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STATE ACTIONS TO PROMOTE HEALTHY COMMUNITIES AND PREVENT CHILDHOOD OBESITY

SUMMARY AND ANALYSIS OF TRENDS IN LEGISLATION



STATE ACTIONS TO PROMOTE HEALTHY COMMUNITIES AND PREVENT CHILDHOOD OBESITY

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NATIONAL CONFERENCE
of STATE LEGISLATURES

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The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- To improve the quality and effectiveness of state legislatures.
- To promote policy innovation and communication among state legislatures.
- To ensure state legislatures a strong, cohesive voice in the federal system.

The Conference operates from offices in Denver, Colorado, and Washington, D.C.

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CONTENTS

INTRODUCTION.....	1
FINDINGS	3
LEGISLATION SUMMARIES	
Healthy Eating and Physical Activity	8
• School Nutrition	8
• Nutrition Education.....	10
• School Wellness.....	11
• Physical Activity or Physical Education in School.....	12
• Body Mass Index Measurement or Fitness Assessment for Students.....	13
• Diabetes Screening at School.....	14
• Preschool Obesity Prevention	14
• Insurance Coverage for Obesity Prevention	15
• Taxes, Tax Credits, Tax Exemptions and Other Fiscal Incentives.....	15
• Task Forces, Commissions, Studies and Other Special Programs	16
Healthy Community Design and Access to Healthy Food	17
• Bicycling and Walking/Complete Streets.....	17
• Transit-Oriented Development	18
• Joint-Use Agreements.....	19
• Farm-to-School	20
• Food Deserts/Access to Healthy Food	22
• Local Food/Direct Marketing.....	23
CONCLUSION.....	25
NOTES	27
LIST OF FIGURES AND TABLES	
Figure	
1. State Legislation, All Categories, 2011.....	4
2. Healthy Eating and Physical Activity Legislation, 2011	5
3. Healthy Community Design and Access to Healthy Food Legislation, 2011	5
Table	
1. Healthy Eating and Physical Activity Legislation, 2011	6
2. Healthy Community Design and Access to Healthy Food Legislation, 2011	7

INTRODUCTION

Through enactment of legislation during the 2007-2010 sessions, the National Conference of State Legislatures (NCSL) saw increasing and sustained interest among state legislatures in policies designed to promote healthy communities and reduce or prevent childhood obesity. These trends were described in three earlier NCSL reports: *Promoting Healthy Communities and Reducing Childhood Obesity: Legislative Options*;¹ *Promoting Healthy Communities and Preventing Childhood Obesity: Trends in Recent Legislation*;² and *Reversing the Trend in Childhood Obesity: Policies to Promote Healthy Kids and Communities*.³ This report continues the policy tracking evidenced in the previous reports by summarizing and analyzing trends in state legislation enacted during the 2011 sessions.

REPORT ORGANIZATION

The report summarizes enacted state legislation in two broad policy categories—healthy eating and physical activity, and healthy community design and access to healthy food. These are further divided into 16 topic areas.

The first broad category focuses on nutrition and physical activity/physical education issues, primarily in schools. It is divided into 10 topics:

- School Nutrition
- Nutrition Education
- School Wellness
- Physical Activity or Physical Education in School
- Body Mass Index Measurement or Fitness Assessment for Students
- Diabetes Screening at School
- Preschool Obesity Prevention
- Insurance Coverage for Obesity Prevention
- Taxes, Tax Credits, Tax Exemptions and Other Fiscal Incentives
- Task Forces, Commissions, Studies and Other Special Programs

The second broad category—healthy community design and access to healthy food—deals with changes in the built environment, including land use, transportation and agricultural topics, that can create more walkable/bikeable communities and increase access to healthy food through changes in infrastructure and procurement policies. It is comprised of six issue areas:

- Bicycling and Walking/Complete Streets
- Transit-Oriented Development
- Joint-Use Agreements
- Farm-to-School
- Food Deserts/Access to Healthy Food
- Local Food/Direct Marketing

Although some bills may fall into more than one category—for example, school nutrition and nutrition education, or tax credits and food deserts/access to healthy food—the enacted legislation is summarized only in one category (the category in which most of the provisions are covered). Proposed legislation that has not been enacted also may be referenced in the narrative description of each category to illustrate trends in legislation that may serve as precursors to laws enacted in subsequent sessions. In these cases, the bills are not summarized, but the states are identified in the narrative. Laws were not enacted in all issue areas during 2011; the topics are covered nonetheless because of legislation passed in that issue area in previous years (thus providing a level of comparison), and the fact that bills were considered that may carry over to the 2012 sessions.

FINDINGS

Legislative activity designed to promote healthy eating and active living, especially among school-age children, leveled off in 2011 compared to 2010. While the total number of states that enacted laws showed a slight increase in 2011 over the previous year—31 states in 2011 compared to 29 in 2010—fewer bills passed—60 bills in 2011 compared to 77 in 2010.

In the broad policy category of healthy eating and physical activity, most of the legislative activity was in two areas: 1) school nutrition and nutrition education, and 2) physical activity and physical education. Thirteen states passed 14 bills related to school nutrition/nutrition education during 2011, compared to 14 states that passed 21 bills in 2010; and six states passed six bills on physical activity/physical education in 2011, compared to nine states that passed nine bills the previous year.

The broad policy category of healthy community design and access to healthy food saw less legislative activity than its counterpart issue areas in 2010; 20 states passed 34 laws in 2011, compared to 24 states that passed 43 laws the previous year. Legislation remained stable in the areas of bicycling and walking/complete streets, and local food/direct marketing, the topics with the highest levels of activity in past years. Eight states passed nine bills related to bicycling and walking/complete streets in 2011, compared to seven states that passed 11 bills in 2010; and seven states passed eight bills on local food/direct marketing in 2011, compared to eight states that passed nine bills the previous year.

In conversations with state legislators, legislative staff and other state and local partner organizations, the reasons legislative activity in 2011 leveled off can be traced to a few factors. First, it is difficult to sustain momentum on the same issues over an extended period of time due to the other high-priority health issues that compete for policymakers' attention. Second, the volume of legislation passed during the preceding five years is now being implemented, and an evaluation of its effectiveness may be sought before additional bills are considered. Finally, since most states still face budget shortfalls, new programs that entail up-front costs are less likely to gain favor with policymakers, as compared to policies that promote more effective coordination of existing programs among state and local agencies.

Just as a single Congress is comprised of two sessions, most state legislatures allow bills to carry over from one session to the next between elections. Given that fact, it may be more relevant to view 2011-2012 as a single legislative session and draw conclusions about the level of legislative activity based on the number of states that enact laws during the two-year period. NCSL noted in its previous report, *Reversing the Trend in Childhood Obesity: Policies to Promote Healthy Kids and Communities*, that 41 states—more than 80 percent of the total—enacted some form of healthy eating and/or active living legislation during the 2009-2010 sessions, a remarkable achievement by any measure.

Figure 2. Healthy Eating and Physical Activity Legislation, 2011

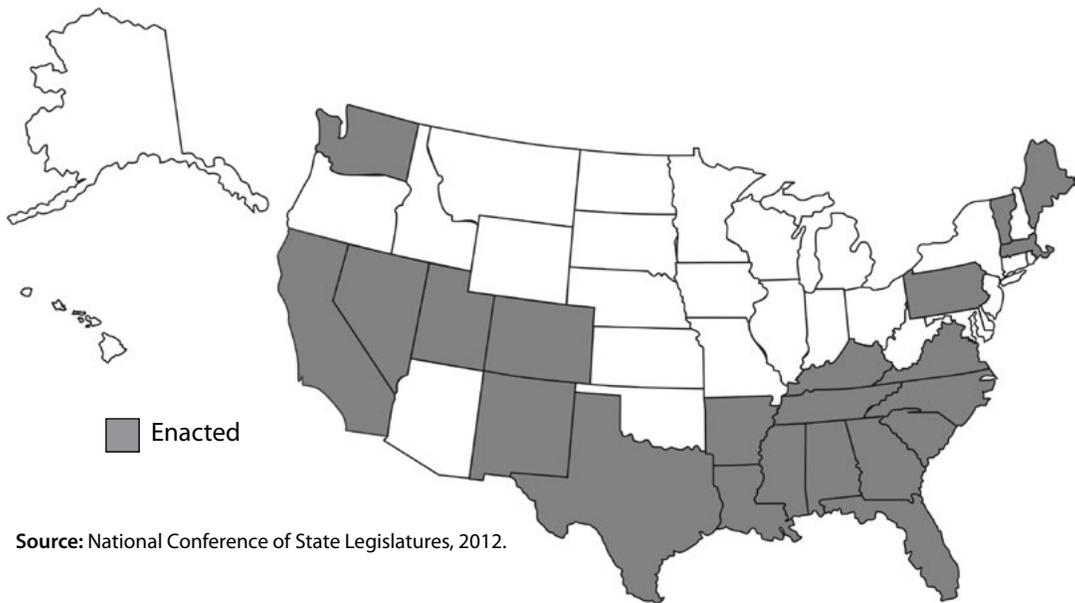


Figure 3. Healthy Community Design and Access to Healthy Food Legislation, 2011



STATE ACTIONS TO PROMOTE HEALTHY COMMUNITIES AND PREVENT CHILDHOOD OBESITY

Table 1. Healthy Eating and Physical Activity Legislation, 2011

State/ Jurisdiction	School Nutrition	Nutrition Education	School Wellness	Physical Education, Physical Activity	Preschool Obesity Prevention	Insurance Coverage	Taxes/Tax Credits	Task Forces, Studies
Alabama				X				
Alaska								
Arizona								
Arkansas		X				X		
California	X						X	
Colorado				X				
Connecticut								
Delaware								
Florida	X							
Georgia				X				
Hawaii								
Idaho								
Illinois								
Indiana								
Iowa								
Kansas								
Kentucky								X
Louisiana	X	X						
Maine	X			X				
Maryland								
Massachusetts	X							
Michigan								
Minnesota								
Mississippi	X							
Missouri								
Montana								
Nebraska								
Nevada					X			
New Hampshire								
New Jersey								
New Mexico	X							
New York								
North Carolina	X							
North Dakota								
Ohio								
Oklahoma								
Oregon								
Pennsylvania	X							
Rhode Island								
South Carolina			X					
South Dakota								
Tennessee				X				
Texas		X						
Utah				X				
Vermont			X					
Virginia	X							
Washington		X						
West Virginia								
Wisconsin								
Wyoming								
District of Columbia								

Source: National Conference of State Legislatures, 2012.

STATE ACTIONS TO PROMOTE HEALTHY COMMUNITIES AND PREVENT CHILDHOOD OBESITY

Table 2. Healthy Community Design and Access to Healthy Food Legislation, 2011

State/ Jurisdiction	Bicycling and Walking	Transit-Oriented Development	Joint Use Agreements	Farm-to- School	Food Deserts	Local Food/ Direct Marketing
Alabama						
Alaska						
Arizona						
Arkansas			X			
California	X	X			X	
Colorado						
Connecticut						X
Delaware	X					
Florida		X	X			
Georgia						
Hawaii						
Idaho						
Illinois	X					
Indiana						
Iowa						X
Kansas						
Kentucky						
Louisiana			X			X
Maine	X			X		
Maryland				X		
Massachusetts						
Michigan						
Minnesota						
Mississippi					X	
Missouri				X		X
Montana						
Nebraska						
Nevada	X					
New Hampshire						
New Jersey				X	X	X
New Mexico						
New York	X					X
North Carolina						
North Dakota						
Ohio						
Oklahoma						
Oregon				X		
Pennsylvania						
Rhode Island						
South Carolina						
South Dakota						
Tennessee			X		X	
Texas						
Utah						
Vermont	X					X
Virginia						
Washington	X					
West Virginia						
Wisconsin						
Wyoming						
District of Columbia					X	

Source: National Conference of State Legislatures, 2012.

LEGISLATION SUMMARIES

This section summarizes a representative sample of legislation enacted during the 2011 state legislative sessions. Not all legislation enacted in 2011 is included; the intent is to document trends in legislation by highlighting examples of bills that illustrate legislative activity in each category. Reference is made to certain proposed bills that saw considerable legislative activity in 2011—even though they did not pass—because bills of this nature often serve as precursors to later enactments. Some of those bills passed the legislature but were vetoed by the governor; others were introduced in 2011 and have carried over for consideration in 2012.

HEALTHY EATING AND PHYSICAL ACTIVITY

SCHOOL NUTRITION

Long-standing evidence documents the developmental and cognitive benefits to children of adequate nutrition, and many studies confirm that proper nutrition enhances academic achievement.⁴ To bolster healthy eating habits and school achievement, policymakers are working to improve the nutritional quality of school foods. With an estimated 55.6 million children in the nation's elementary and secondary schools in 2009,⁵ schools remain a logical place for policymakers to focus childhood obesity prevention efforts, especially because children often eat both breakfast and lunch at school. Healthy eating can be part of what children learn—or don't learn—at school. By setting nutrition standards for all foods and beverages served or sold on school campuses; creating task forces to develop such standards with representation from parents, schools and the community; or delegating the task of setting nutrition standards to state executive agencies such as the department of agriculture or the department of education, states have increased the quality of school food.

Because some schools have come to rely on supplemental revenue from foods and beverages sold in competition with full meals in à la carte lines, school stores or vending machines, they have resisted legislation to regulate those foods and beverages. Studies generally indicate, however, that school food revenue remains steady or increases when schools offer healthy foods, and federal school meal reimbursements to states actually may increase.⁶ Reimbursement is provided only for full school meals served and, as the quality of the meals increases, students may be more likely to purchase the full meal instead of a snack.

In 2011, 10 states—California, Florida, Louisiana, Maine, Massachusetts, Mississippi, New Mexico, North Carolina, Pennsylvania and Virginia—enacted some type of school nutrition legislation or authorized funding for school nutrition grants. These laws help ensure that students have access to healthier food and beverage options at school or encourage other community supports for child nutrition. They complement the federal Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), which reauthorized the national School Lunch and School Breakfast programs; increased the School Lunch and School Breakfast per-meal reimbursement by 6 cents; and authorized the Secretary of Agriculture to set nutrition standards for all food products sold on school grounds during the day. Continuing areas for state legislation include not only increasing healthier school meal

options, but also raising the quality of beverages and foods sold or consumed outside the regular school meals program as à la carte or snack items.

California

SB 87

Includes Child Nutrition School Breakfast and Summer Food Service Program grants in the state's budget for the 2011-2012 fiscal year.

Florida

HB 1312

Transfers the Food and Nutrition Services Trust Fund in the Department of Education and all administrative authority for the state's school meals program from the Department of Education to the Department of Agriculture and Consumer Services. It creates the 11-member Healthy Schools for Healthy Lives Council to advise the department on nutritional standards, nutrition education and prevention of childhood obesity. (The transfer of school food authority in the law follows legislation adopted in 2010 that created a Florida Farm Fresh Schools Program and Service to encourage schools and school districts to buy fresh and local food, and required the Department of Education to work with the Department of Agriculture and Consumer Services to recommend policies and rules for school food services to the State Board of Education.)

Louisiana

HB 1

Appropriates funds to conduct reviews of eligible school food and nutrition sponsors to ensure compliance with U.S. Department of Agriculture guidelines, among other budget provisions for FY 2012.

Maine

HB 398

Authorizes the Department of Education to adopt standards that are consistent with federal school nutrition standards for foods and beverages sold on school grounds outside of school meal programs.

HB 778

Provides funding for the federal School Nutrition Administration grant, among other appropriations for the FY 2012 and FY 2013 state budgets.

Massachusetts

HB 3535

Appropriates \$45,000 for the Virtual Gateway School Nutrition Program to directly certify children for free school meals and directly verify children for free or reduced-price meals, among other appropriations for the FY 2012 state budget.

Mississippi

SB 2798

Defines specific responsibilities for public school nurses to include supporting healthy food services programs; promoting healthy physical education, sports policies and practices; and implementing activities to promote health. It requires the Office of Healthy Schools in the Department of Education to provide resources to nurses in the Mary Kirkpatrick Haskell-Mary Sprayberry Public School Nurse Program to ensure that schools will be able to provide health education to support the Mississippi Comprehensive Health Framework, Mississippi Physical Education Framework, Wellness Policy and coordinated approach to school health.

New Mexico

SB 144

Requires free school breakfast programs for all elementary schools in which 85 percent or more of the students were eligible for free or reduced-price lunch during the prior school year. It also authorizes all other school districts to establish school breakfast programs that are free to all students.

North Carolina

SB 415

Provides free school breakfasts for children who qualify for reduced-price meals at schools participating in the national school breakfast program. It requires the state Board of Education to report on public school nutrition programs operated by school districts under the jurisdiction of Child Nutrition Services in the Department of Public Instruction.

Pennsylvania

HB 1485

Appropriates \$3,327,000 from the state's general fund to the School Nutrition Incentive Program, among other appropriations for the FY 2012 state budget.

Virginia

HB 30, HB 1500

Appropriates \$2,054,253 for state-funded incentive programs to maximize federal school nutrition revenues and increase student participation in the school breakfast program. State incentive funds are designed to reimburse school districts for breakfast meals served that are in excess of the baseline established by the U.S. Department of Education. To qualify, school districts must certify that the incentive funds will supplement, not replace, existing funds provided by the local governing body. Funds may be used to reduce the per-meal price paid by students; reduce competitive food sales to improve the quality of nutritional offerings in schools; increase access to the school breakfast program; or develop programs to increase parent and student knowledge of good nutritional practices.

NUTRITION EDUCATION

A U.S. Department of Agriculture-contracted review of 217 studies found that nutrition education is a significant factor in improving dietary practices when behavior change is the goal and educational strategies are designed to achieve that goal.⁷ Another study concluded that nutrition education programs of longer duration, with more contact hours and more components—such as parent involvement and changes in school meals—result in students' eating more healthy foods.⁸

Many states have school health education requirements, but inclusion of nutrition education as a specific component of health education varies. To address this, legislators in some states have enacted bills that specifically require nutrition education to be a component of the school health curriculum or that require school personnel to receive training about child nutrition. Nutrition education that extends the benefits of nutrition education beyond schools to involve parents and the community—including hands-on nutrition education and growing, preparing or tasting healthy foods such as locally available fruits and vegetables—has been the focus of some recent nutrition education legislation. New legislation related to nutrition education in school curriculum, after school and for parents, was enacted in 2011 in Arkansas, Louisiana, Texas and Washington.

Arkansas

SB 138

Defines activities that improve health and wellness, including nutrition education, to be part of youth development after-school programs.

Louisiana

HB 194

Requires printing nutrition education resource materials that contain core nutrition messages for households that receive Supplemental Nutrition Assistance Program (SNAP) benefits.

Texas

HB 1

Requires a portion of appropriated funds be used for a nutrition education and outreach program or activities that improve low-income consumers' access to basic nutrition and healthy foods, among other state budget provisions for fiscal years 2012 and 2013.

Washington

HB 1302, SB 5122

Includes nutrition education in defined wellness activities for health reform implementation purposes.

SCHOOL WELLNESS

The federal Child Nutrition and WIC Reauthorization Act of 2004 required each local school district participating in the National School Lunch Program or the School Breakfast Program to establish a local wellness policy by the beginning of the 2006-2007 school year. School districts were required to involve a broad group of stakeholders in the development of their wellness policies and to set goals for nutrition education, physical activity, campus food provision and other school-based activities designed to promote student wellness.

Encouraged by federal efforts and a potential penalty of withholding federal school lunch reimbursement funds, a number of states enacted legislation in previous sessions to support wellness policies or related school health efforts. State legislation has included approaches such as 1) encouraging or requiring local school districts to adopt wellness policies; 2) establishing state multidisciplinary wellness or school health advisory councils; 3) establishing a state office or clearinghouse to coordinate wellness activities or to be a repository for collecting local wellness policies and information; 4) directing local school districts to establish wellness councils with broad stakeholder participation; and 5) establishing mechanisms for state oversight of wellness policy implementation. Nearly all students now are covered by written school wellness policies. The policies vary in strength and completeness, however, and assessments of the implementation status range from nearly complete⁹ to inconsistent.¹⁰ State legislation, with or without referencing the federal requirement, has helped to fill the gaps or encourage implementation.

Legislators also have acted on individual policies that are part of school wellness goals, such as improving the nutritional quality of school foods, providing greater opportunities for physical activity, ensuring that adequate nutrition education is part of the school curriculum, and designing task force efforts by multiple community stakeholders to encourage school wellness. In 2011, South Carolina adopted a resolution and Vermont enacted legislation to support school wellness policies or programs.

South Carolina

HR 3789

Acknowledges that overweight and obese children are at heightened risk for a number of chronic adult conditions, and urges state and private entities to implement policies and programs to help reduce overweight and obesity among youth.

Vermont

HB 202

Includes school wellness programs as a component of the state's unified, single-payer health system.

PHYSICAL ACTIVITY OR PHYSICAL EDUCATION IN SCHOOL

The *Physical Activity Guidelines for Americans*, issued by the U.S. Department of Health and Human Services in October 2008, recommend 60 minutes of age-appropriate, enjoyable and varied daily, moderate-to-vigorous physical activity for children.¹¹ Developed by experts in exercise science and public health, the *Guidelines* are based on research findings about the benefits of physical activity and recommended activity levels.¹² For children, physical activity during the school day not only provides health benefits—such as strengthening the heart, muscles and bones—but also can increase academic achievement.¹³

Before the *Guidelines* were issued, the National Association for Sport and Physical Education (NASPE) had recommended that all children from prekindergarten through grade 12 receive daily physical education taught by certified specialists, and that schools have appropriate class sizes, facilities and equipment. NASPE recommends 150 minutes per week of physical education for elementary school students and 225 minutes per week for middle and high school students, with qualified physical education teachers providing a developmentally appropriate program and a teacher-student ratio similar to other classroom settings.¹⁴ The goal is to nurture enjoyment of physical activity and set the stage for an active lifestyle in all children, regardless of athletic ability.

Currently, almost 30 percent of children do not exercise even three days per week.¹⁵ Only 17 percent of high school students say they exercise the minimally recommended one hour daily.¹⁶ Both the cost of physical education programs and an emphasis on academics have sometimes been considered barriers to increasing physical education in schools, but recognition is growing that physical activity during the school day can increase student achievement. Legislators have considered and enacted laws to support physical education programs in schools to bridge this gap. Although all 50 states have some type of statewide standards for physical education (Colorado became the final state this year), their scope varies greatly. Policy approaches to increasing physical activity at school include setting physical education time standards at all grade levels, providing for daily physical education, and preserving recess time for physical activity.

Seven states—Alabama, Colorado, Georgia, Maine, Michigan, Tennessee and Utah—enacted legislation or adopted resolutions related to physical education or physical activity at school in 2011. Two of these laws—in Colorado and Tennessee—concerned reserving or requiring time for physical education or physical activity during the school day. Legislation to preserve time during the school day for recess, or to fund school recreational facilities for recess and physical education are pending for consideration in 2012 in California, Illinois and Oregon.

Alabama

SJR 55

Urges all state citizens to become involved in the “Let’s Move in School” campaign to promote quality physical education programs in schools. It also recognizes the week of May 1-7, 2011, as physical education and sports

week, and the month of May as physical fitness and sports month, to promote the knowledge, skills and values that can lead to a lifetime of physically active and healthy living.

Colorado

HB 1069

Requires 30 minutes of daily physical activity in elementary schools statewide. Physical activity may include physical education classes and recess time.

Georgia

HR 466, SR 258

Commends the Healthy Kids Challenge program and encourages all state schools to join the challenge and participate in fighting childhood obesity. It also recognizes March 3, 2011, as Healthy Kids Challenge Day.

Maine

HB 939, LD 1280

Implements the recommendations of a 2010 “PE4ME” legislative report and a pilot physical education project for elementary schools to demonstrate the value of implementing physical education and health education programs, and of reporting the health, fitness and academic performance of elementary school children. It authorizes funding to develop physical education programs for elementary schools and other plans to improve the health, nutrition and physical fitness of elementary school children.

Tennessee

HB 9

Establishes methods for monitoring compliance with the 90 minutes of required physical activity per week for elementary and secondary school students. The Office of Coordinated School Health in the Department of Education must report to the legislature by Aug. 1, 2012, on school district compliance with the law.

Utah

HCR 7

Supports policies that promote outdoor activities for children, in part because “childhood obesity rates in Utah and the nation are epidemic and outdoor activities can be an effective means to combating this major health concern.”

BODY MASS INDEX MEASUREMENT OR FITNESS ASSESSMENT FOR STUDENTS

Body mass index (BMI) is a measure of whether a person’s weight is healthy in proportion to height. The calculations also take into consideration age and gender. Body mass index is widely accepted as a reliable indicator of body fat content and as a screening tool to identify weight problems that can lead to poor health. The ease of measuring height and weight, without use of expensive equipment, makes BMI screening convenient and has led to policies in a number of states that require such screening at school, where all children can participate.

Legislation that requires individual student BMI measurement has been enacted in some states to help identify children with weight-related health risks. Aggregate BMI data reporting requirements are in place in other states to provide a picture of community health, monitor statewide obesity trends, or evaluate the results of programs intended to reduce or prevent obesity. Individual BMI results generally are sent to parents in a confidential letter with suggestions for making healthy changes, which can help motivate families to adopt healthier habits. Including BMI measurement as an element of a broader student fitness assessment has become a recent trend in state legislation.

Although no state enacted BMI legislation in 2011, several states introduced bills that have carried over into the 2012 sessions. Legislation related to BMI screening or fitness assessment was introduced and may be considered next year in at least five states—Kentucky, Massachusetts, North Carolina, Nebraska and New York.

DIABETES SCREENING AT SCHOOL

As the number of obese and overweight children continues to rise, type 2 diabetes (formerly called adult-onset diabetes) is increasingly being diagnosed in school children. Screening for diabetes at school can help identify students at risk and, coupled with nutrition and physical activity policies, help prevent type 2 diabetes in children and reduce childhood obesity. Noninvasive diabetes risk screening at school has been enacted or proposed in a number of states. Although no state passed diabetes screening legislation in 2011, New York introduced a bill that will carry over into the 2012 session that would require students with risk factors—such as obesity—associated with type 2 diabetes to be tested upon admission to public schools and periodically thereafter.

PRESCHOOL OBESITY PREVENTION

Obesity rates have doubled in the past 40 years among 2- to 5-year-old children. Twenty-one percent of children in that age group are overweight, and half of those are obese, according to recent reports from the Institute of Medicine and the Centers for Disease Control and Prevention. The Institute's 2011 report, *Early Childhood Obesity Prevention Policies*, recommends that “national efforts to prevent obesity [give more] attention to infants, toddlers and preschool children,” and “support families’ efforts to prevent obesity and maintain healthy lifestyles.” Policies that promote the availability of healthy food, create safe play areas, and make other improvements in day care and preschool settings are aimed at establishing healthy habits early in life and providing healthier eating and physical activity options.

The national Childhood Obesity Task Force released an action plan, *Solving the Problem of Childhood Obesity Within a Generation*, in May 2010. The plan makes 70 specific recommendations, including offering nutritious food and ample opportunity for young children to be physically active in child care settings, while also involving parents and caregivers in prevention efforts. The Healthy, Hunger Free Kids Act of 2010 calls for a national study of physical activity opportunities and nutritional quality of all foods available to children in child care settings. In June 2011, Let's Move Childcare, a national public-private partnership, was launched to provide resources and recognition for child care providers that establish healthier physical activity and nutrition practices. The General Services Administration, U.S. Department of Defense and Bright Horizons child care centers have committed to participate.

In recent years, state legislatures also have made efforts to stem early childhood obesity, including efforts to provide nutrition education and training for child care workers; include childhood obesity prevention as part of council or task force work on early childhood or childhood obesity; include child care programs in school and community nutrition efforts; or set preschool beverage standards. California, Colorado, Massachusetts, North Carolina and Texas enacted relevant legislation during the previous two sessions. Nevada passed a bill in 2011.

Nevada

SB 27

Amends child care licensing standards to require that annual employee training include childhood obesity, nutrition and physical activity.

INSURANCE COVERAGE FOR OBESITY PREVENTION

Providing insurance coverage for obesity prevention can encourage patients to seek nutrition and physical activity counseling from health care providers. Studies have shown that health care providers can play an important role in promoting weight loss among their overweight patients.¹⁷ To increase the effectiveness of health providers in this role, the First Lady Michelle Obama's "Let's Move" initiative to address childhood obesity recommends that "health care providers have the necessary training and education to effectively prevent, diagnose, and treat obese and overweight children."¹⁸

Legislation in this category generally requires that private insurance carriers, public insurance programs such as Medicaid or SCHIP (State Children's Health Insurance Programs), or state employee health insurance programs provide or strengthen obesity health insurance coverage. In July 2004, Medicare recognized obesity as a medical condition, opening the door for greater coverage for obesity treatments. Upon review, Medicare now will pay for anti-obesity interventions if scientific and medical evidence demonstrate their effectiveness. Medicaid and private insurers often follow Medicare coverage policy. Under Medicaid, states have flexibility to determine the scope of covered services within federal guidelines and can include obesity prevention and treatment as covered services.

A law establishing a pilot program for health insurance coverage for morbid obesity evaluation and treatment was enacted in 2011 in Arkansas. Legislation introduced in 2011 in Hawaii to require coverage for pediatric obesity management and prevention and to form a health department working group on childhood obesity remains pending and will be considered in the 2012 session.

Arkansas

SB 66

Establishes a pilot program for health plan coverage of morbid obesity diagnosis and treatment, and requires the state and public school employee health benefit plans to offer morbid obesity coverage that includes diagnosis and medical procedures.

TAXES, TAX CREDITS, TAX EXEMPTIONS AND OTHER FISCAL INCENTIVES

States continue to consider fiscal options to encourage healthy lifestyles. Examples include offering tax credits for fitness or wellness choices; offering tax credits or other fiscal encouragement for grocery store development or improvements that allow grocery retailers to offer fresh fruits and vegetables (described in greater detail in the Food Deserts/Access to Healthy Food section of this report); or enacting or increasing taxes on foods and beverages that have minimal nutritional value in order to discourage their consumption or raise revenue.

California enacted tax credit legislation in 2011. Legislation to impose a tax or fee or to remove a tax exemption for soft drinks or sugary beverages was considered, but not enacted, in 10 states—California, Hawaii, Illinois, Mississippi, Oregon, Rhode Island, Texas, Utah, West Virginia and Vermont.

California

AB 152

Creates a tax credit for farmers equal to 10 percent of the cost of fresh fruits or vegetables donated to food banks in California. It also authorizes the Department of Public Health to award grants and provide in-kind support to local governments, nonprofit organizations and local education agencies that encourage the sale and consumption of fresh fruits and vegetables; implement programs to prevent obesity; and promote healthy eating and access to nutritious food in underserved communities.

TASK FORCES, COMMISSIONS, STUDIES AND OTHER SPECIAL PROGRAMS

Legislation or resolutions have created obesity-related task forces, commissions, studies and other special programs in several states, both as an initial approach to state action and as a way to provide accountability through reports to the legislature. Task forces are sometimes charged with initiating specific programs to prevent obesity. Although the purposes and activities of task forces are not uniform, states often require representation on the task force of many stakeholders, not just legislators. Task forces also may be required to achieve specific goals or take specific actions in addition to studying a problem. Task force or commission efforts required by state legislation also may include reporting on the status of obesity prevention benchmarks.

Legislation on this topic was enacted in 2011 in Kentucky, which created a task force that met during the 2011 legislative interim and will provide recommendations to the legislature in 2012. North Carolina legislation to continue the state's childhood obesity task force remains pending and will carry over to 2012. That task force, which served as the model for Kentucky's, resulted in enactment of five bills in 2010.

Kentucky

HCR 13

Establishes the Legislative Task Force on Childhood Obesity and directs it to meet at least monthly during the 2011 interim and report its findings and recommendations to the legislature in 2012. The task force is to study a variety of issues relating to childhood obesity. In addition, it is to recommend to the legislature strategies not only to address the problem of childhood obesity but also to encourage healthy eating and increased physical activity among children.

HEALTHY COMMUNITY DESIGN AND ACCESS TO HEALTHY FOOD

BICYCLING AND WALKING/COMPLETE STREETS

The latest data show a continuation of the decade-long increase in bicycling and walking for transportation and recreation. The percentage of trips made by bicycling and walking has nearly doubled since 1995, from just over 6 percent to nearly 12 percent, according to the Federal Highway Administration. Studies conducted in California, New York and Oregon have indicated that an increase in bicyclists and pedestrians may lead to safer streets, a phenomenon commonly referred to as “safety in numbers.” Complete streets policies—which consider and accommodate the needs of all transportation users, including bicyclists and pedestrians, through use of sidewalks, bicycle lanes, paved shoulders for bicyclists, motor vehicle lane reductions, curb cuts and pedestrian control signals—continue to be adopted by states. Twenty-six states, the District of Columbia and Puerto Rico now have such policies. New York, Vermont and Washington passed complete streets bills in 2011. Alabama, Indiana, Illinois, Iowa, Mississippi, Texas and West Virginia considered but did not pass legislation.

California

AB 516

Changes the factors to be considered for receipt of state Safe-Routes-To-School funding by revising the community support factor to require participation by schools, parents, teachers, local agencies, the business community, key professionals and others to demonstrate support for a proposal. The law also adds a factor requiring the consideration of the proposal’s benefit to a low-income school, which is defined as a school where at least 75 percent of the students are eligible to receive free or reduced-price meals under the National School Lunch Program.

Delaware

SB 130

Includes \$5 million for state bike routes in the FY 2012 budget (the largest amount ever allocated by the state for bicycle facilities).

Illinois

SB 2414

Includes a number of appropriations for bicycle facilities, including \$1.75 million from the Park and Conservation Fund to the Department of Natural Resources for grants to local governments for acquisition, development and maintenance of bike paths.

Maine

SB 259

Expands the facilities eligible for tax increment financing to fund improvements to include public ways and trails for hiking, bicycling and cross-country skiing, among other uses.

Nevada

SB 475

Expands the duties of the Nevada Bicycle Advisory Board to include pedestrian safety and changes its name to the Nevada Bicycle and Pedestrian Advisory Board. It also requires the Department of Transportation to develop an educational program concerning bicycle and pedestrian safety.

New York

AB 8366, SB 5411

Requires consideration of complete street design principles by the Department of Transportation for all state, county and local transportation projects. Exceptions to this policy may be granted if use of a road by bicyclists and pedestrians is prohibited by law; the cost is disproportionate to probable need and use, as determined by

factors such as land use context, current and projected traffic, and population density; safety concerns; and lack of need due to factors such as low traffic volumes and lack of community support. All exceptions must be documented and made publicly available. The law does not require an entity to spend more funds than are available for a project. Within two years, the department must publish a report showing how it has complied with the law, including revisions of existing guidance documents and a collection of best practices. The department must consult with stakeholders, including other state and local agencies and representatives from aging groups, bicycle and pedestrian advocates, and public transit operators.

Vermont

HB 198

Requires state agencies and municipalities to consider and accommodate all users of the state transportation system— including motorists, bicyclists, public transportation users and pedestrians of all ages and abilities— when planning, developing and constructing transportation projects. Exceptions to this policy may be made if use of the project is prohibited for bicyclists and pedestrians by law or the cost is disproportionate to probable need and use. Exceptions must be documented and available for public inspection. The Department of Transportation must submit an annual report to the legislature on compliance with the law, including procedures for identifying the needs of all users and appropriate project facilities; progress in overcoming common barriers and maximizing state and local cooperation; and establishment of performance measures.

HB 446

Requires an assessment of bicycle parking at state buildings and consideration by the Department of Buildings and General Services of bicycle parking during the design phase of any state-owned building. The assessment must be completed by Sept. 30, 2011, and be reported to the appropriate legislative committees.

Washington

HB 1071

Creates a complete streets grant program within the Department of Transportation. The program is intended to encourage local governments to adopt ordinances designed to provide safe access to all users, including bicyclists, pedestrians, motorists and public transportation users. The program goals include promoting healthy communities by encouraging walking, bicycling and use of public transportation, and improving safety by designing major arterials to include wider sidewalks, dedicated bicycle facilities, medians and pedestrian streetscape features. Retrofit projects that add or significantly repair facilities that provide street access with all users in mind are eligible. The department must report annually to the transportation committees of the Legislature on the status of any grant projects funded by the program. The bill also creates a complete streets grant program account.

HB 1175

Appropriates \$39 million to the pedestrian and bicycle safety program and Safe-Routes-To-School program. The bill also directs the Office of Financial Management to study available data regarding statewide transit, bicycle and pedestrian trips, and to recommend additional performance measures to effectively gauge the state's performance in increasing transit ridership and bicycle and pedestrian trips. The office must report its findings and recommendations to the transportation committees of the Legislature by Nov. 15, 2011, and integrate the new performance measures into a report regarding progress toward achieving the state's transportation system policy goals.

TRANSIT-ORIENTED DEVELOPMENT

The build-out of large, new transit systems across the nation offers an opportunity to rethink how to encourage ridership, increase physical activity and promote economic development at transit stops and along transit lines.

In an important development at the federal level, the Federal Transit Administration recently expanded eligibility for funding pedestrian and bicycle projects near transit stations. Previously, improvements were required to be within 1,500 feet of a station to be eligible for funding. In recognition of the strong relationship between transit and walking and bicycling, pedestrian improvements within a half-mile and bicycle facilities within 3 miles of a transit stop now are eligible for funding. Statutes and programs in at least 12 states encourage transit-oriented development. Transit use has a strong correlation with increased physical activity; in metropolitan Atlanta, Ga., for example, nearly 70 percent of trips to transit stops are made by pedestrians or bicyclists.¹⁹ Supportive physical environments such as those that offer mixed uses (e.g., residential, retail, school and office in close proximity) have led to a higher proportion of walking trips. Another study found that 29 percent of transit users generated more than 30 minutes of physical activity just by walking to and from transit locations.²⁰ In 2011, California added a number of incentives and improvements to encourage transit-oriented development, while Florida amended its existing law.

California

SB 310

Authorizes a city or county to provide financial incentives for transit priority program projects (TPPP) by reimbursing a developer for any permit or other costs associated with the construction of affordable housing units in a TPPP. To be eligible for reimbursement, a TPPP development must 1) be located within one-half mile of a transit station; 2) be located in an area in which buildings of three stories or higher are authorized; 3) provide onsite bicycle parking; 4) provide car sharing if a car-sharing program is available in the city or county; 5) provide transit passes to all housing units as part of rent or condominium fees; and 6) ensure that 20 percent of housing units are affordable for low- or moderate-income people.

Florida

HB 7207

Among other provisions related to growth management, sets an objective that local government comprehensive plans discourage urban sprawl. It determines that a local government will be able to demonstrate compliance with this objective if it includes transit-oriented development projects in the future land use element of its comprehensive plan. Transit-oriented development projects are defined to include compact, moderate- to high-density developments, with a mix of land uses and a range of housing choices that are bicycle and pedestrian friendly and are designed to support frequent transit service.

JOINT-USE AGREEMENTS

A joint-use agreement is a formal agreement between two separate entities—often a school district and a city or county government—that defines the roles, responsibilities, terms and conditions for the shared use of public property. Many communities lack safe places to exercise and play near where people live and work. Opening school fields, tracks, courts, playgrounds and gymnasiums to the public, when not in use by students, is a low-cost way not only to encourage more people to be physically active, but also to achieve maximum value for funds appropriated by legislatures for school facilities. Joint-use agreements allow town, city or county governments to work with school districts to share school facilities with the community and also address liability, staffing, maintenance, hours and cost-sharing issues.

In 2011, four states—Arkansas, Florida, Louisiana and Tennessee—enacted joint-use legislation to facilitate or encourage community use of school facilities for recreation. Additional Florida legislation and bills to permit use of public school facilities and grounds for physical fitness and recreation remain pending for consideration during 2012 in California, New Mexico, New York and Pennsylvania.

Arkansas

SB 211

Appropriates \$500,000 to the Department of Education Public School Fund Account for grants to local school districts to support school facility joint-use agreements.

Florida

HB 7207

Establishes a process for determining where and how school board or local government facilities can be jointly used as part of growth management and community planning.

Louisiana

SCR 14

Encourages city, parish and local public school boards to enter into joint-use agreements for school facilities to promote health benefits. It recognizes that physical inactivity can lead to obesity and type 2 diabetes; that many communities lack safe places to exercise; and that opening school fields, tracks, courts, playgrounds and gymnasiums to the public when not in use by students is a low-cost way to encourage more people to be physically active.

Tennessee

HB 1151

Stipulates that, if a recreational activity is conducted pursuant to a recreational joint-use agreement, the local board of education or school official entering into the agreement does not incur greater liability than that provided under existing law, except for gross negligence or willful, wanton or malicious conduct. It also encourages local boards of education and school officials to require in a recreational joint-use agreement that the other party to the agreement maintain and provide proof of adequate liability and accident insurance coverage.

FARM-TO-SCHOOL

Moving local foods into school cafeterias continues to be a popular issue for state legislatures. In 2011, Oregon created an ambitious grant program to provide funding for school meals that use locally produced food and to offer opportunities for educational activities related to local agriculture. The program was created following a study that examined the effects an additional 7 cents per meal would have in two school districts, one rural and one urban. The study found that programs to promote use of locally grown food can be successful if the amount of extra funding directed toward purchase is large enough to help develop relationships with farmers and develop new systems.²¹ The study also found a significant economic multiplier effect from the purchase of local goods. Another Oregon study conducted a health impact assessment of the legislation; it determined that the increased funding could lead to higher meal participation rates and better nutrition for students.²² The legislation—HB 2800—passed unanimously.

Maine

HB 1060

Directs the Department of Agriculture, Food and Rural Resources, the Department of Education and the Department of Marine Resources to support cooperating nonprofit organizations in developing and implementing a pilot program to examine the benefits of promoting purchase of locally grown or raised food for use in school meal programs. If funding is obtained to support the pilot program, two schools—one urban and one rural—will participate. The program may provide up to 6 cents per meal served by each school. The departments must submit a report on the program's status no later than Jan. 1, 2013, to the Legislature's education committee.

Maryland*HB 751*

Requires each local education agency participating in the state's farm-to-school program to report annually to the Department of Agriculture on the types and amounts of products purchased from local farms.

Missouri*HB 344*

Establishes the Farm-to-Table Advisory Board to make recommendations to enable schools and state institutions to use locally grown agricultural products in cafeteria offerings, salad bars and vending machines, and to increase public awareness of the role of locally grown products in healthy communities and lifestyles. The board must 1) investigate options to link schools and state institutions with local and regional farms; 2) increase market opportunities for locally grown products; and 3) help schools teach children about food production and consumption, the value of an accessible supply of locally grown food, and the interrelationships between nutrition, food choices, obesity and health. The board also must identify barriers that hinder schools and state institutions from purchasing more locally grown products. It must submit a report with its findings and recommendations to the governor, legislature and the director of each agency represented on the board by Aug. 31, 2012.

New Jersey*AB 2854*

Requires the Department of Agriculture, in cooperation with the Department of Education, to coordinate with farmers, the New Jersey Farm-to-School Network, schools and other interested groups to establish an annual week of promotional events to be known as "Jersey Fresh Farm-to-School Week." The departments must develop a program that:

- Encourages schools that participate in school meal programs to expand or improve kitchen facilities to prepare daily meals that use more fresh farm produce, fruit or other products;
- Establishes a bidding process that allows schools to purchase New Jersey-grown food and adopt price preferences for local farm products;
- Develops school curricula with information about New Jersey agriculture, the significance of farms to the state's economy, culture, history and quality of life, and the health value of eating fresh farm foods; and
- Includes a website to provide opportunities for farmers, distributors and schools to create purchasing networks.

Oregon*HB 2800*

Directs the Department of Education to award grants to school districts to purchase Oregon-grown food for school meals, and to fund food-based, agriculture-based and garden-based educational activities in school districts. The grant program stipulates that 87.5 percent of the funds must be used for meal reimbursements, and 12.5 percent for educational activities. Grants for meal reimbursement equal the lesser of the amount paid per meal by the school district to purchase the Oregon food product, or 15 cents for every school lunch. Funding preference is given to school districts that propose farm-to-school or school garden projects that can demonstrate positive changes in food purchasing actions; promote healthy food activities; involve parents or the community in decision making; have high potential for job creation; represent a variety of school sizes and geographic locations; and serve a high percentage of children who qualify for free or reduced-price school meals. The law appropriated \$200,000 for the grant program.

FOOD DESERTS/ACCESS TO HEALTHY FOOD

During the 2011 session, California and the District of Columbia adopted statewide or district-wide fresh food financing initiatives, joining Illinois, Louisiana, New York and Pennsylvania who previously passed such legislation (Nebraska passed legislation that was vetoed by the governor). Both new laws provide financial assistance for food retail outlets to locate in food deserts, which are defined as communities in which residents are unable to easily purchase nutritious food due to distance from a market, price, lack of transportation or absence of healthy options. The District of Columbia's policy is particularly ambitious, providing separate programs for grocery stores and other healthy food outlets such as corner stores and farmers' markets. The California legislation emphasizes identifying possible funding sources to implement its objectives. A California study found a strong correlation between increased obesity and diabetes rates among those living in the most unhealthy food environments.²³

Other studies continue to show a strong link between access to healthy food options and diet. A study in rural Mississippi, for example, found that adults living in counties where food access is limited were 23 percent less likely to eat the recommended amount of fruits and vegetables.²⁴ As a result, Mississippi established an advisory committee to study how to increase healthy food retail outlets in underserved areas of the state. New Jersey and Tennessee enacted legislation in 2011 to extend community gardening opportunities for local residents.

California

AB 581

Creates the Healthy Food Financing Initiative and Healthy Food Financing Initiative Fund, and a council to help implement the law. The law's intent is to expand access to nutritious foods in underserved communities. The Department of Food and Agriculture must prepare recommendations to promote healthy food access. The council's duties include developing public and private financing options to support access to healthy food; defining entities eligible to participate; establishing financial assistance levels; and partnering with federal, state or local government agencies, nonprofit organizations and philanthropic programs to fully implement the program.

Mississippi

HB 1170

Creates an advisory committee to study areas of the where retail outlets that sell fresh fruits and vegetables and other healthy foods are not available. The committee must assess the costs, benefits and feasibility of a statewide financing program to promote healthy food retail, and also must develop recommendations to implement a program in underserved areas. The committee was to submit a report to the Legislature no later than Dec. 1, 2011.

New Jersey

AB 2859

Authorizes the sale and lease of unneeded public property to nonprofit organizations for community gardens and urban farming. It exempts such urban farms from property taxes, and authorizes them to sell fresh fruits and vegetables.

Tennessee

HB 906, SB 609

Authorizes local governments to establish community gardens by ordinance or resolution; identify vacant public land available for community gardens; and help to develop community gardens on vacant public land or private property. If there is a shortage of land for community gardens, priority must be given in the allocation of space to those age 60 or older and those whose incomes fall below poverty guidelines.

District of Columbia

B 967

Establishes a Grocery Store Development Program to attract and renovate grocery stores in areas where there are few stores that sell healthy food. The program may partner with other institutions to provide loans, grants and technical assistance to grocery stores in eligible areas. To be eligible, a store must sell fresh produce and healthy foods and accept Supplemental Nutrition Assistance Program (SNAP) and Women, Infants, and Children (WIC) benefits. Incentives to encourage building or renovating grocery stores include awarding bonus density points or zoning flexibility to developers for projects that include grocery stores.

The law establishes a Healthy Food Retail Program to provide grants, loans and technical assistance to corner stores, farmers' markets and other small food retailers. Participants are encouraged to accept SNAP and WIC benefits. As a condition of program participation, entities must agree to sell produce or other healthy foods for at least three years.

The law also creates a working group to develop a plan for a commercial distribution system for fresh produce and healthy foods to corner stores and authorizes the Department of Small and Local Business Development to issue grants to help establish such a plan. The working group must prepare recommendations for the mayor and city council.

LOCAL FOOD/DIRECT MARKETING

States continue to take a variety of approaches to create a business and physical environment that supports local food production and consumption. Connecticut authorized creation of local agricultural councils, capitalizing on the success of its statewide council. Iowa and Vermont established comprehensive local food initiatives in an attempt to increase production and consumption; both created a statewide coordinator position to implement the laws' goals. Louisiana created incentives for restaurants to incorporate local food into their menus. New York added to the list of activities eligible for funding assistance loans and grants for transporting and distributing local foods to schools, institutions and restaurants.

Connecticut

HB 5472

Authorizes municipalities to create local and regional agricultural councils. The councils are designed to create a climate that supports agriculture's local economic viability by sharing information among area farmers, municipal boards and commissions; educating municipal officials about agricultural laws and safety issues; identifying grant sources and innovative funding opportunities for farmers; providing information and guidance about agricultural zoning issues; and supporting local, regional and state vocational agricultural programs. The law also requires a local conservation and development plan to recommend land in the municipality that can be best used for agricultural purposes.

HB 5508

Requires the Governor's Council for Agricultural Development to make recommendations to the Department of Agriculture on ways to increase the percentage of consumer dollars spent on Connecticut-grown fresh produce and farm products.

Iowa

SB 509

Creates a Local Food and Farm Program to promote production, processing and distribution of local foods through better communication and cooperation among farmers, food entrepreneurs, consumers, government

agencies, colleges and universities, and companies that working on local food and farm-related issues. It establishes both a position to coordinate the program in Iowa State University's cooperative extension service and a council to advise the coordinator. The law creates a fund to be managed by the Department of Agriculture and Land Stewardship in consultation with the coordinator. The coordinator must submit a report to the governor and legislature by Oct. 1 each year that evaluates progress toward accomplishing program objectives.

Louisiana

SB 81

Creates the State Buy Local Purchase Incentive Program in the Department of Agriculture and Forestry. The program, designed to promote consumption of state agricultural products, by grants incentive payments to restaurants that purchase such products. The payments equal 4 percent of the total cost of the products purchased by the restaurant. The total amount of incentive payments cannot exceed \$7 million per fiscal year. The program and fund terminate Dec. 31, 2014.

Missouri

SB 356

Creates the Missouri Farmland Trust and Missouri Farmland Trust Fund. It authorizes the Department of Agriculture to acquire farmland, using revenue in the fund, to be leased to beginning farmers.

New Jersey

AB 2342

Directs the Division of Purchase and Property to provide enhanced visibility and accessibility to bidders that carry "Jersey Fresh," "Jersey Grown" and "Made with Jersey Fresh" products when state agencies and facilities enter into or renew a contract for purchasing such products.

New York

AB 1389, SB 614

Adds financing for transportation and distribution of state farm-grown products to restaurants, schools, colleges and universities in underserved urban communities to activities that are eligible for grants and loans under the New York State Urban Development Corporation Act.

Vermont

HB 287

Creates the position of local food coordinator in the Agency of Agriculture, Food and Markets to help Vermont producers increase their access to schools, state and local governments, and hospitals. The coordinator's responsibilities include:

- Working with institutions, distributors, producers and commercial markets to increase the number of state institutions that purchase foods grown or produced in Vermont;
- Coordinating funding and support activities for the farm-to-school and farm-to-institutions programs;
- Developing a database of food producers and potential purchasers and enhancing the agency's website to improve and support purchase of local foods;
- Providing technical support to local communities in their food security efforts; and
- Administering a local foods grant program to provide funding for Vermont producers to increase their access to commercial and institutional markets.

The law also directs the agency to collaborate with the Vermont Sustainable Jobs Fund Program Development Board to implement the Farm-to-Plate Investment Program (established by statute in 2009), which is designed to facilitate consumer access to locally grown and produced food by identifying markets and reducing food distribution bottlenecks.

CONCLUSION

State legislatures in 2011 continued the trends exhibited during the 2010 session by enacting laws to promote healthy communities and reduce or prevent childhood obesity. Although the number of enacted bills was not as high as in the previous session, legislative activity remained stable in four key policy areas in which most laws were passed in both years, and that may have the greatest potential to achieve healthier communities and reduce or prevent childhood obesity. The number of states that passed laws in 2011 increased slightly from the previous year, and the maps illustrate encouraging signs that the states with the highest levels of childhood obesity—those primarily in the Southeast and Southwest—are taking action to address those issues.

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State Actions to Promote Healthy Communities and Prevent Childhood Obesity

Summary and Analysis of Trends in Legislation

State legislatures in 2011 continued to enact laws to promote healthy communities and prevent childhood obesity. Although the overall level of activity was not as high as in 2010 in terms of number of bills passed, more states passed laws than in the previous year. The most encouraging signs may be that the states with the highest levels of childhood obesity—those primarily in the Southeast and Southwest—are taking action to address these issues.



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