfast programs to implement the program."	03/07/2006--(H) COMMITTEE ON EDUCATION REFER UNAMENDED TO APPROPRIATIONS. 02/08/2006--(S) THIRD READING PASSED WITH AMENDMENTS.
CT	SB	202	"To establish a pilot program to provide in-classroom school breakfast and to require severe need schools with grades eight or under to participate in the existing school breakfast program."	3/30/2006--HOUSE TO COMMITTEE ON APPROPRIATIONS
CT	SB	375	"To establish farm-to-school programs within the Departments of Education and Agriculture to facilitate and promote the purchase of Connecticut-grown products by schools from Connecticut farmers and to establish the Connecticut-Grown for Connecticut Kids Week to promote Connecticut agriculture and foods to children through school meals and classroom programs at farms farmers' markets and other locations in the community."	04/04/2006--APPROPRIATIONS COMMITTEE JOINT FAVORABLE, FILED WITH LEGISLATIVE COMMISSIONERS' OFFICE
CT	SB	381	"To limit the distribution of unhealthy beverages and encourage the distribution of healthy foods and beverages to students in schools and to make minor changes to the school lunch program."	03/31/2006--APPROPRIATIONS COMMITTEE MOTION FAILED JF
CT	SB	579	"To require individual and group health insurance policies to provide coverage for medically necessary expenses associated with the diagnosis and treatment of morbid obesity including bariatric surgery and associated physician office visits health and behavior assessments nutrition education patient self-management education and training and therapeutic exercises."	3/28/2006--REFERRED BY SENATE TO COMMITTEE ON INSURANCE AND REAL ESTATE, IMMEDIATE TRANSMITTAL



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State	Bill Type	Bill Number	Summary	Status
DE	HB	372	"This bill requires the Department of Education to develop a regulation requiring each local school district and charter school to assess the physical fitness of each student at least once at the elementary middle and high school level. The regulation would also outline the grades at which the assessment will be given. The assessment results are to be provided to the parent guardian or relative caregiver. The intent is to provide baseline and periodic updates for each student and his or her parent guardian or relative caregiver sharing in the knowledge of obesity and other chronic illnesses."	03/22/2006--HOUSE EDUCATION COMMITTEE
FL	HB	49	"Caregivers for Adults; provides legislative intent to foster caregiving as nonlicensed paraprofessional activity & to promote caregivers' use of best practices; provides for Elderly Affairs Dept. to contract with not-for-profit corporation; provides duties of Fla. Policy Exchange Center on Aging & other public agencies; provides for OPPAGA & Govt. Accountability to conduct review of corporation by specified date & to report to Governor & Legislature etc. EFFECTIVE DATE: 07/01/2006."	03/21/2006--(H) FAVORABLE BY COMMUNITY COLLEGES & WORKFORCE (EDC); YEAS 7 NAYS 0 -HOUSE JOURNAL 00281; NOW IN HEALTH CARE APPROPRIATIONS (FC) -HOUSE JOURNAL 00281
FL	HB	629	"School Food Service Program/Fructose; requires district school board plans to eliminate sale or use of products containing high-fructose corn syrup from school food service programs & on school grounds; requires DOE approval of plans monitoring of plan implementation & reporting. Amends 1006.06. EFFECTIVE DATE: Upon becoming law."	03/22/2006--(H) NOW IN HEALTH CARE GENERAL (HFC) -HOUSE JOURNAL 00282
FL	HB	679	"Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; requires DOE to provide website links to certain resources & prescribes types of information those resources must provide; encourages said districts to provide physical education for specified amount of time; requires schools to annually provide certain information to students' parents etc. Amends FS. EFFECTIVE DATE: 07/01/2006."	03/28//2006-- (H) FAVORABLE WITH COMMITTEE SUBSTITUTE AMENDMENT BY PREK-12 (EDC); YEAS 8 NAYS 1 -HOUSE JOURNAL 00318
FL	HB	7203	"Prevention of Obesity; requires DOH to collaborate with other state agencies in developing policies & strategies to prevent obesity which shall be incorporated into agency programs; requires dept. to advise health care practitioners regarding morbidity mortality & costs associated with condition of being overweight or obese; requires dept. to inform health care practitioners about clinical best practices for obesity prevention etc. Amends 381.0054. APPROPRIATION. EFFECTIVE DATE: 07/01/2006."	03/30/2006--(H) REFERRED TO PREK-12 (EDC); HEALTH CARE APPROPRIATIONS (FC); HEALTH & FAMILIES COUNCIL -HOUSE JOURNAL 00314
FL	SB	2602	"Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; requires DOE & school districts to post links to those policies on their websites; requires that school district physical education programs & curricula be developed with involvement of & review by certified physical education instructor etc. Amends 381.0056 1003.455; creates 1003.453. EFFECTIVE DATE: 07/01/2006."	03/22/2006--(S) INTRODUCED REFERRED TO EDUCATION; HEALTH CARE; EDUCATION APPROPRIATIONS -SENATE JOURNAL 00292
GA	HB	967	"To amend Article 4A of chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to community involvement in education so as to provide for development of a wellness plan for each school by the school council; to provide for reporting; to amend Part 3 of Article 16 of chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to health of students so as to require implementation of a wellness plan for each school; to repeal conflicting laws; and for other purposes."	01/12/2006--(H) SECOND READERS
GA	SB	474	"To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to elementary and secondary education so as to establish school health advisory councils to serve as advisory bodies to local boards of education on health physical education and nutrition policy; to provide for a short title; to provide certain requirements for physical education instruction for students in kindergarten and grades one through eight; to encourage a wide range of supplemental health physical activity and nutrition programs that may be provided on school property beyond the confines of the traditional school day; to require local boards of education to adopt and implement a coordinated school health program; to provide for a state office to promote student health and physical fitness; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes."	02/28/2006--(H) SECOND READERS



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State	Bill Type	Bill Number	Summary	Status
ID	HB	681	"RELATING TO PUBLIC SCHOOLS; AMENDING CHAPTER 1 TITLE 33 IDAHO CODE BY THE ADDITION OF A NEW SECTION 33-131 IDAHO CODE TO RESTRICT VENDING MACHINES AND VENDING MACHINE PRODUCTS IN PUBLIC SCHOOLS TO DEFINE TERMS AND TO LIMIT APPLICATION."	02/15/2006--(H) REPORTED PRINTED - TO EDUCATION
IN	HB	1167	"Requires school boards to establish a coordinated school health advisory council 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. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill."	01/09/2006--(H) FIRST READING: REFERRED TO COMMITTEE ON PUBLIC HEALTH
IN	SB	111	"Lowers the percentage in the definition of "qualifying school building" from 25% to 15% beginning July 1, 2007 for purposes of the school breakfast and lunch programs. Requires school boards to establish a coordinated school health advisory council 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. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill."	03/15/2006--(S) SIGNED BY THE GOVERNOR
IN	SB	358	"Establishes minimum requirements for the beverages that are offered in vending machines in public schools."	01/10/2006--(S) FIRST READING: REFERRED TO COMMITTEE ON COMMERCE & TRANSPORTATION
IA	SB	583	"A study bill providing for the establishment of a nutrition and physical activity community obesity prevention grant program and providing a contingent effective date."	02/09/2006--SEE CMTE BILL HB 2321
IA	HB	2061	"This bill provides for the establishment of a fresh fruits and vegetables pilot program for schools to be administered by the Department of Education and appropriates \$1.4 million for the program. Fruits and vegetables provided under the program are to be free of charge to a student and provided during the school day but not during regularly scheduled lunch periods. To be eligible for the pilot program a school district or charter school must provide one to two servings of nutritious fruits or vegetables or both at breakfast; spend at least 90 percent of the funding received for the direct purchase of nutritious fruits and vegetables; not spend any of the funding for the purchase of juice; and provide data for evaluation of the program. The bill provides specific strategies for the provision of one to two servings of nutritious fruits or vegetables. The Department of Education must provide grants to a county office of education or a community college selected on a competitive basis to develop an on-line professional development seminar for school district or charter school attendance center staff on safe handling serving marketing and promoting of nutritious fruits and vegetables."	01/17/2006--(H) SUBCOMMITTEE CHAMBERS BUKTA AND DOLECHECK. H.J. 80.



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State	Bill Type	Bill Number	Summary	Status
IA	HB	2321	"This bill establishes a nutrition and physical activity community obesity prevention grant program in the event that a sufficient amount of funding is received by the Iowa department of public health. The bill specifies that the goal of the program shall be to expand an existing community intervention plan for preventing obesity with nutrition and physical activity approved by the CDC. The program's purpose shall be to increase the physical activity and fruit and vegetable consumption of targeted youth of elementary school age with a long-term objective of developing a model program that will support and sustain such healthy behavior and incorporate 60 minutes of physical activity per day for replication by other communities. The bill provides that the department shall distribute the grants on a competitive basis to six communities on a regional basis who are not currently participating in the existing intervention plan and shall provide technical assistance regarding program administration to successful applicants. The bill provides a list of possible grant criteria involving community and school involvement in specified health-oriented programs campaigns or endeavors."	3/13/2006 WITHDRAWN H.J.634
IA	SB	3012	"A study bill for an act providing for the establishment of a nutrition and physical activity community obesity prevention grant program and providing a contingent effective date."	01/17/2006--SUBCOMMITTEE SENATE HUMAN RESOURCES: BOLKCOM JOHNSON TINSMAN AND RAGAN.
IA	SB	2124	"AN ACT PROVIDING FOR THE ESTABLISHMENT OF A NUTRITION AND PHYSICAL ACTIVITY COMMUNITY OBESITY PREVENTION GRANT PROGRAM AND PROVIDING A CONTINGENT EFFECTIVE DATE."	03/21/2006--(S) SIGNED BY GOVERNOR. S.J. 620.
IA	SB	2190	"This bill directs the Department of Education in cooperation with the Iowa Department of Public Health to convene a Healthy Kids Task Force to study and recommend measures to reduce the level of obesity in Iowa's student population. The task force is directed to study Iowa's physical education standards and requirements practitioner preparation programs for physical education instructors and the licensure standards for physical education practitioners; to consider the benefits and disadvantages of establishing a statewide physical education curriculum; and to investigate current literature and recommendations for best practices in physical education instruction. The task force is also directed to study the current level of health nutrition and physical fitness prevalent among students and to develop a model policy regarding access to nutritious foods opportunities for physical activity and accurate education related to these topics. The task force must submit the model policy and its findings and recommendations to the governor and the general assembly by July 1, 2008 and the department of education must post the model policy on its website by August 1, 2008."	02/15/2006--(S) AMENDMENT S-5006 FILED. S.J. 281.
IA	SB	2251	"An act directing the Department of Education and the Iowa Department of Public Health to convene a Healthy Children Task Force and providing an effective date."	03/16/2006--(S) PASSED SENATE, AYES 48, NAYS NONE. S.J. 542.
KS	HB	2738	"An act concerning schools; relating to healthy food choices in vending machines."	01/27/2006--(H) REFERRED TO HEALTH AND HUMAN SERVICES -HJ 1135
KS	HB	2870	"An act relating to schools; relating to nutritional food in school."	02/10/2006--(H) REFERRED TO HEALTH AND HUMAN SERVICES -HJ 1198
KY	HB	252	"Amend KRS 158.854 to prohibit vending machines used for the sale of competitive foods or beverages in public schools; require the General Assembly to appropriate funds annually to replace revenue lost to schools; require the Kentucky Department of Education to calculate the amount to be distributed to schools based on the average annual revenue generated by vending machine sales from the 2002-2003, 2003-2004 and 2004-2005 school years; make an annual appropriation of \$5,200,000 for fiscal years 2006-2007 and 2007-2008; establish the means by which funds shall be allocated to schools if appropriated funds are insufficient."	01/10/2006--(H) POSTED IN COMMITTEE



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State	Bill Type	Bill Number	Summary	Status
MD	HB	1418	"Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc."	03/24/2006 (H) THIRD READING PASSED (131-5)
MD	SB	436	"Establishing the Maryland Obesity Awareness and Prevention Task Force in the Department of Health and Mental Hygiene; providing for the purpose of the Task Force; providing for the membership chair and staff of the Task Force; providing that a member of the Task Force may receive specified reimbursement as provided in the State budget; providing for the duties of the Task Force; requiring the Task Force to submit specified reports to the Governor and the General Assembly on or before specified dates; etc."	03/27/2006--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MD	SB	457	"Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc."	03/27/2006--(S) THIRD READING PASSED (37-10)
MA	HB	4636	"Relative to requiring school districts to convene child nutrition and physical activity advisory committees."	04/03/2006--PASSED HOUSE
MA	SB	2373	"Directs the Board of Education in consultation with the Department of Public Health to establish certification requirements and criteria for food service directors and managers in public schools; regulates the sale of food and beverages in the Massachusetts public schools; excludes meals provided through the national school lunch and breakfast programs from said provisions; regulates beverage types contents and sizes; mandates the sale of fruit and non-fried vegetables; mandates the availability of nutritional information; directs said departments to review reported cases of obesity and eating disorders; directs the Department of Public Health to establish an annual public service campaign regarding pediatric overweight; prohibits the sale of the articulated food and beverages including but not limited to beverages with added or artificial sweeteners in public schools; establishes and regulates the membership and operation of a special commission charged with analyzing childhood obesity nutrition physical activity education and wellness."	03/22/2006--(S) POSTPONED UNTIL 3/29/2006
MS	HB	297	"AN ACT TO REQUIRE THAT IN KINDERGARTEN THROUGH GRADE 12 SCHOOLS WITH VENDING MACHINES ONLY MILK, WATER, 100% NATURAL JUICES, FRESH OR DRIED FRUITS AND VEGETABLES, AND WHOLE-GRAIN SNACKS MAY BE SOLD IN THOSE MACHINES; AND FOR RELATED PURPOSES."	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	319	"AN ACT TO DIRECT LOCAL SCHOOL DISTRICTS TO ESTABLISH LOCAL SCHOOL HEALTH COUNCILS BY NOVEMBER 1, 2006 IN CONFORMITY WITH FEDERAL REQUIREMENTS; TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT SALES OF FOOD THROUGH SCHOOL FUND-RAISERS HELD OFF THE SCHOOL CAMPUS; AND FOR RELATED PURPOSES."	03/15/2006--APPROVED BY GOVERNOR
MS	HB	941	"AN ACT TO LIMIT THE PRODUCTS THAT MAY BE SOLD THROUGH CERTAIN VENDING MACHINES ON PUBLIC SCHOOL CAMPUSES TO MILK, WATER, 100% NATURAL JUICES, FRESH OR DRIED FRUITS AND VEGETABLES, AND WHOLE-GRAIN SNACKS; TO EXEMPT SCHOOL DISTRICTS UNDER CONTRACT FOR VENDING SERVICES FROM SUCH REQUIREMENTS UNTIL THE DATE THE VENDING CONTRACT EXPIRES; AND FOR RELATED PURPOSES."	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	SB	2152	"AN ACT TO REQUIRE THAT IN KINDERGARTEN THROUGH GRADE 12 SCHOOLS WITH VENDING MACHINES ONLY MILK, WATER, 100% NATURAL JUICES, FRESH OR DRIED FRUITS AND VEGETABLES, AND WHOLE-GRAIN SNACKS MAY BE SOLD IN THOSE MACHINES; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE RULES THAT DELINEATE A NUTRITION INTEGRITY POLICY FOR PUBLIC SCHOOLS; TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO MONITOR SCHOOL COMPLIANCE AND SUBMIT REPORTS TO THE LEGISLATURE; AND FOR RELATED PURPOSES."	01/31/2006--(S) DIED INSURANCE COMMITTEE



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State	Bill Type	Bill Number	Summary	Status
MS	SB	2753	"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."	01/31/2006--(S) DIED INSURANCE COMMITTEE
MO	HB	1417	"To amend chapter 167 RS MO by adding thereto one new section relating to the Healthy Drinks for Healthy Children Act."	01/18/2006--(H) READ SECOND TIME
MO	HB	1829	"To amend chapter 168 RS MO by adding thereto one new section relating to school food services."	02/22/2006--(H) READ SECOND TIME
MO	HB	1852	"To repeal section 161.102 RS MO and to enact in lieu thereof one new section relating to the coordination of school health programs."	03/29/2006--(H) REFERRED: ELEMENTARY AND SECONDARY EDUCATION
MO	HB	1856	"To amend chapter 192 RS MO by adding thereto one new section relating to obesity with an emergency clause."	03/29/2006--(H) REFERRED: HEALTH CARE POLICY
NH	SB	290	"This bill establishes a wellness program in New Hampshire schools that combines education about nutrition with physical exercise."	02/23/2006--(S) INEXPEDIENT TO LEGISLATE MOTION ADOPTED VOICE VOTE--BILL KILLED; SENATE JOURNAL 6 PG. 117
NJ	HB	883	"An act establishing certain restrictions concerning foods and beverages sold served or given away to pupils at public and certain nonpublic schools and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	01/26/2006--REPORTED OUT OF ASSEMBLY COMMITTEE 2ND READING
NJ	HB	984	"An act concerning pupil health and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	01/10/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NJ	HB	1971	"An act concerning food and beverages sold in vending machines in public school districts and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	01/10/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NJ	SB	1218	"An act establishing certain restrictions concerning foods and beverages sold served or given away to pupils at public and certain nonpublic schools and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	02/27/2006--PASSED BY THE SENATE (34-0), RECEIVED IN THE ASSEMBLY WITHOUT REFERENCE 2ND READING
NJ	SB	1363	"An act concerning food and beverages sold in vending machines in public school districts and supplementing chapter 33 of Title 18A of the New Jersey Statutes."	02/09/2006--INTRODUCED IN THE SENATE REFERRED TO SENATE EDUCATION COMMITTEE
NM	HB	231	"AN ACT MAKING AN APPROPRIATION TO SUPPORT FOOD BANKS STATEWIDE AND PROVIDE FOOD FOR PUBLIC SCHOOLCHILDREN."	02/01/2006--(11) DO PASS AS AMENDED COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	HB	330	"AN ACT MAKING AN APPROPRIATION FOR AN ANTI-OBESITY NUTRITION EDUCATION SELF-ESTEEM AND FITNESS DANCE PROGRAM FOR LOW-INCOME AT-RISK CHILDREN IN PUBLIC SCHOOLS."	02/08/2006--(16) DO PASS COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	SB	217	"AN ACT RELATING TO NUTRITION; CREATING A NUTRITION COUNCIL; PROVIDING DUTIES; REQUIRING STUDIES; MAKING AN APPROPRIATION."	01/31/2006--(7) SENATE FINANCE COMMITTEE-SENATE PUBLIC AFFAIRS COMMITTEE
OK	HB	2655	"An act relating to agriculture; creating the Oklahoma Farm-to-School Program Act; establishing the Oklahoma Farm-to-School Program; stating purpose of the Program; making the Oklahoma Department of Agriculture Food and Forestry the lead agency for the Program; directing the State Department of Education to provide assistance and staffing; requiring the Oklahoma Department of Agriculture Food and Forestry to establish grant guidelines; creating the Oklahoma Farm-to-School Task Force; stating purpose of the Task Force; providing for membership appointment of chair and staffing; requiring a written report; providing for travel reimbursement; providing for codification; providing an effective date; and declaring an emergency ."	03/07/2006 (H) ENGROSSED, SIGNED, TO SENATE
OK	HJR	1037	"A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency."	02/07/2006--(H) SECOND READING REFERRED TO HEALTH AND HUMAN SERVICES



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State	Bill Type	Bill Number	Summary	Status
OK	HJR	1039	"A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency."	02/07/2006--(H) SECOND READING REFERRED TO RULES
OK	SB	1459	"Schools - State Department of Education - State Department of Health - information and assistance to schools; codification - effective date"	03/28/2006--(H) COMMITTEE REPORT; DO PASS COMMON EDUCATION COMMITTEE. 03/08/2006--(S) MEASURE PASSED: AYES: 46 NAYS: 0
OK	SB	1515	"Agriculture - Oklahoma Farm to School Program Act - codification - effective date"	03/20/2006--(H) SECOND READING REFERRED TO APPROPRIATIONS AND BUDGET. 03/02/2006--(S) MEASURE PASSED: AYES: 46 NAYS: 0.
PA	HB	185	"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 school district notification of residential development and for contracts for competitive food or beverage contracts; further providing for funding for charter schools for cyber charter school requirements and prohibitions and for enrollment and notification; and providing for free and reduced-price school lunches for certain students. COMPETITIVE FOOD OR BEVERAGE CONTRACTS AND FOR NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE SALES IN SCHOOLS; FURTHER PROVIDING FOR CERTAIN HEALTH SERVICES AND FOR ADVISORY HEALTH COUNCILS; PROVIDING FOR LOCAL WELLNESS POLICIES FOR AN INTERAGENCY COORDINATING COUNCIL FOR CHILD HEALTH AND NUTRITION FOR DUTIES OF THE DEPARTMENT OF EDUCATION AND FOR PHYSICAL EDUCATION; AND FURTHER PROVIDING FOR PHYSIOLOGY AND HYGIENE."	03/20/2006--(S) RE-REFERRED TO APPROPRIATIONS. 06/21/2005--(H) FINAL PASSAGE (175-24)
RI	HB	6968	"This act would place guidelines on the sale of sweetened beverages in schools and would also promote nutritional and healthy choices. This act would take effect upon passage."	03/01/2006--IN HOUSE
RI	HB	7065	"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."	03/01/2006--COMMITTEE TRANSFERRED TO HOUSE FINANCE
RI	HB	7459	"This act would prohibit the sale or distribution of carbonated soda beverages containing added sweeteners and high-fat or high-sugar snacks in all elementary middle junior and senior high schools. This act would take effect on January 1, 2007."	03/15/2006--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
RI	HB	7614	"This act would prohibit the sale and distribution of certain beverages and food items in all Rhode Island elementary middle junior and high schools. This act would take effect January 1, 2007."	03/22/2006--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
RI	SB	2495	"This act would prohibit the sale or distribution of carbonated soda beverages containing added sweeteners and high-fat or high-sugar snacks in all elementary middle junior and senior high schools. This act would take effect on January 1, 2007."	03/15/2006--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
RI	SB	2696	"This act would prohibit the sale and distribution of certain beverages and food items at all elementary middle junior and senior high schools beginning January 1, 2007 and would require the sale and distribution of healthy beverages and snacks. This act would take effect upon passage."	03/15/2006--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
TN	HB	2522	"An act to amend Tennessee code annotated Title 49 chapter 50 to enact the Tennessee Student Health Act."	03/01/2006--TAKEN OFF NOTICE FOR CALENDAR IN: GOVERNMENT OPERATIONS COMMITTEE
TN	HB	2910	"An act to amend Tennessee code annotated Title 4 chapter 29 and Title 68 chapter 1 relative to child nutrition and wellness."	03/30/2006--WITHDRAWN.
TN	SB	2494	"An act to amend Tennessee code annotated Title 49 chapter 50 to enact the Tennessee Student Health Act."	02/27/2006--WITHDRAWN.
TN	SB	2839	"An act to amend Tennessee code annotated Title 4 chapter 29 and Title 68 chapter 1 relative to child nutrition and wellness."	03/23/2006--WITHDRAWN.



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State	Bill Type	Bill Number	Summary	Status
VT	HB	456	"Education; schools; education fund; Vermont food products; nutrition education - This bill proposes to direct the commissioner of education to award small grants from the education fund to schools that use Vermont products in their food services programs and provide nutrition education to their students."	02/24/2006--(H) PASSED HOUSE; IN SENATE.
VT	SB	272	"Education; agriculture; food service programs; appropriation - This bill proposes to establish a mini-grant program to help schools obtain resources to increase their use of local foods and to educate schoolchildren about nutrition and farming; direct the secretary of agriculture food and markets to help farmers find local markets for their products and to fund a project that will help Vermont farmers to process their products; direct the commissioner of education to expand training for school food service personnel; create a legislative committee on expanding markets for Vermont farmers; and appropriate funds therefor."	01/10/2006--(S) IN EDUCATION
VT	SB	273	"Education; sale of food and beverages on school grounds; nutritional standards - This bill proposes to establish nutritional standards for food and beverages sold on school grounds and to prohibit between one-half hour before the start of the school day and one-half hour after the end of the school day the sale of food and beverages which do not meet the standards."	02/22/2006--(S) IN AGRICULTURE
VA	HB	1593	"Childhood obesity. Prevention and reduction in public schools"	01/30/2006--(H) CONTINUED TO 2007 IN EDUCATION
VA	SB	206	"Childhood obesity. Requires the Board of Education to promulgate in cooperation with the State Health Department regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill also requires division superintendents to complete instruction concerning the causes and consequences of overweight and obese students and the relationship between nutrition health and learning by July 1, 2008. The requirement for instruction may be satisfied by attendance at conferences seminars or in-service training."	01/26/2006--(S) CONTINUED TO 2007 IN EDUCATION AND HEALTH (12-Y 2-N)
WV	HB	4548	"A bill to amend and reenact §18-2-6a of the Code of West Virginia 1931 as amended relating to prohibiting sale or serving of soft drinks during school day in elementary middle and junior high schools in areas accessible to students; prohibiting sale or serving of soft drinks during breakfast and lunch periods in high schools and requiring equally accessible healthy beverages if soft drinks are offered for sale at other times during school day; correcting references; and conforming disposition of profits from healthy beverage sales and prohibition of sales of competitive food and beverages during food service periods to federal program regulations."	02/14/2006--TO HOUSE EDUCATION
WI	HB	1133	"An act to renumber 118.12 (4); and to create 118.12 (4) (b) of the statutes; relating to: contracts for the sale of soft drinks in middle schools and high schools"	03/21/2006--(H) READ FIRST TIME AND REFERRED TO COMMITTEE ON EDUCATION
WY	HB	72	"An act relating to education; creating the healthy living-healthy learning program account as specified; providing for grants to school districts from the account; providing criteria for healthy living-healthy learning grants; establishing a maximum grant level; establishing a healthy living-healthy learning panel as specified; granting rulemaking authority; and providing for an effective date."	02/14/2006--(H) FAILED INTRODUCTION

Health and Physical Education

Because physical activity has an impact on weight, health and academics, many lawmakers have focused legislation on addressing health and physical education in state public school systems. Leading health advocates, including the Centers for Disease Control and Prevention, Action for Healthy Kids and the National Association of State Boards of Education, recommend providing all children from pre-kindergarten through grade 12 with daily physical activity in schools and co-curricular physical activity programs.^{1,2,3} In addition to enhancing physical education instruction, some lawmakers have sought to ensure that health education curricula includes nutrition and physical education instruction and teaches the importance of lifelong healthy eating habits and physical fitness.

Although most states require health and physical education to be provided as part of the public school curriculum, student participation may not be required, and enforcement of education requirements often remains at a local level. Facing annual budget constraints and pressure to meet academic standards, local and state education officials, school administrators and educators often express concern with legislative measures containing health and physical education mandates. Such bills often do not provide for the increased funding needed to support the proposed enhancements, making them unpopular unfunded mandates. School administrators and teachers also express concern that allotting more time for physical education and activity takes away from the time spent teaching the core academic subjects. Students and parents tend to support opportunities for increased physical education and activity requirements in schools. On occasion, students have lobbied state lawmakers in support of such measures.

Because the food and beverage industries, including the Grocery Manufacturers of America and the American Beverage Association, have been impacted by school nutrition legislation, they strongly support initiatives that focus on the “energy out” part of the equation to reduce childhood obesity, including physical education measures and physical activity promotion programs.^{4,5} Lawmakers have acted on a wide range of policy initiatives in the past four years.

State Legislative Activity

A frenzy of health and physical education legislation activity continues in the 2006 legislative sessions, with many states following trends of recent years as well as preparing to comply with the provisions of the “Child Nutrition and WIC Reauthorization Act of 2004,” which requires the establishment of local school wellness councils and policies. As of April, at least 32 states have considered health and physical education legislation; four of those states have adopted legislation.

¹ National Center for Chronic Disease Prevention and Health Promotion, Overweight and Obesity: Contributing Factors (March 2006), *available at*

http://www.cdc.gov/nccdphp/dnpa/obesity/contributing_factors.htm

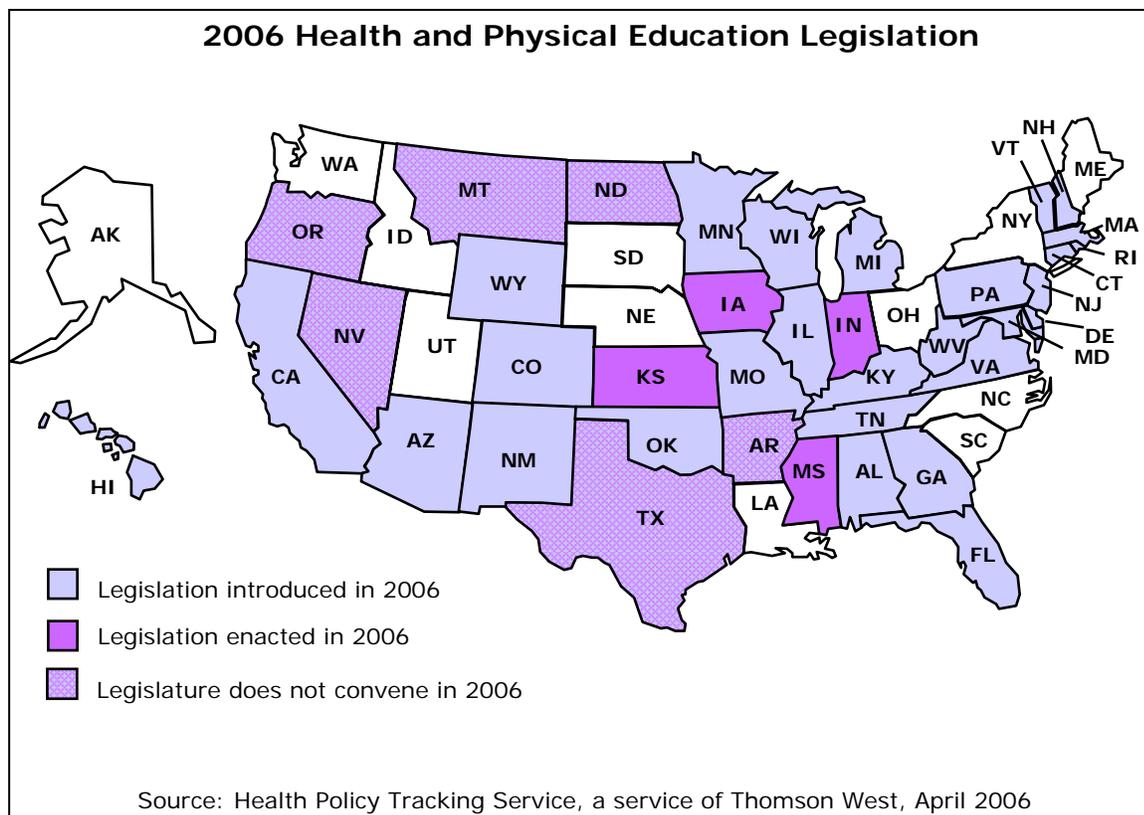
² Action for Healthy Kids, An Action for Healthy Kids Report: Criteria for Evaluating School-Based Approaches to Increasing Good Nutrition and Physical Activity (Fall 2004), *available at*

http://www.actionforhealthykids.org/pdf/report_small.pdf

³ National Association of State Boards of Education, Sample Policies to Encourage Physical Activity, *available at* http://www.nasbe.org/HealthySchools/Sample_Policies/physical_activity.html

⁴ Grocery Manufacturers of America, Public Policy Priority Programs: Obesity, *available at* <http://www.gmabrands.com/publicpolicy/obesity.cfm>

⁵ American Beverage Association, School Partnerships: Are there Health Concerns?, *available at* <http://www.ameribev.org/schools/health.asp>



Setting Health and Physical Education Standards

At least 17 states are considering legislation that sets health education, physical education or physical activity standards in schools to help prevent obesity and improve child fitness and wellness. The states include **Alabama, California, Connecticut, Florida, Georgia, Hawaii, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Oklahoma, Rhode Island, Tennessee** and **Virginia**. The proposed standards, however, vary significantly. While some of the legislation calls for specific duration, frequency and intensity requirements, other bills leave some control and flexibility to state or local education agencies.

In **Indiana**, Gov. Mitch Daniels (R) recently enacted a school wellness bill, S.B. 111. The bill requires school districts to provide daily physical activity opportunities for elementary school students.

Georgia S.B. 474 contained many provisions, including one that would have mandated at least 150 minutes of physical education per week for elementary school students. For middle school students, each local board of education would have developed a plan for providing 225 minutes of physical education per week. The Department of Education would have reviewed the plans and develop a required physical education program for middle school students by the 2007-2008 school year. The bill also would have required the state Board of Education to establish an office to promote student health and physical fitness and to establish standards for physical education teachers. The bill passed the Senate, but died in the House upon adjournment.

Last year, **Oklahoma** enacted a law to require schools to provide to all students in kindergarten through grade 5 physical education or exercise programs for at least an average of 60 minutes per week. The law also encouraged school districts to provide

physical education instruction to students in grades 6 through 12. This year, lawmakers considered a bill, S.B. 1387, to extend the physical education requirement to students in grades 6 through 8. However, after the bill failed on its third reading in the Senate, the authors amended the language to recommend, not require, that all students in grades 6 through 8 participate in physical education or exercise programs for at least an average of 60 minutes per week. The Senate reconsidered and passed the measure. It awaits a final reading and vote in the House.

In **Maryland**, the “Student Health and Fitness Act of 2006,” S.B. 611, would mandate that all students in kindergarten through grade 5 receive physical education instruction. The required duration of physical education instruction gradually would increase from 60 minutes per week to 150 minutes per week over the course of four school years. The measure also would require a baseline and annual assessment for each student on physical education learning objectives. The bill passed the Senate and awaits a hearing in the House Ways and Means Committee.

California S.B. 362 has three key components. One defines physical education as a class in which pupils are required to actively participate, while another provision establishes the Physical Education Professional Development Program for physical education teachers. It also removes certain physical education exemptions for students. The bill passed the Senate in January and remains in the House Committee on Education.

A measure in **Florida**, H.B. 7087, would require each district school board to adopt standards and policies to provide each student with a complete education program, including health and physical education. The House approved the bill and sent it to the Senate for further action.

Also of note, unlike in recent years, some **Mississippi** lawmakers targeted health and physical activity efforts in schools in 2006, with at least nine related measures being introduced, including three that would have set standards for physical education and one that would have required 12 weeks of health instruction. However, the four measures died in committee. **Virginia** lawmakers also introduced three bills that would set standards for physical education or physical activity in schools. All three bills were continued to the 2007 session upon adjournment.

Developing Local Wellness Policies

As the federal government requires that local school wellness policies be in place by the beginning of the 2006-2007 school year, many states have considered legislation in the past two years to help guide school districts in their efforts to comply. This year, lawmakers in at least eight states — **Connecticut, Florida, Georgia, Indiana, Massachusetts, Mississippi, New Hampshire** and **Pennsylvania** — have introduced legislation to assist school districts in establishing wellness councils and policies, which should include goals for physical education and physical activities.

In addition to physical education mandates, **Georgia** S.B. 474 and **Indiana** S.B. 111 contain provisions to assist school districts with developing local wellness policies. The latter was enacted in March while the former died upon adjournment. **Mississippi** lawmakers killed all but one physical education bill this session — H.B. 319. The measure, enacted March 15, also is intended to aid local school districts in complying with the federal mandate. **Pennsylvania** H.B. 185 and **New Hampshire** S.B. 290 each contain provisions pertaining to local school wellness policies. H.B. 185 has passed the Senate and is being considered in the Pennsylvania House; however, S.B. 290 was defeated in the New Hampshire Senate.

While the **New Mexico** Legislature did not consider such legislation, Gov. Bill Richardson (D) recently approved the final version of school nutrition and wellness rules, which were proposed by his office and the Public Education Department as part of his “Healthy Kids” initiative. The adopted school wellness rules included guidelines for local school wellness policies as well as health and physical education performance standards. Although the New Mexico Legislature did consider three appropriation bills directly pertaining to physical fitness, none of the measures progressed out of their chambers of origin before the Legislature adjourned Feb. 16.

Establishing Committees, Councils and Task Forces

Instead of mandating physical education and activity standards, several states are considering legislation to appoint statewide or local committees, councils or task forces to study the issues and formulate recommendations. This year, lawmakers in at least nine states — **California, Iowa, Maryland, Massachusetts, Missouri, New Hampshire, Oklahoma, Pennsylvania** and **Tennessee** — have introduced such legislation.

In **Iowa**, S.B. 2251 would charge the departments of Education and Public Health to establish a 24-member healthy children task force. The task force would assess current policies affecting the health of children, particularly those pertaining to physical activity and nutrition, and would develop and submit policy recommendations by Jan. 1, 2007. The bill has passed the Senate and awaits a final vote in the House.

Among many provisions within **Pennsylvania** H.B. 185 is the establishment of an interagency coordinating council for child health and nutrition to annually review and revise the Pennsylvania nutrition and activity plan to prevent obesity and related chronic diseases. The plan would include recommendations regarding physical education. The bill also calls for the secretary of education to establish an advisory committee to offer recommendations to the council. House Bill 185 was carried over from the 2005 session during which it passed the House and was referred the Senate Committee on Education. The committee amended the bill in March 2006 and sent it for first consideration in the Senate.

Two **Maryland** bills, S.B. 457 and H.B. 1418, contain similar provisions to establish a panel to develop recommendations to enhance obesity prevention and awareness among students and parents. The recommendations should include plans to promote physical education and physical activity programs. The bills would require the panel to submit a report with the recommendations to state lawmakers in 2007. Each of the measures has passed its chamber of origin; therefore, it is likely one of the bills will be sent to the governor if the two chambers can agree on bill language.

A bill in **New Hampshire**, S.B. 290, would have established an advisory council on wellness to assist the Department of Education in developing nutrition and fitness curricula and the New Hampshire School Wellness Program. However, the bill was defeated in the Senate.

Creating Model Policies and Programs

Another policy trend of recent years is the development of model policies and programs for state and local education officials to use as a guideline in developing their own policies or programs. This year, lawmakers in **Florida, Georgia, Iowa** and **New Hampshire** have introduced such measures. The New Hampshire bill, S.B. 290, would have charged the Education and Health and Human Services commissioners with developing a model school fitness and nutrition policy; however, the bill was defeated in the Senate. Georgia S.B. 474 died upon adjournment. The bills in Florida and Iowa are still under consideration.

Promoting Physical Activity

Legislators wishing to increase physical activity in schools without imposing mandates have pushed measures encouraging state and local education officials to take action to enhance physical education in schools. Lawmakers in three states — **Georgia, Kansas** and **Tennessee** — have introduced such measures this year.

The **Kansas** House adopted a resolution, H.R. 6011-6, urging the state Board of Education to require some type of physical education instruction for children in kindergarten through grade 12. Although **Georgia** S.B. 474 would have mandated physical education, the bill also would have encouraged local school boards to provide meaningful physical education to students in grades 6 through 8 in the interim before the local plans to provide 225 minutes per week go into effect for the 2007-2008 school year; however, the bill died upon adjournment. **Tennessee** is considering two identical bills urging local education agencies to provide opportunities for physical activity in elementary and middle schools.

Other Initiatives

This year, at least 11 states — **Arizona, Colorado, Delaware, Iowa, Maryland, Oklahoma, Rhode Island, Tennessee, Virginia, West Virginia** and **Wyoming** — are considering legislation that does not fit into the key trends.

Iowa lawmakers enacted a bill establishing a nutrition and physical activity community obesity prevention grant program. Senate Bill 2124 strives to increase fruit and vegetable consumption and raise physical activity up to 60 minutes per day among elementary school children. The Department of Public Health will award grants to six communities in each of six regions; however, the program is contingent on funding. A bill in **Rhode Island** calls for the establishment of community pilot programs to promote healthy weight and weight management in children.

Colorado H.B. 1021 seeks to set higher standards for the hiring of physical education teachers. The bill would prohibit a school district from employing as a physical education teacher a person who does not hold a physical education endorsement on his or her teacher license or who is not highly qualified as determined by the school district. The bill passed the House, passed the Senate Committee on Education and awaits action in the Senate Committee of the Whole.

A unique bill, S.B. 3143, in **Tennessee** would require local education agencies to review and report on the long-term health effects of structured and intramural sports on children. The bill also encourages local education agencies that have implemented or expanded physical activity programs to report to the Department of Education on the actions taken and the effectiveness of the programs.

A bill, H.B. 2778, in **Arizona** would establish a pilot program to increase physical education and activity in 10 schools and would provide financial incentives.

Two bills in **Oklahoma** pertaining to physical fitness and activity have passed a chamber. Senate Bill 1459 would require the state departments of Education and Health to assist the Healthy and Fit School Advisory Committees by making information and technical assistance available to schools for use in establishing healthy school nutrition environments, reducing childhood obesity, developing physical education and activity programs, preventing diet-related chronic diseases and establishing school wellness policies. The bill passed the Senate and was reported out favorably by the House Common Education Committee. Senate Bill 1461 calls on the state Board of Education to develop a fitness assessment software program to measure and track components of fitness, including body mass index,

endurance, strength and flexibility. The bill passed the Senate and awaits final action in the House.

Two identical and innovative bills in **Virginia** would have required all superintendents to receive instruction on the causes, consequences, prevention and reduction of childhood obesity; however, H.B. 1593 and S.B. 206 were continued to 2007. **Wyoming** H.B. 72 would have established a healthy living-healthy learning program, but the bill failed upon introduction.



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Health Policy Tracking Service, a service of Thomson West, April 3, 2006

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State	Bill Type	Bill Number	Summary	Status
AL	HB	400	"Under existing law public school students in grades K-12 are required to receive at least 10 minutes of comprehensive character instruction each school day. This bill would authorize local boards of education to devote those 10 minutes to health and nutrition education or physical activity in addition to or in lieu of character education pursuant to rules or regulations adopted by the State Board of Education."	01/17/2006--READ FOR THE FIRST TIME AND REFERRED TO THE HOUSE OF REPRESENTATIVES COMMITTEE ON EDUCATION
AL	SB	209	"This bill makes appropriations for the support maintenance and development of public education in Alabama for debt service and for capital outlay for the fiscal year ending September"	04/06/2006--INDEFINITELY POSTPONED
AL	SB	324	"Under existing law every public school is required to carry out a system of physical education the character of which shall conform to the program outlined by the State Department of Education. Also under existing law elective courses in physical education are to be available to all students as determined by the local board of education. This bill would require over a specified time that each public school student in grades K to 12 inclusive participate in physical education instruction each school day or a variety of physical education activities. This bill would also create the Public School Physical Education Task Force to study and report to the Legislature and the State Board of Education regarding the implementation of the physical education requirement."	01/19/2006--READ FOR THE FIRST TIME AND REFERRED TO THE SENATE COMMITTEE ON EDUCATION
AZ	HB	2778	"An act establishing a pilot program for physical education; making an appropriation."	02/06/2006--SECOND READ
CA	HB	1779	"An act to amend Sections 51206, 51210, 51210.1, 51210.2 and 51223 of the Education Code and to amend Section 3543.2 of the Government Code relating to physical education."	01/19/2006--(H) REFERRED TO COMMITTEE ON EDUCATION
CA	HB	1845	"An act to amend Sections 51222 and 51241 as amended by Section 2 of chapter 459 of the Statutes of 2003 of and to repeal Section 51241 as added by Section 3 of chapter 459 of the Statutes of 2003 of the Education Code relating to physical education."	01/26/2006--(H) REFERRED TO COMMITTEE ON EDUCATION
CA	SB	362	"An act to amend Sections 51222 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."	01/30/2006--(S) READ THIRD TIME. PASSED. (AYES 27. NOES 10. PAGE 3054.) TO ASSEMBLY. 02/16/2006--(H) TO COMMITTEE ON EDUCATION
CA	SCR	73	"Relative to the California Task Force on Youth and Workplace Wellness."	04/03/2006--(S) SET FOR HEARING APRIL 19.
CO	HB	1021	"Prohibits a school district from employing as a physical education teacher a person who does not hold a physical education endorsement on his or her teacher license or who is not highly qualified as determined by the school district."	04/3/2006--IN CONFERENCE COMMITTEE
CT	HB	5252	"To encourage exercise in school by (1) requiring local boards of education to provide students an opportunity to engage in twenty minutes of exercise during the school day and (2) allowing such boards to establish wellness committees to promote physical education and exercise."	02/17/2006--PUBLIC HEARING 02/23
CT	SB	204	"To encourage exercise and student wellness in schools by requiring local and regional boards of education to adopt guidelines to coordinate services and programs in order to address the physical mental social and emotional needs of students."	04/03/2006 -- IN SENATE
CT	SB	579	"To require individual and group health insurance policies to provide coverage for medically necessary expenses associated with the diagnosis and treatment of morbid obesity including bariatric surgery and associated physician office visits health and behavior assessments nutrition education patient self-management education and training and therapeutic exercises."	04/04/2006--IN SENATE
FL	HB	679	"Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy and physical education policy; requires DOE to provide website links to certain resources and prescribes types of information those resources must provide; encourages said districts to provide physical education for specified amount of time; requires schools to annually provide certain information to students' parents etc. Amends FS. EFFECTIVE DATE: 07/01/2006."	04/04/2006--(H) FAVORABLE BY HEALTH CARE GENERAL (HFC); YEAS 6 NAYS 0 -HOUSE JOURNAL 00345; NOW IN EDUCATION APPROPRIATIONS (FC) -HOUSE JOURNAL 00345



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State	Bill Type	Bill Number	Summary	Status
FL	HB	7087	"Education; authorizes Legislative Budget Commission to review state plan to implement federal requirements; revises mission of state's K-20 education system; creates Just Read Florida! Office in DOE; deletes requirement that certain children receive preference for admission to special academic programs even if maximum enrollment has been reached; establishes revised general requirements for high school graduation etc. Amends FS. EFFECTIVE DATE: Upon becoming law."	03/23/2006--(H) READ THIRD TIME -HOUSE JOURNAL 00274; AMENDMENT(S) FAILED -HOUSE JOURNAL 00275; AMENDMENT(S) ADOPTED -HOUSE JOURNAL 00276; PASSED AS AMENDED; YEAS 85 NAYS 35 -HOUSE JOURNAL 00276. 03/29/2006--(S) IN MESSAGES
FL	HB	7203	"Prevention of Obesity; requires DOH to collaborate with other state agencies in developing policies and strategies to prevent obesity which shall be incorporated into agency programs; requires dept. to advise health care practitioners regarding morbidity mortality and costs associated with condition of being overweight or obese; requires dept. to inform health care practitioners about clinical best practices for obesity prevention etc. Amends 381.0054. APPROPRIATION. EFFECTIVE DATE: 07/01/2006."	04/03/2006--(H) PENDING REVIEW OF COMMITTEE SUBSTITUTE UNDER RULE 6.3(B); NOW IN HEALTH CARE APPROPRIATIONS (FC) -HOUSE JOURNAL 00350
FL	SB	2602	"Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy and physical education policy; requires DOE and school districts to post links to those policies on their websites; requires that school district physical education programs and curricula be developed with involvement of and review by certified physical education instructor etc. Amends 381.0056 1003.455; creates 1003.453. EFFECTIVE DATE: 07/01/2006."	03/22/2006--(S) INTRODUCED REFERRED TO EDUCATION; HEALTH CARE; EDUCATION APPROPRIATIONS -SENATE JOURNAL 00292
GA	HB	967	"To amend Article 4A of chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to community involvement in education so as to provide for development of a wellness plan for each school by the school council; to provide for reporting; to amend Part 3 of Article 16 of chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to health of students so as to require implementation of a wellness plan for each school; to repeal conflicting laws; and for other purposes."	01/12/2006--(H) SECOND READERS
GA	SB	474	"To amend chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to elementary and secondary education so as to establish school health advisory councils to serve as advisory bodies to local boards of education on health physical education and nutrition policy; to provide for a short title; to provide certain requirements for physical education instruction for students in kindergarten and grades one through eight; to encourage a wide range of supplemental health physical activity and nutrition programs that may be provided on school property beyond the confines of the traditional school day; to require local boards of education to adopt and implement a coordinated school health program; to provide for a state office to promote student health and physical fitness; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes."	02/28/2006--(H) SECOND READERS
GA	SB	647	"To amend Part 15 of Article 6 of chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to miscellaneous provisions relative to the 'Quality Basic Education Act' so as to require that students in kindergarten through grade 12 participate in physical activity health instruction or a combination of both for a minimum of 15 minutes each day; to repeal conflicting laws; and for other purposes."	03/06/2006--(S) READ AND REFERRED
HI	HB	2085	"Requires the course of study for all elementary and middle schools include instruction in physical education for not less than 200 minutes every 10 school days; makes an appropriation to support the curriculum changes."	01/23/2006--(H) REFERRED TO HOUSE EDUCATION HOUSE FINANCE REFERRAL SHEET 2
HI	HB	2086	"Requires all elementary and middle schools to include in their curriculum at least 200 minutes of physical activities every 10 school days. Makes an appropriation."	01/30/2006--(H) THE COMMITTEES ON HOUSE HEALTH RECOMMEND THAT THE MEASURE BE HELD. THE VOTES WERE AS FOLLOWS: 7 AYES: REPRESENTATIVE(S) ARAKAKI GREEN CABANILLA HALE NISHIMOTO SONSON HALFORD; AYES WITH RESERVATIONS: NONE; 0 NOES: NONE; AND 0 EXCUSED: NONE.



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State	Bill Type	Bill Number	Summary	Status
HI	SB	2167	"Requires all elementary and middle schools to include in their curriculum at least 200 minutes of physical activities every 10 school days. Makes an appropriation."	01/27/2006--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS SENATE WAYS AND MEANS.
HI	SB	2168	"Requires the course of study for all elementary and middle schools include instruction in physical education for not less than 200 minutes every 10 school days; makes an appropriation to support the curriculum changes."	01/27/2006--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS SENATE WAYS AND MEANS.
HI	SB	2859	"Establishes interscholastic athletic program at public intermediate schools. Appropriates funds for program."	02/13/2006--(S) THE COMMITTEE ON SENATE EDUCATION AND MILITARY AFFAIRS DEFERRED THE MEASURE.
IL	HB	4533	"Amends the School Code. Provides that a school board may excuse pupils in grades 4 (instead of 9) through 12 from the requirement that they engage daily in physical education if they must utilize the time set aside for physical education to receive special education support and services. Effective July 1 2006."	02/01/2006--(H) Tabled BY SPONSOR REP. ROBERT RITA
IL	SB	2600	"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 physical activity from participating in athletic training and competition in a sport under the auspices of a national governing board that is recognized by and affiliated with an international sports federation and the parent or guardian has provided documentation of such training and recognition. Effective July 1 2006."	01/20/2006--(S) REFERRED TO RULES
IL	SB	2762	"Amends the School Code. With respect to a pupil whom a school board has exempted from the requirement that the pupil engage daily in physical education because he or she must utilize the time set aside for physical education to receive special education support and services provides that the pupil's individualized education program team makes the determination that the pupil must utilize the time set aside for physical education to receive special education support and services. Effective immediately."	02/24/2006 (S) THIRD READING - PASSED
IN	HB	1167	"Requires school boards to establish a coordinated school health advisory council 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. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill."	01/09/2006--(H) FIRST READING: REFERRED TO COMMITTEE ON PUBLIC HEALTH
IN	SB	111	"Lowers the percentage in the definition of "qualifying school building" from 25% to 15% beginning July 1, 2007 for purposes of the school breakfast and lunch programs. Requires school boards to establish a coordinated school health advisory council 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. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill."	03/15/2006--(S) SIGNED BY THE GOVERNOR
IA	SB	583	"A study bill providing for the establishment of a nutrition and physical activity community obesity prevention grant program and providing a contingent effective date."	02/09/2006--SEE CMTE BILL HB 2321



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State	Bill Type	Bill Number	Summary	Status
IA	HB	2321	"This bill establishes a nutrition and physical activity community obesity prevention grant program in the event that a sufficient amount of funding for the program is received by the Iowa Department of Public Health. The bill specifies that the goal of the program shall be to expand an existing community intervention plan for preventing obesity with nutrition and physical activity approved by the CDC. The bill states that the program's purpose shall be to increase the physical activity and fruit and vegetable consumption of targeted youth of elementary school age with a long-term objective of developing a model program that will support and sustain such healthy behavior and incorporate 60 minutes of physical activity per day for replication by other communities. The bill provides that the department shall distribute the grants on a competitive basis to six communities on a regional basis who are not currently participating in the existing intervention plan and shall provide technical assistance regarding program administration to successful applicants. The bill provides a list of possible grant criteria involving community and school involvement in specified health-oriented programs campaign	03/13/2006 WITHDRAWN H.J.634
IA	SB	3012	"A study bill for an act providing for the establishment of a nutrition and physical activity community obesity prevention grant program and providing a contingent effective date."	01/17/2006--SUBCOMMITTEE SENATE HUMAN RESOURCES: BOLKCOM JOHNSON TINSMAN AND RAGAN.
IA	SB	2124	"An act providing for the establishment of a nutrition and physical activity community obesity prevention grant program and providing a contingent effective date."	03/21/2006--(S) SIGNED BY GOVERNOR. S.J. 620.
IA	SB	2190	"This bill directs the Department of Education in cooperation with the Iowa Department of Public Health to convene a Healthy Kids Task Force to study and recommend measures to reduce the level of obesity in Iowa's student population. The task force is directed to study Iowa's physical education standards and requirements practitioner preparation programs for physical education instructors and the licensure standards for physical education practitioners; to consider the benefits and disadvantages of establishing a statewide physical education curriculum; and to investigate current literature and recommendations for best practices in physical education instruction. The task force is also directed to study the current level of health nutrition and physical fitness prevalent among students and to develop a model policy regarding access to nutritious foods opportunities for physical activity and accurate education related to these topics. The task force must submit the model policy and its findings and recommendations to the governor and the general assembly by July 1, 2008 and the Department of Education must post the model policy on its website by August 1, 2008."	02/15/2006--(S) AMENDMENT S-5006 FILED. S.J. 281.
IA	SB	2251	"An act directing the Department of Education and the Iowa Department of Public Health to convene a Healthy Children Task Force and providing an effective date."	3/16/2006--PASSED SENATE.
KS	HR	6011-6	"A resolution concerning physical education instruction in public schools."	03/10/2006--(H) ENROLLED -HJ 1378
KY	HB	610	"Amend KRS 156.160 to require 30 minutes physical activity per day or 150 minutes per week for all students in kindergarten through twelfth grade; require the time be included as instructional time; amend KRS 160.345 to conform; include noncodified language that the provisions of this act shall not be interpreted to mean that additional physical education teachers are required nor that new classrooms buildings or other facilities are required."	02/21/2006--(H) TO EDUCATION (H)
MD	SB	436	"Establishing the Maryland Obesity Awareness and Prevention Task Force in the Department of Health and Mental Hygiene; providing for the purpose of the Task Force; providing for the membership chair and staff of the Task Force; providing that a member of the Task Force may receive specified reimbursement as provided in the State budget; providing for the duties of the Task Force; requiring the Task Force to submit specified reports to the Governor and the General Assembly on or before specified dates; etc."	03/27/2006--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MD	SB	457	"Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc."	03/27/2006--(S) THIRD READING PASSED (37-10)



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State	Bill Type	Bill Number	Summary	Status
MD	SB	611	"Requiring that public school students in kindergarten through grade 5 be provided a specified minimum level of a program of physical education each week; requiring an increasing minimum level of a program of physical education over a period of 4 school years; requiring that the program of physical education be consistent with a student's Individualized Education Plan if applicable; requiring that students be regularly assessed for the attainment of specified objectives; etc."	03/26/2006 (S) THIRD READING PASSED (37-9)
MA	HB	4636	"Relative to requiring school districts to convene child nutrition and physical activity advisory committees."	04/04/2006--(S) SENATE CONCURRED IN COMMITTEE REFERRAL
MA	HB	4737	"Relative to improving quality physical education."	03/08/2006--(H) REFERRED TO JOINT COMMITTEE ON HEALTH CARE FINANCING
MA	SB	2373	"Directs the board of education in consultation with the department of public health to establish certification requirements and criteria for food service directors and managers in public schools; regulates the sale of food and beverages in the Massachusetts public schools; excludes meals provided through the national school lunch and breakfast programs from said provisions; regulates beverage types contents and sizes; mandates the sale of fruit and non-fried vegetables; mandates the availability of nutritional information; directs said departments to review reported cases of obesity and eating disorders; directs the Department of Public Health to establish an annual public service campaign regarding pediatric overweight; prohibits the sale of the articulated food and beverages including but not limited to beverages with added or artificial sweeteners in public schools; establishes and regulates the membership and operation of a special commission charged with analyzing childhood obesity nutrition physical activity education and wellness."	03/22/2006--(S) POSTPONED UNTIL 3/29/2006
MI	SB	981	"A bill to amend 1976 PA 451 entitled "The revised school code;" by amending section 1502 (MCL 380.1502) as amended by 1993 PA 335."	01/24/2006--(S) REFERRED TO COMMITTEE ON HEALTH POLICY
MN	HB	3016	"A bill for an act relating to education; clarifying elements of the kindergarten through grade 12 physical education standard."	03/01/2006--(H) INTRODUCTION AND FIRST READING REFERRED TO EDUCATION POLICY AND REFORM
MN	HB	3260	"A bill for an act relating to education; providing for health and physical education requirements."	03/08/2006--(H) INTRODUCTION AND FIRST READING, REFERRED TO EDUCATION POLICY AND REFORM
MN	SB	2585	"A bill for an act relating to education; providing for health and physical education requirements."	03/01/2006--(S) INTRODUCED AND REFERRED TO EDUCATION
MS	HB	18	"AN ACT MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION FOR THE PURPOSE OF REINSTATING PHYSICAL EDUCATION PROGRAMS STATEWIDE FOR THE FISCAL YEAR 2007."	02/22/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	101	"AN ACT TO REQUIRE ALL PUBLIC HIGH SCHOOLS TO TEACH PHYSICAL EDUCATION DAILY; AND FOR RELATED PURPOSES."	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	319	"AN ACT TO DIRECT LOCAL SCHOOL DISTRICTS TO ESTABLISH LOCAL SCHOOL HEALTH COUNCILS BY NOVEMBER 1, 2006 IN CONFORMITY WITH FEDERAL REQUIREMENTS; TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT SALES OF FOOD THROUGH SCHOOL FUND-RAISERS HELD OFF THE SCHOOL CAMPUS; AND FOR RELATED PURPOSES."	03/15/2006--APPROVED BY GOVERNOR
MS	HB	444	"AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS WHO CONTRIBUTE FUNDS TO PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS TO ASSIST THE SCHOOLS OR SCHOOL DISTRICTS IN PROVIDING PHYSICAL FITNESS PROGRAMS OR OTHER HEALTH IMPROVEMENT PROGRAMS FOR STUDENTS; IN CONFORMITY THERETO; AND FOR RELATED PURPOSES."	02/22/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	461	"AN ACT TO REQUIRE ALL SECONDARY PUBLIC SCHOOLS TO TEACH PHYSICAL EDUCATION; AND FOR RELATED PURPOSES."	01/31/2006--(H) DIED INSURANCE COMMITTEE



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State	Bill Type	Bill Number	Summary	Status
MS	HB	862	"AN ACT TO REQUIRE EACH PUBLIC SCHOOL TO INCLUDE WITHIN ITS PHYSICAL EDUCATION CLASSES NOT LESS THAN TWELVE WEEKS EACH SCHOOL YEAR OF HEALTH INSTRUCTION WHICH MUST INCLUDE INSTRUCTION ON SIGNIFICANT ASPECTS OF BIOTERRORISM; AND FOR RELATED PURPOSES."	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	867	"AN ACT TO BE KNOWN AS 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."	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	912	"AN ACT TO REQUIRE EACH PUBLIC SCHOOL TO INCLUDE WITHIN ITS PHYSICAL EDUCATION CLASSES NOT LESS THAN TWELVE WEEKS EACH SCHOOL YEAR OF HEALTH INSTRUCTION WHICH MUST INCLUDE INSTRUCTION ON SIGNIFICANT ASPECTS OF BIOTERRORISM; AND FOR RELATED PURPOSES."	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	SB	2008	"AN ACT TO DIRECT LOCAL SCHOOL DISTRICTS TO ESTABLISH LOCAL SCHOOL HEALTH COUNCILS BY NOVEMBER 1, 2006 IN CONFORMITY WITH FEDERAL REQUIREMENTS; AND FOR RELATED PURPOSES."	03/08/2006--(H) DIED ON CALENDAR
MO	HB	1852	"To repeal section 161.102 RS MO and to enact in lieu thereof one new section relating to the coordination of school health programs."	03/29/2006--(H) REFERRED: ELEMENTARY AND SECONDARY EDUCATION
MO	HB	1856	"To amend chapter 192 RS MO by adding thereto one new section relating to obesity with an emergency clause."	03/29/2006--(H) REFERRED: HEALTH CARE POLICY
MO	HB	2099	"To amend chapter 170 RS MO by adding thereto one new section relating to physical education classes."	03/31/2006--(H) READ SECOND TIME
NH	SB	290	"This bill establishes a wellness program in New Hampshire schools that combines education about nutrition with physical exercise."	02/23/2006--(S) INEXPEDIENT TO LEGISLATE MOTION ADOPTED VOICE VOTE--BILL KILLED--SENATE JOURNAL 6 PG. 117
NJ	HB	2732	"An Act concerning obesity education in public school districts and supplementing chapter 35 of Title 18A of the New Jersey Statutes."	03/02/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NM	HB	330	"AN ACT MAKING AN APPROPRIATION FOR AN ANTI-OBESITY NUTRITION EDUCATION SELF-ESTEEM AND FITNESS DANCE PROGRAM FOR LOW-INCOME AT-RISK CHILDREN IN PUBLIC SCHOOLS."	02/08/2006--(16) DO PASS COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	HB	349	"AN ACT MAKING AN APPROPRIATION TO PROVIDE AND STIMULATE SPORTS ACTIVITIES FOR THE CITY OF LAS VEGAS AND THE LAS VEGAS PUBLIC SCHOOL DISTRICTS."	02/08/2006--(16) DO PASS COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	SB	248	"AN ACT MAKING AN APPROPRIATION TO FIGHT OBESITY AND PROMOTE PHYSICAL FITNESS IN SCHOOLCHILDREN."	01/19/2006--(2) SENATE FINANCE COMMITTEE--SENATE COMMITTEES COMMITTEE--GERMANE--SENATE FINANCE COMMITTEE
OK	HJR	1037	"A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency."	02/07/2006--(H) SECOND READING REFERRED TO HEALTH AND HUMAN SERVICES
OK	HJR	1039	"A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency."	02/07/2006--(H) SECOND READING REFERRED TO RULES
OK	SB	1387	"Schools - physical education - effective date."	03/28/2006--(H) COMMITTEE REPORT; DO PASS AMENDED BY COMMITTEE SUBSTITUTE COMMON EDUCATION COMMITTEE. 03/13/2006--(S) MEASURE PASSED: AYES: 37 NAYS: 9
OK	SB	1459	"Schools - State Department of Education - State Department of Health - information and assistance to schools; codification - effective date."	03/28/2006--(H) COMMITTEE REPORT; DO PASS COMMON EDUCATION COMMITTEE. 03/08/2006--(S) MEASURE PASSED: AYES: 46 NAYS: 0



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Health Policy Tracking Service, a service of Thomson West, April 3, 2006

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State	Bill Type	Bill Number	Summary	Status
OK	SB	1461	"Schools - pilot sites - certain assessment - codification - effective date."	03/08/2006--(S) MEASURE PASSED: AYES: 34 NAYS: 12
PA	HB	185	"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 school district notification of residential development and for contracts for competitive food or beverage contracts; further providing for funding for charter schools for cyber charter school requirements and prohibitions and for enrollment and notification; and providing for free and reduced-price school lunches for certain students. COMPETITIVE FOOD OR BEVERAGE CONTRACTS AND FOR NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE SALES IN SCHOOLS; FURTHER PROVIDING FOR CERTAIN HEALTH SERVICES AND FOR ADVISORY HEALTH COUNCILS; PROVIDING FOR LOCAL WELLNESS POLICIES FOR AN INTERAGENCY COORDINATING COUNCIL FOR CHILD HEALTH AND NUTRITION FOR DUTIES OF THE DEPARTMENT OF EDUCATION AND FOR PHYSICAL EDUCATION; AND FURTHER PROVIDING FOR PHYSIOLOGY AND HYGIENE."	03/20/2006--(S) RE-REFERRED TO APPROPRIATIONS. 06/21/2005--(H) FINAL PASSAGE (175-24)
RI	HB	7065	"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."	03/01/2006--COMMITTEE TRANSFERRED TO HOUSE FINANCE
RI	HB	7561	"This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education. This act would take effect upon passage."	02/16/2006--INTRODUCED REFERRED TO HOUSE H.E.W.
RI	HB	7747	"This act would increase the minimum amount of physical education instruction at the elementary level to 150 minutes per week and at the middle and high school levels to 225 minutes per week. This act would take effect upon passage."	02/28/2006--INTRODUCED REFERRED TO HOUSE H.E.W.
RI	SB	2492	"This act would increase the minimum amount of physical education instruction at the elementary level to 150 minutes per week and at the middle and high school levels to 225 minutes per week. This act would take effect upon passage."	03/15/2006--SCHEDULED FOR HEARING AND/OR CONSIDERATION
TN	HB	2522	"An act to amend Tennessee code annotated Title 49 Chapter 50 to enact the Tennessee Student Health Act."	03/01/2006--TAKEN OFF NOTICE FOR CALENDAR IN: GOVERNMENT OPERATIONS COMMITTEE
TN	HB	2910	"An act to amend Tennessee code annotated Title 4 chapter 29 and Title 68 chapter 1 relative to child nutrition and wellness."	03/30/2006--WITHDRAWN.
TN	HB	3750	"An act to amend Tennessee code annotated Title 49 chapter 6 relative to elementary and secondary school pupils."	04/05/2006--PLACED ON CALENDAR EDUCATION COMMITTEE FOR 4/12/2006
TN	HB	4042	"An act to amend Tennessee code annotated Title 49 chapter 6 relative to health and physical education curriculum and instructional programs."	03/08/2006--ASSIGNED TO SUBCOMMITTEE K-12 OF EDUCATION
TN	SB	2494	"An act to amend Tennessee code annotated Title 49 chapter 50 to enact the Tennessee Student Health Act."	02/27/2006--WITHDRAWN.
TN	SB	2839	"An act to amend Tennessee code annotated Title 4 chapter 29 and Title 68 chapter 1 relative to child nutrition and wellness."	03/23/2006--WITHDRAWN.
TN	SB	3143	"An act to amend Tennessee code annotated Title 49 relative to education."	03/23/2006--RECEIVED FROM SENATE HELD ON HOUSE DESK. 03/20/2006--PASSED, (S) AYES 30, NAYS 0
TN	SB	3921	"An act to amend Tennessee code annotated Title 49 chapter 6 relative to health and physical education curriculum and instructional programs."	03/27/2006--ASSIGNED TO GEN. SUB OF EDUCATION COMMITTEE
TN	SB	3991	"An act to amend Tennessee code annotated Title 49 chapter 6 relative to elementary and secondary school pupils."	04/05/2006--PLACED ON SENATE EDUCATION COMMITTEE CALENDAR FOR 4/12/2006



2006 Legislative Activity: Health and Physical Education Legislation

Health Policy Tracking Service, a service of Thomson West, April 3, 2006

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State	Bill Type	Bill Number	Summary	Status
VT	HB	862	"Education; home study programs - This bill proposes to direct that the commissioner of education specify the content of a report by a licensed teacher of progress made by a student enrolled in a home study program; to specify and authorize use of certain standardized achievement tests to evaluate the progress of a home study student; to exempt a home study student who is 13 years of age or older from the requirements to study physical education comprehensive health education and the fine arts; and to stipulate that a home study program which has successfully completed two consecutive years of home study is not required to submit an annual curriculum narrative."	03/28/2006--HOUSE AND SENATE AGREEMENT
VA	HB	1593	"Childhood obesity. Prevention and reduction in public schools"	01/30/2006--(H) CONTINUED TO 2007 IN EDUCATION
VA	SB	206	"Childhood obesity. Requires the Board of Education to promulgate in cooperation with the State Health Department regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill also requires division superintendents to complete instruction concerning the causes and consequences of overweight and obese students and the relationship between nutrition health and learning by July 1, 2008. The requirement for instruction may be satisfied by attendance at conferences seminars or in-service training."	01/26/2006--(S) CONTINUED TO 2007 IN EDUCATION AND HEALTH (12-Y 2-N)
VA	SB	599	"Physical education. Requires school boards to implement a requirement for physical education to be taught in grades kindergarten through 12."	02/09/2006--(S) CONTINUED TO 2007 IN EDUCATION AND HEALTH (15-Y 0-N)
WV	HB	4848	"A bill to amend and reenact §18-2-7a of the code of West Virginia 1931 as amended relating to requirements for physical education in the public schools; grouping requirements by programmatic rather than grade levels; and requiring state board rule on collection use and reporting body mass index data."	03/02/2006--TO EDUCATION
WV	SB	785	"An act to amend and reenact §18-2-7a of the Code of West Virginia 1931 as amended relating to requirements for physical education in public schools; additional condition authorizing development of alternative programs to meet requirements; grouping requirements by programmatic rather than grade levels; and requiring state board rule on collection use and reporting body mass index data."	04/03/2006 TO GOVERNOR 4/3/06
WI	HB	1080	"An act to create 118.33 (1) (e) of the statutes; relating to: granting high school credit for extracurricular sports"	02/28/2006--(H) READ FIRST TIME AND REFERRED TO COMMITTEE ON EDUCATION
WY	HB	72	"An act relating to education; creating the healthy living-healthy learning program account as specified; providing for grants to school districts from the account; providing criteria for healthy living-healthy learning grants; establishing a maximum grant level; establishing a healthy living-healthy learning panel as specified; granting rulemaking authority; and providing for an effective date."	02/14/2006--(H) FAILED INTRODUCTION

BMI Monitoring and Reporting

To assess the prevalence of obesity and the effects of policies intended to curb obesity rates in children and adolescents, state lawmakers are turning to legislation that measures children’s and teenager’s body mass index (BMI). BMI measures individuals’ weight in proportion to their height. For children and adolescents, their BMI measurements are compared with age- and gender-specific charts developed by the Centers for Disease Control and Prevention (CDC), commonly referred to as BMI-for-age growth charts. These charts help healthcare professionals determine whether a child or adolescent is underweight, at a healthyweight or overweight (see chart below).

BMI -for-Age Interpretation	
Source: Centers for Disease Control and Prevention, April 2006	
BMI percentile	Child is considered:
Under 5 th percentile	Underweight
Between 5 th and 15 th percentile	At risk for being underweight
Between 15 th and 85 th percentile	At a healthy weight
Between 85 th and 95 th percentile	At risk for being overweight
Over 95 th percentile	Overweight

Legislators are turning to BMI measurements to monitor obesity rates among the student population in their respective states. In addition, lawmakers are asking schools to send “health report cards” to parents to keep them better informed of their child’s health status. Despite the good intent behind BMI reporting bills, they evoke controversy. Many parents feel the assessments are intrusive and could hurt students’ self-esteem levels. Another area of concern is athletic children being classified as at risk for overweight or obesity because of their muscle mass weight.

In 2003, **Arkansas** was the first state to require schools to send annual health report cards with information about each student’s BMI to parents. Schools also were required to aggregate the data to give school officials and policy makers a school-by-school assessment on the overall health status of the pupils. In September 2004, the Arkansas Center for Health Improvement (ACHI) released its first report, which showed that 38 percent of Arkansas’ public school students were overweight or at risk for being overweight. In the 2005 report, obesity rates remained the same; however, 98 percent of the state’s public schools participated in the initiative, a 7 percent increase over the previous year. ACHI is responsible for managing the statewide collection of BMI results and will continue to generate the health reports and track obesity trends. The Department of Health will take responsibility for disseminating nutrition information to schools.

In 2004, the **Illinois** Department of Health was required to collect data measuring obesity as part of the mandatory health examination required for students to attend public schools. The **Pennsylvania** Department of Health also instituted a system to monitor childhood obesity. Beginning as a voluntary program, the Growth Screening program asked schools to measure students’ height and weight in kindergarten through grade 4 and plot the measurements against growth charts developed by the CDC. No longer voluntary, the department is expanding the program in three additional grades each year until all grade levels are reporting students’ BMI

measurements. The department also has provided guidance on how schools should inform parents of the results.

In 2005, three states joined the ranks of those using BMI to monitor childhood obesity. As part of a more comprehensive measure addressing obesity across all age groups, the **West Virginia** Legislature required schools to report BMI measurements in an effort to monitor the effect of requiring each child to participate in physical education classes. The law requires BMI measurements to be included in kindergarten screening procedures and mandates that students in grades 4 through 12 have their BMI measurements taken through routine fitness testing procedures. School personnel responsible for taking the BMI measurements must undergo training. Data will be reported by each school 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, Healthy Lifestyles Coalition and the Legislative Oversight Commission on Health and Human Resources Accountability.

In **Tennessee**, local education agencies (LEAs) were asked to implement a program that identifies children who are at risk of becoming obese. School systems that decide to implement such a program must ensure that the following conditions are met:

- A sufficient number of school staff has been properly trained to measure BMI.
- Trained staff complete a BMI-for-age screening for 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 the results.
- The results of each student's test are transmitted to the Department of Health.

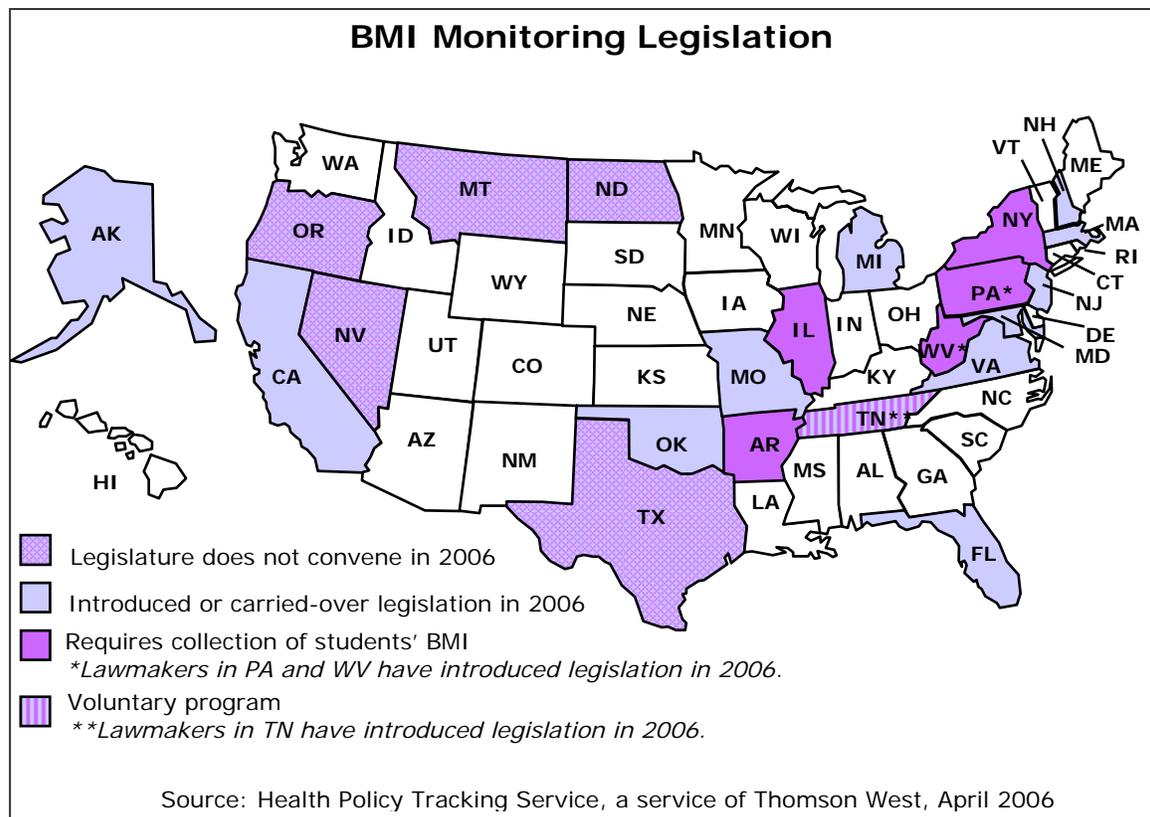
The Department of Health, with the assistance of the Department of Education, will offer guidance for LEAs to implement a monitoring system. The guidelines must provide standard practices for maintaining confidentiality and proper testing procedures. The Department of Health also must develop and disseminate a form for schools to report the students' results and develop a model health report card to be distributed to parents. Due to budgetary constraints, LEAs are not mandated to implement BMI screening programs.

In June 2005, Gov. George Pataki (R) launched Activ8Kids!, **New York's** child obesity prevention program, which consolidated 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 required 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.

STATE LEGISLATIVE ACTIVITY

Lawmakers continue to introduce legislation asking schools to monitor students' BMI and report the results to state and school officials, as well as parents. To date, lawmakers in 12 states — **California, Florida, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, Oklahoma, Tennessee,**

Virginia and **West Virginia** — have introduced measures that address BMI measuring and reporting in schools. Bills in **Alaska, Massachusetts, New York** and **Pennsylvania** were carried over from last year. Measures that have moved past the first chamber are highlighted below the map.



Oklahoma S.B. 1461 would require the state Board of Education to develop a fitness assessment software program to measure and track components of fitness, including BMI, endurance, strength and flexibility. The software program also must be able to create confidential reports for parents that include explanations of the results and suggestions to improve students' health. The program would begin as a pilot program in elementary schools during the 2006-2007 school year. The bill has passed the Senate and progressed to the House for further action.

While **Pennsylvania** law already requires schoolchildren to have their height and weight measured by a school nurse or teacher as part of established school health tests, H.B. 185 would require that information to be used to generate a weight-to-height ratio. The bill was passed by the House in June 2005 and currently is being considered by the Senate.

Identical bills, H.B. 4848 and S.B. 785, in **West Virginia** provide additional guidance on the BMI measuring and reporting requirements enacted in 2005 by directing the state Board of Education to adopt a rule governing the collection of information and requiring that only a scientifically random sample of students be assessed. Senate Bill 785 has passed both chambers; H.B. 4848 has passed the House.

Bills in **Maryland, New Hampshire** and **Virginia** did not make it through the legislative process.

As introduced, **Maryland** H.B. 1418 would have required county school boards to assess a student's BMI and conduct a diabetes screening when screenings for scoliosis were performed (usually in grades 6 through 8). In addition, the measure would have required that a health report card be sent to parents if their child was determined to fall below the 5th or above the 95th percentile of the CDC's growth chart. However, lawmakers determined that it was in the best interest of the state to spend another year studying the obesity issue and have stripped away all provisions requiring the measurement of BMI.¹ The current version of H.B. 1418 would establish a blue ribbon panel responsible for developing an action plan to reduce obesity rates in the state. Another bill, S.B. 457, would set requirements for a panel to examine the role of BMI as a screening tool to measure childhood obesity.

New Hampshire S.B. 290 would have required the commissioner of the Department of Education to create a process for schools to share with the state Department of Health and Human Services any data collected about the height and weight of students in kindergarten through grade 6. The measure did not make it out of the Senate. A bill in **Virginia** would have required the principal of each school to conduct an annual assessment of the BMI of each student and provide the information and explanation in a report to parents. The House Committee on Education, however, passed by the bill indefinitely.

The table on the following page highlights all the related measures introduced or carried over. The bill summaries provided in the chart reflect the introduced versions of the bills.

¹ Kristen Wyatt, *Maryland Lawmakers Reject Plans to Weigh Schoolchildren*, THE ASSOCIATED PRESS, March 29, 2006.



2006 Legislative Activity: BMI Reporting and Monitoring Legislation

Health Policy Tracking Service, a service of Thomson West, April 3, 2006

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State	Bill Type	Bill Number	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."	03/01/2006--(S) HEALTH, EDUCATION & SOCIAL SERVICES AT 1:30 PM BUTROVICH 205--BILL HEARING CANCELED
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. - California Council on Physical Fitness and Sports."	01/31/2006--(H) FROM COMMITTEE: FILED WITH THE CHIEF CLERK PURSUANT TO JOINT RULE 56. DIED PURSUANT TO ART. IV SEC. 10(C) OF THE CONSTITUTION.
CA	HB	2560	"An act to add Article 10 (commencing with Section 124174) to Chapter 3 of Part 2 of Division 106 of the Health and Safety Code relating to child health."	04/03/2006--(H) FROM COMMITTEE: DO PASS AND RE-REFER TO COMMITTEE ON EDUCATION RE-REFERRED. (AYES 10. NOES 2.) (APRIL 4).
FL	HB	679	"Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; requires DOE to provide website links to certain resources & prescribes types of info. those resources must provide; encourages said districts to provide physical education for specified amount of time; requires schools to annually provide certain information to students' parents & guardians, etc. Amends FS. EFFECTIVE DATE: 07/01/2006."	04/03/2006--(H) FAVORABLE BY HEALTH CARE GENERAL (HFC); YEAS 6 NAYS 0 -HOUSE JOURNAL 00345; NOW IN EDUCATION APPROPRIATIONS (FC) -HOUSE JOURNAL 00345
FL	HB	7203	"Prevention of obesity; requires DOH to collaborate with other state agencies in developing policies & strategies to prevent obesity which shall be incorporated into agency programs; requires dept. to advise health care practitioners regarding morbidity, mortality, & costs associated with condition of being overweight or obese; requires dept. to inform health care practitioners about clinical best practices for obesity prevention, etc. Amends 381.0054. APPROPRIATION. EFFECTIVE DATE: 07/01/2006."	04/03/2006--(H) PENDING REVIEW OF COMMITTEE SUBSTITUTE UNDER RULE 6.3(B); NOW IN HEALTH CARE APPROPRIATIONS (FC) -HOUSE JOURNAL 00350
MD	HB	1418	"Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours, to make specified limitations on foods and beverages sold in elementary schools, to adopt specified nutrition and wellness policies for high schools, and to form nutrition integrity teams; etc."	03/24/2006 (H) THIRD READING PASSED (131-5)
MD	SB	329	"Requiring schools enrolling students in the first third fifth or eighth grade to complete a body mass index for age measurement on students within 90 days of the beginning of the school year except in specified circumstances; requiring schools to send the parents or guardians of students who were measured for body mass index for age by the school a confidential health report card including specified information in a specified mailing; etc."	03/27/2006--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MD	SB	457	"Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours, to make specified limitations on foods and beverages sold in elementary schools, to adopt specified nutrition and wellness policies for high schools, and to form nutrition integrity teams; etc."	03/27/2006 (S) THIRD READING PASSED (37-10)
MA	SB	108	"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."	02/09/2006 (H) HOUSE CONCURRED IN COMMITTEE REFERRAL
MI	HB	5265	"A bill to amend 1976 PA 451 entitled "The revised school code;" (MCL 380.1 to 380.1852) by adding section 1503."	10/06/2005--(H) REFERRED TO COMMITTEE ON EDUCATION
MO	HB	2099	"To amend chapter 170 RS MO by adding thereto one new section relating to physical education classes."	03/31/2006--(H) READ SECOND TIME
NH	SB	290	"This bill establishes a wellness program in New Hampshire schools that combines education about nutrition with physical exercise."	02/23/2006--(S) INEXPEDIENT TO LEGISLATE MOTION ADOPTED VOICE VOTE--BILL KILLED; SENATE JOURNAL 6 PG. 117



2006 Legislative Activity: BMI Reporting and Monitoring Legislation

Health Policy Tracking Service, a service of Thomson West, April 3, 2006

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State	Bill Type	Bill Number	Summary	Status
NJ	HB	446	"An act concerning pupil health and supplementing chapter 40 of Title 18A of the New Jersey Statutes."	01/10/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NY	SB	472	"An act to amend the education law in relation to requiring body mass index screenings as part of school medical screenings."	01/04/2006--(S) REFERRED TO SENATE EDUCATION
OK	HJR	1037	"A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency."	02/07/2006--(H) SECOND READING REFERRED TO HEALTH AND HUMAN SERVICES
OK	HJR	1039	"A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency."	02/07/2006--(H) SECOND READING REFERRED TO RULES
OK	SB	1461	"An act relating to schools; amending Section 1 Chapter 45 O.S.L. 2005 (70 O.S. Supp. 2005 Section 5-147) which relates to access to foods of minimal nutritional value; providing an exception for the sale of food for the purposes of a fund-raiser; directing the State Board of Education to facilitate development of a physical fitness assessment software program; specifying capabilities of program; directing Board to select certain pilot sites to test program during certain school year; directing each school district to annually administer physical fitness assessment to certain students beginning in certain school year; providing for codification; and providing an effective date."	03/08/2006--(S) MEASURE PASSED: AYES: 34 NAYS: 12.
OK	SB	1986	"An act relating to schools; requiring State Board of Education to develop fitness testing system; specifying certain component of system; providing for codification; providing an effective date; and declaring an emergency."	02/07/2006--(S) SECOND READING REFERRED TO APPROPRIATIONS
TN	HB	3522	"An act to amend Tennessee code annotated Title 49 chapter 6 relative to completion of a health report card on all public school children in Tennessee."	03/29/2006--IN SENATE
TN	SB	3143	"An act to amend Tennessee code annotated Title 49 relative to education."	03/23/2006--(H) RECEIVED FROM SENATE HELD ON HOUSE DESK. 03/20/2006--(S) PASSED, AYES 30, NAYS 0.
TN	SB	3375	"An act to amend Tennessee code annotated Title 49 chapter 6 relative to completion of a health report card on all public school children in Tennessee."	04/03/2006--ASSIGNED TO GEN. SUB OF SENATE EDUCATION COMMITTEE
VA	HB	338	"Annual body mass index assessments required for public school students. Requires the principal of each school pursuant to regulations adopted by the Board of Education in consultation with the State Health Commissioner to (i) provide an annual assessment of the body mass index (BMI) of each student in the school; (ii) notify the parent or guardian, in writing, of the annual BMI percentile by age for the relevant student; and (iii) provide the parent or guardian of the relevant student with information explaining the use of BMI in identifying underweight and overweight in children and the potential health risks of various growth patterns."	01/18/2006--(H) PASSED BY INDEFINITELY IN EDUCATION
WV	HB	4848	"A bill to amend and reenact §18-2-7a of the code of West Virginia 1931 as amended relating to requirements for physical education in the public schools; grouping requirements by programmatic rather than grade levels; and requiring state board rule on collection, use and reporting body mass index data."	03/02/2006--TO EDUCATION. 03/01/2006--PASSED HOUSE (ROLL NO. 251).
WV	SB	785	"An act to amend and reenact §18-2-7a of the Code of West Virginia 1931 as amended relating to requirements for physical education in public schools; additional condition authorizing development of alternative programs to meet requirements; grouping	04/03/2006 TO GOVERNOR

Advertising and Marketing Restrictions

The food and beverage industry is 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 youth. According to the Kaiser Family Foundation, children see about 40,000 TV ads a year, the majority of which are related to food.

In response to critics, companies voluntarily are reducing the advertising of certain products to children and are developing campaigns that foster healthy eating habits. Last 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, no longer advertises Cheetos to children under 8. McDonald's also launched its "Go Active" campaign and sent its famous mascot to schools to teach children about living a physically active life.

Related measures in two states were carried over from last year's legislative sessions.

Indiana H.B. 1538 would prohibit school boards from signing advertising or sales contracts with soda companies without public input. **Massachusetts** S.B. 1921 prohibits school buses from displaying soda advertisements.

Of the bills introduced, Indiana H.B. 1113 was enacted March 17. Measures in Oklahoma and Wisconsin have passed the first chamber. Bills introduced in or carried over to the 2006 session are listed in the chart below.

Industry Liability Lawsuit Legislation 2006		
State	Bill Number	Status
AL	H.B. 63	4/6 – In House; referred to Committee on Judiciary
CA	S.B. 937	2/6 – Carried over from 2005; returned to secretary of Senate
IN	H.B. 1113	3/17 – Signed by governor
IA	S.B. 2153	2/7 - In Senate; referred to Committee on Judiciary
MD	H.B. 28	1/11 - In House; referred to Committee on Judiciary
MN	H.B. 118	Passed House in 2005 and carried over to 2006; no further action to report
MS	H.B. 764	1/31 – Died in Insurance Committee
NE	L.B. 455	Carried over to 2006; no further action to report
NJ	H.B. 2902	3/21 – In Assembly; referred to Judiciary Committee
	S.B. 1088	1/26 – In Senate; referred to Judiciary Committee
NY	H.B. 5076	1/4 – Referred to Assembly Codes
	S.B. 2482	1/4 – Referred to Senate Codes
NC	H.B. 1245	Carried over to 2006; no further action to report
OK	H.B. 3082	2/22 – Passed House; referred to Senate Judiciary Committee
	H.B. 3120	3/27 – Passed House; referred to Senate Judiciary Committee
PA	H.B. 670	Carried over to 2006; no further action to report
	H.B. 1772	Carried over to 2006; no further action to report
	S.B. 375	Carried over to 2006; no further action to report
RI	H.B. 5630	Carried over to 2006; no further action to report
SC	H.B. 3118	Carried over to 2006; no further action to report
	H.B. 3613	Carried over to 2006; no further action to report
WI	H.B. 338	1/24 – Passed House (carried over from 2005); referred to Senate Committee on Judiciary, Corrections and Privacy
	S.B. 161	3/13 – Senate and House concur (carried over from 2005)

Menu-Labeling Requirements for Restaurants

State legislators continue to consider legislation that would require 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) fully support such measures that shed light on the amount of calories, sodium and fat consumed and hope that a better informed consumer will help curb rising obesity rates.

Menu labeling is not required in any state. The legislation being introduced targets chain restaurants and franchises. CSPI has been a force behind this movement; the majority of lawmakers have introduced legislation modeled after CSPI's recommendations, which would require food service chains with 10 or more units to list the calorie, sodium and saturated and trans fat contents of standard menu items on their menus or menu boards. These bills face major opposition from the National Restaurant Association and restaurant owners who claim that nutritional information already is 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 on to consumers.

Menu labeling legislation was first introduced in **Maine** in 2003. Since then, lawmakers in several states have introduced similar requirements, but none have been enacted into law. This year, legislators in **New Jersey, Oklahoma, Pennsylvania** and **Vermont** introduced menu labeling bills, and measures were carried over in **Hawaii, Illinois, Massachusetts, New Jersey, New York, Ohio, Vermont** and the **District of Columbia**. None of the measures have made it out of a chamber of origin.

2006 Legislative Activity: Menu Labeling Legislation		
State	Bill Number	Status
DC	L.B. 495	Carried over to 2006; no further action to report
HI	H.B. 1579	Carried over to 2006; no further action to report
	S.B. 1098	Carried over to 2006; no further action to report
IL	H.B. 249	Carried over to 2006; no further action to report
	S.B. 520	Carried over to 2006; no further action to report
MA	H.B. 3814	Study Order for Joint Committee on Public Health
	S.B. 160	Study Order for Joint Committee on Community Development and Small Business
NJ	H.B. 1693	1/10 – In Assembly; referred to Health and Senior Services Committee
NY	H.B. 5664	1/18 – Carried over; referred to Assembly Codes
	S.B. 4551	1/4 – Carried over; referred to Senate Health
OH	H.B. 423	Carried over to 2006; no further action to report
OK	S.B. 1309	2/7 – In Senate; referred to Health and Human Resources Committee
PA	H.B. 375	Carried over to 2006; no further action to report
	H.B. 1516	Carried over to 2006; no further action to report
	S.B. 1038	1/3 – In Senate; referred to Consumer Protection and Professional Licensure
VT	H.B. 327	Carried over to 2006; no further action to report
	S.B. 301	2/1 – In Senate; referred to Health and Welfare Committee

Product Labeling and Claims

Very few states are focusing on legislation that regulates the nutritional labels of food and beverage products. The authority for regulating nutritional information on food products lies with the federal Food and Drug Administration. Last year, new [sodium standards](#) were issued in September for items carrying the “healthy” claim. According to the final rules issued, an item can bear the “healthy” claim if the individual serving size does not contain more than 480 milligrams of sodium. In 2003, federal rules were issued that required the inclusion of trans fat information on all packaged products.

Last year, lawmakers in only two states — **California** and **Connecticut** — introduced nutritional labeling legislation.

The California measure called for the state Department of Health Services to establish a voluntary food inspection program that would have awarded 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 have assessed a fee on program participants. The measure was carried over to the 2006 legislative session, but it has been stripped of any provisions relating to nutritional labeling.

Connecticut, S.B. 403 would have required alcoholic beverages to have nutritional labels similar to those on soda bottles, which provide calorie and sugar information among other nutritional facts. The bill never made it out of the Senate.

No new product labeling measures have been introduced in 2006.

Biotechnology: Labeling of Genetically Modified Products

Agriculture biotechnology, most 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 allow 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 GM produce or meat is not federally mandated; however, states are slowly taking up the issue to require the labeling of such products. Vermont became the first state in the nation to require the labeling of GM seeds in 2003. In 2005, Alaska Gov. Frank Murkowski (R) signed S.B. 25, requiring GM fish and fish products to be labeled as such.

This year, legislators in two states continue to deliberate on legislation calling for the labeling of GM products. **Hawaii** lawmakers introduced H.B. 2827 a measure similar to Alaska's, which would require the labeling of GM fish and fish products. In addition, three measures — H.B. 1781, S.B. 647 and S.B. 1764 — were carried over from last year. **New York** H.B. 115, H.B. 3165, H.B. 8344 and S.B. 1637 also were carried over to 2006.

Snack and Soda Taxes

State legislators are looking at snack and soda taxes to provide additional revenue for public health campaigns targeting obesity. According to a Yale study released in 2000, a 1-cent tax on soft drinks, candy, chips and other snack items could raise \$1.8 billion — money that public health advocates hope would be appropriated to fund obesity research and national- or state-based anti-obesity efforts. The study estimates that the 1-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.

The table on the following page highlights the four states considering snack and soda tax legislation in 2006.

2006 Legislative Activity: Snack and Soda Legislation			
State	Bill Number	Requirement	Status
IN	H.B. 1170	Would impose an 11.5 percent tax on the retail sale of minimally nutritious foods or beverages; establishes the physical fitness grant account and deposits revenues from the tax in the account	1/9 – In House Committee on Public Health
KS	H.B. 3016	Would impose a soda tax upon every distributor, manufacturer or wholesale dealer, to be calculated as 20 cents per gallon for each gallon of bottled soft drinks sold or offered for sale in the state of Kansas	3/17 – In House
NM	S.B. 228	Would have imposed the following taxes on distributors: 3 cents for each 12 fluid ounces of soft drink sold in New Mexico; \$1.92 per gallon of soft drink syrup or soft drink concentrate sold in New Mexico; and on the sale of a package or container of soft drink powder or other base product, 32 cents per gallon of soft drink that may be produced from each package or container according to the manufacturer's directions	Legislature adjourned for the year.
WI	H.B. 1168	Imposes an excise tax on the wholesale of soft drinks sold in this state and creates the dental access trust fund The tax is equal to: 1) \$2 for each gallon of soft drink syrup sold in the state; 2) 21 cents for each gallon of bottled soft drinks sold in the state; and 3) on the sale of a package or container of soft drink syrups, simple syrups, powders or other base products, 21 cents for each gallon of soft drink that may be produced from each package or container according to the manufacturer's instructions.	4/3 – In House

Insurance Coverage for Morbid Obesity Surgery

State lawmakers continue to debate measures mandating health insurance companies to provide coverage for obesity treatment, specifically morbid obesity surgery. As with all mandates for healthcare benefits, proponents contend that these requirements are necessary to ensure adequate healthcare 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, is a factor in the rising number of uninsured. **Georgia, Indiana and Virginia** have mandated offering laws in place, while **Maryland** mandates benefit coverage.

The Centers for Medicare and Medicaid Services (CMS) recently decided to expand Medicare's coverage of bariatric surgery to all Medicare beneficiaries. Due to complications experienced by some seniors, a proposal last year recommended coverage only for beneficiaries younger than age 65. However, after reviewing findings that show that more experienced surgeons have similar outcomes with patients of all ages, CMS decided to expand the coverage. To help prevent complications among beneficiaries older than age 65, Medicare will cover the procedure only in centers certified by the American College of Surgeons and the American Society for Bariatric Surgery.¹

Until now, CMS has covered only one type of bariatric surgery — gastric bypass surgery. Medicare now will cover three types of surgeries, including open and laparoscopic gastric bypass, laparoscopic adjustable gastric banding and open and laparoscopic biliopancreatic diversion with duodenal switch. The procedures will be covered only for those beneficiaries who have been diagnosed with obesity as well as an obesity-related illness or disease such as hypertension, type II diabetes, heart disease, stroke, osteoarthritis or sleep apnea.

This decision may impact the national health insurance community as private health insurers and Medicaid programs are under increased pressure to cover obesity treatment procedures. It also may encourage state lawmakers to consider further legislation for health insurance coverage for obesity treatment and prevention.

2006 State Legislative Activity

This year, lawmakers in **Connecticut, Georgia, Missouri, New Jersey, Oklahoma and Virginia** introduced legislation addressing health insurance coverage for morbid obesity treatment. **Alaska, Georgia and Tennessee** legislators carried over measures from 2005; however, none have seen action in 2006. None of the measures have been enacted yet this year. While Georgia H.R. 1159 received favorable reports in the House, the session adjourned before further action was taken. The bill in Virginia to mandate coverage for morbid obesity treatment was tabled in the House Commerce and Labor Committee before the session adjourned in March.

The following table highlights related legislative actions in 2006.

¹ Centers for Medicare and Medicaid Services, Press Release: Medicare Expands National Coverage for Bariatric Surgery Procedures (Feb. 21, 2006), *available at* <http://www.cms.hhs.gov/apps/media/press/release.asp?Counter=1786>

2006 Insurance Coverage for Obesity Treatment Legislation			
State	Bill	Status	Summary
CT	S.B. 552	03/29/06 – Placed on Senate Calendar	Would require individual and group health insurance policies to provide coverage for medically necessary expenses associated with the diagnosis and treatment of morbid obesity, including bariatric surgery and associated physician office visits, health and behavior assessments, nutrition education, patient self-management education and training and therapeutic exercises
CT	S.B. 579	03/28/06 – Referred to Office of Legislative Research and Office of Fiscal Analysis	Identical to S.B. 552
GA	H.R. 1159	03/30/06 – Session adjourned	Would have requested the Department of Community Health, the Department of Human Resources and the Insurance Department to conduct a study of health insurance coverage for the treatment of obesity, including the compilation of data on the treatment of severe and morbid obesity through bariatric surgery
MO	S.B. 597	03/15/06 – Hearing conducted in Senate Small Business, Insurance and Industrial Relations Committee	Would require health insurance companies to provide coverage for the treatment of morbid obesity
NJ	H.B. 1613	01/10/06 – Referred to Assembly Financial Institutions and Insurance Committee	Would require managed care plans to cover treatment of overweight and obesity in adults on a fee-for-service basis
OK	S.B. 1051	02/07/06 – Referred to Senate Retirement and Group Health Committee	Would require health benefit plans offered by the State and Education Employees Group Insurance Board and the Oklahoma State Employees Benefits Council to provide certain coverage for the treatment of morbid obesity
VA	H.B. 624	03/11/06 – Session adjourned	Would have required health insurance providers to provide coverage for the treatment of morbid obesity through recognized surgical procedures

Medicaid Benefits and Services to Treat Overweight and Obese Individuals

According to a 2004 study published in *Obesity Research*, providing medical treatment to obese Americans cost the country \$75 billion in 2003, of which \$21 billion was paid in Medicaid dollars. The study, *State-Level Estimates of Annual Medical Expenditures Attributable to Obesity*, provides an estimate of the financial impact of obesity in each state, ranging from \$87 million in Wyoming to \$7.7 billion in California.¹ This study serves to inform state lawmakers of the economic impact obesity has on their respective budgets.

The federal government currently does not require states to provide Medicaid benefits for obesity treatment. However, many state legislators are weighing their options and are considering legislation that would encourage healthy behaviors, including weight management, in an effort to reduce overall Medicaid expenditures. In 2005, governors in two states enacted such legislation.

Colorado Gov. Bill Owens (R) signed H.B. 1066 into law, creating the Obesity Treatment Pilot Program, which is designed to treat Medicaid beneficiaries through the use of behavioral modification, self-management training and medication. Eligible participants must be over the age of 15, have a body mass index (BMI) equal to or greater than 30 and suffer from 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 will 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 July 1, 2010.

Iowa Gov. Tom Vilsack (D) signed H.B. 841 into law. Among the provisions of the "Medicaid Reform Act," the bill 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 enrollees who develop personal weight loss programs.

In 2006, lawmakers in **Virginia** introduced H.B. 229, which would require the state Medicaid program to cover services that prevent chronic conditions that result in long-term treatment. As defined in the bill, chronic conditions include obesity and diabetes.

Related legislation in **Minnesota** was carried over from last year. House Bill 2474 would require 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. The measure has not seen further action in 2006.

¹ Eric A. Finkelstein, Ian C. Fiebelkorn and Guijing Wang, *State-Level Estimates of Annual Medical Expenditures Attributable to Obesity*, 12 *OBESITY RESEARCH*, 18-24 (2004).

In addition, governors are turning to Medicaid waivers to create programs that offer incentives to Medicaid beneficiaries to lead healthier lives.

As part of a budget compromise reached last year between Gov. Jennifer Granholm (D) and the state Legislature, **Michigan** lawmakers are seeking a federal waiver for an innovative program that offers incentives to Medicaid beneficiaries for engaging in healthy behaviors, such as smoking cessation, weight loss and weight management. Incentives being considered include lower monthly co-payments or expanded benefits such as expanded prescription coverage or dental services.

Last year, health policy experts in **Missouri** proposed several cost-saving ideas to the state's Medicaid Reform Commission, including offering incentives to Medicaid enrollees who adopt healthy lifestyle habits and penalizing unhealthy behaviors. In its final report, the commission underscored the importance of creating a "culture of health" within the Medicaid program that emphasizes personal responsibility and recommended that mechanisms be created for beneficiaries to understand personal health. No further detail was provided.

Although not specifically targeting obesity, **Massachusetts** Gov. Mitt Romney (R) recently approved legislation that requires the state Medicaid program to develop a wellness program that will provide incentives to encourage beneficiaries to achieve desired health outcomes. If outcomes are achieved, enrollees will benefit from reductions in premiums or copayments. The provision was included in H.B. 4850, the comprehensive bill that requires individuals to obtain health insurance coverage by July 1, 2007.

Grocery Stores and Supermarkets

Over the past 15 years, there have been dozens of 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.

In 2004, HPTS identified 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 part of the state. 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.

This year, lawmakers in **California** introduced the “Healthy Food Retailing Initiative” that seeks to provide residents of low-income communities access to fresh produce. Senate Bill 1329 would provide grants or loans to businesses introduced in developing grocery stores in such communities.

Additionally, cities across the country are working on bringing grocery stores to their low-income, urban communities. In December, the Chicago Planning and Development Commission announced that the city will hold a Grocery Store Expo in February to attract grocery chains to the city’s urban neighborhoods. As reported in a *USA Today* article, Boston and Baltimore have invested heavily to bring supermarkets to their low-income neighborhoods.¹

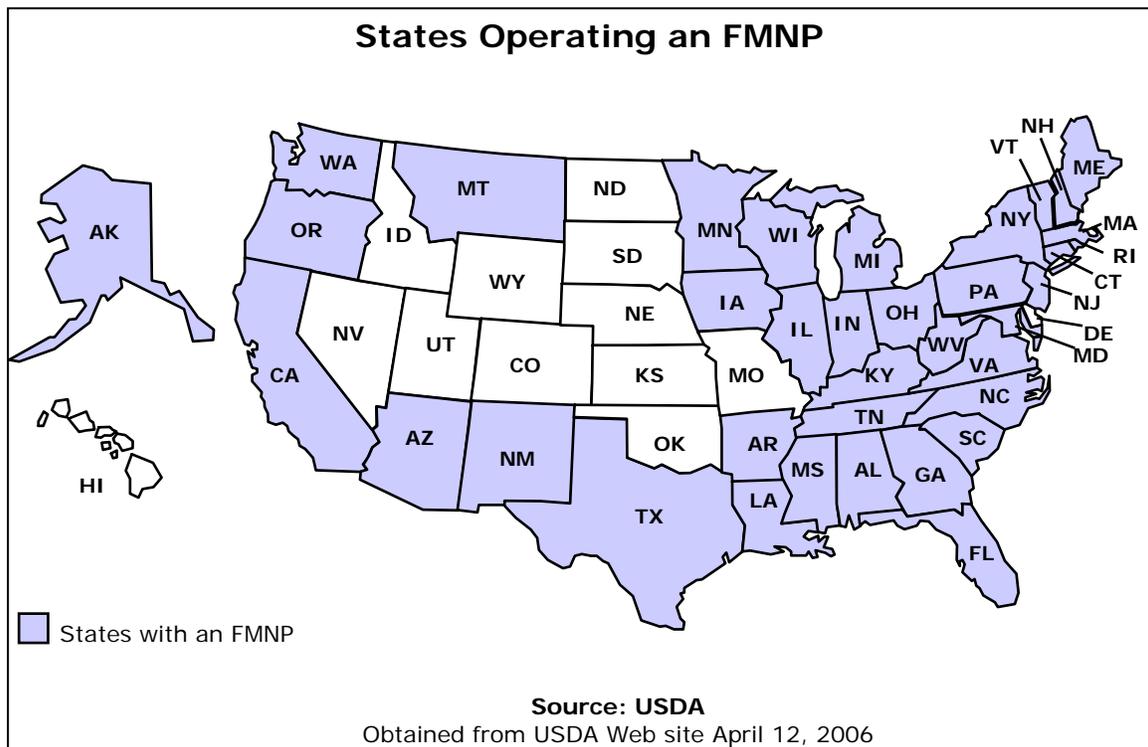
Charisse Jones, *Cities Bring Markets to Needy*, USA TODAY, November 9, 2005.

Farmers' Market Access and Development

Farmers' market legislation introduced in states this year commonly distributes general fund dollars in support of the federal WIC Farmers' Market Nutrition Program (FMNP) or the Senior 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 2.5 million WIC recipients received farmers' market benefits and that 14,050 farmers and 2,548 farmers' markets accepted coupons in 2004, which resulted in more than \$26.9 million in revenue for farmers. Congress appropriated \$19.8 million for the program in FY 2006, the same amount provided in FY 2005.¹

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 \$30 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 designated state agency for reimbursement. Additionally, states may provide nutrition education to FMNP recipients.

According to the USDA, 37 states operate an FMNP as highlighted in the map below.



¹ United States Department of Agriculture, Food and Nutrition Service, WIC Farmers' Market Nutrition Program, available at <http://www.fns.usda.gov/wic/FMNP/FMNPfaq.htm>.

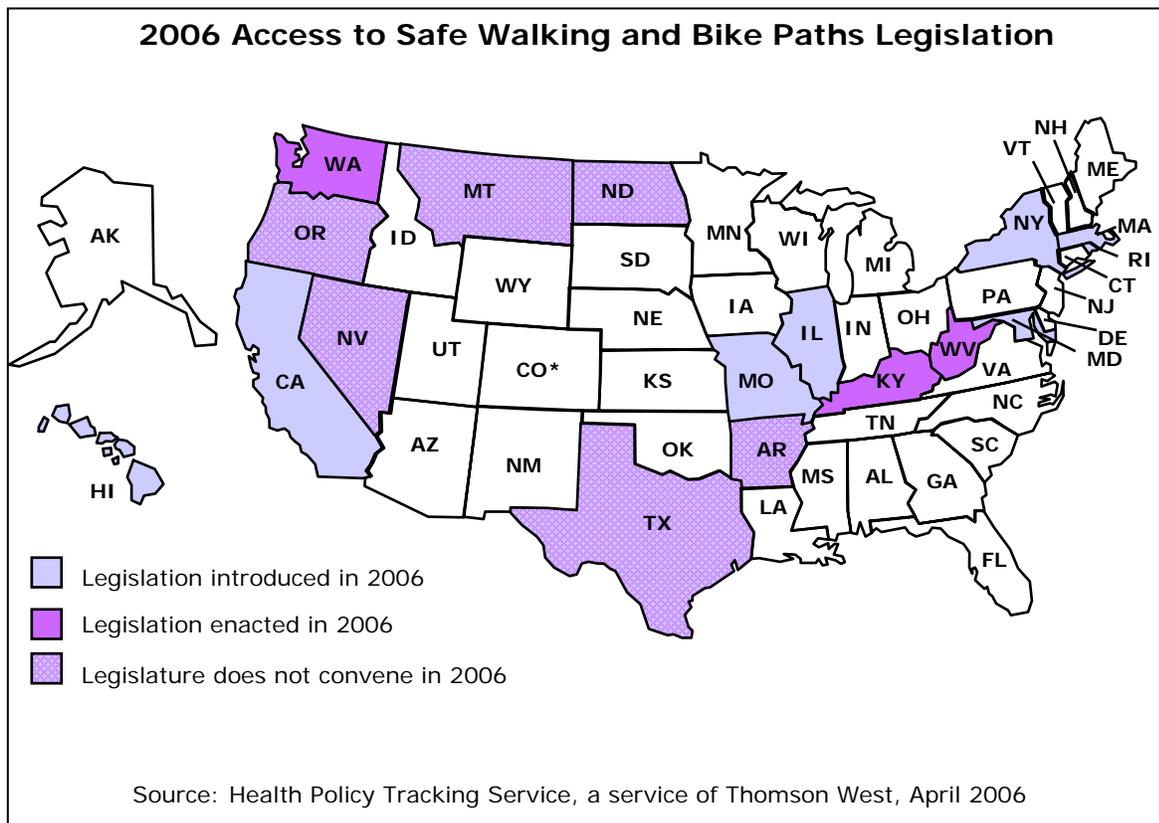
Congress authorized \$15 million for the Senior FMNP through 2007. The Senior FMNP provides funding to 38 states to provide low-income seniors (who are at least 60 years of age with household incomes at or below 185 percent of the federal poverty guidelines) with access to fresh fruits and vegetables. In February, the USDA announced the grant awards for FY 2006. The [award list](#) may be obtained directly from the USDA Web site.

Similar to last year's measures, most of the farmers' market legislation introduced this year provides general fund dollars to support the state/federal programs. Budget bills introduced in **Alabama, Arizona, Connecticut, Illinois, New Mexico, Vermont** and **West Virginia** contain line-items for farmers' market programs. Of particular interest, measures in Connecticut and Vermont seek to provide additional funding to support their respective senior programs. The USDA awarded Connecticut \$84,000 to support its program, and sponsors of S.B. 171 are requesting that the state provide an additional \$350,000. In Vermont, H.B. 685 asks lawmakers to provide \$50,000 for the state's Senior FMNP. An award of \$80,000 was granted by the federal government. Neither measure has passed out of its chamber of origin.

In addition, lawmakers in **New Mexico** and **New York** considered measures to promote the development of farmers' markets. Although the legislative session has adjourned in New Mexico, several bills were introduced to provide funding to support a pilot farmers' market program for seniors (the state currently does not receive funding from the federal government). None of the measures were adopted. Bills in New York were carried over from last year and have not seen further action in 2006.

Access to Safe Walking and Bike Paths

To promote physical fitness, obesity reduction and prevention and alternative transportation methods, some state lawmakers have introduced legislation to create or improve access to and the safety of fitness facilities, walking and biking paths and routes to schools. In 2006, HPTS has identified at least 11 states considering bills that addressing these issues. Of those states, three have adopted 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 healthier lifestyles.



State Legislative Activity

On March 30, **Kentucky** Gov. Ernie Fletcher (R) enacted a resolution, S.C.R. 98, directing the Legislative Research Commission to study the economic and public health impacts of the state's bicycling and pedestrian transportation activities. The commission also will examine options for addressing the state's obesity crisis. The commission report must include an analysis of public and private programs that improve physical exercise opportunities through biking and walking. The report also must contain an analysis of bicycle safety and options to improve safety. The report must be completed by Oct. 1, 2006.

A bill enacted in **Washington**, S.B. 6241, makes several transportation-related appropriations and provisions. Under the bill, the state will appropriate \$40,000 specifically for a school bicycle and pedestrian safety account. In addition, the measure appropriates \$5 million in state funds and \$2 million in federal funds for the pedestrian and bicycle safety program projects and "safe routes to schools" program projects identified in the Legislative Evaluation and Accountability Program Transportation Document 2006-B. The bill also added a provision requiring the Department of Transportation to issue a call for pedestrian safety

projects and submit a list of cost-effective initiatives to the Legislature each year. The new provision states that the recommendations made to the Legislature must allocate 60 percent of available funds to bicycle and pedestrian path projects and 40 percent to safe routes to schools.

Recently, the **West Virginia** Legislature adopted S.R. 5, a resolution promoting the West Virginia on the Move program, the state branch of America on the Move, an initiative to help individuals and communities make positive dietary and physical activity changes to lead healthier lives. The goal of West Virginia on the Move is to “assist West Virginians, regardless of athletic ability, to increase the physical activity in their lifestyle and make smarter food choices in order to maintain a healthy weight.” Gov. Joe Manchin III (D), the state Senate and the House of Delegates promoted the program by participating in their own challenge to see which team could walk the most steps per person during the 2006 session. The Governor’s Office won the challenge by walking an average of 237,340 steps per person.¹

Two **California** measures introduced in 2005 were carried over to 2006. Current law in California allows three counties and any city within those counties to establish a school pedestrian-bicyclist safety program and to increase fines for certain violations in the safety zone. House Bill 1324 would amend the existing law to extend the provisions to San Diego County. The other measure, H.C.R. 77, would recognize the importance of local recreation and park agencies in reversing negative trends of physical inactivity, obesity, diabetes and other health problems among Californians. The resolution also encourages the state to partner with local recreation and park providers to create a healthier state. Both measures passed the House in 2005 and await action in Senate committees.

A bill in **Massachusetts** would provide that funds from the Environmental Trust Fund be used for land acquisition and construction of walking paths and bikeways around harbors and bays. The measure passed the House and awaits action in the Senate Committee on Ways and Means.

Lawmakers in **Hawaii** have introduced several measures to promote safe walking and biking. House Bill 2075 notes the importance and benefits of bicycling and would earmark a percentage of federally allocated moneys from the state highway fund for the establishment of bikeways. The measure passed the House and awaits action in the Senate. House Bill 1904 would establish a “safe routes to school” program to encourage children to walk and bike to school, to make walking and biking to school a safer and more appealing transportation alternative, and to facilitate the planning and implementation of projects that will improve safety and reduce traffic and air pollution near schools. The bill also requires the state Department of Transportation to conduct a traffic flow study at public schools and develop a safety plan. At least four resolutions pertaining to safe routes to schools and encouraging “heart healthy communities” also are under consideration.

Related measures in **California, Hawaii, Illinois, Maryland, Massachusetts, Missouri, New York** and **Rhode Island** have not moved out of committee but remain pending.

¹ American on the Move, WV Leaders Walking Competition (2006), *available at* <http://www.americaonthemove.org/AffiliateArticle.asp?AffiliateID=8&ArticleID=81>