

BILL ANALYSIS

Senate Research Center
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S.B. 1379
By: Lucio
Health & Human Services
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

As proposed, S.B. 1379 addresses the growing epidemic of obesity, poor nutrition, and lack of physical activity among Texas children and adults. It ensures that the new school food nutrition policy is not weakened and will bring together the commissioners of agriculture, education, and state health services to review the status of health initiatives and programs to promote better health and nutrition and to prevent obesity at least once a year. S.B. 1379 also directs specific state agencies to create individual councils and prepare reports to promote consumer health and possibly require health insurance companies to offer benefit plans providing coverage for the treatment and prevention of obesity.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle E, Title 2, Health and Safety Code, by adding Chapter 114, as follows:

CHAPTER 114. OBESITY-RELATED TREATMENT AND PREVENTION INITIATIVES

SUBCHAPTER A. NUTRITION AND HEALTH WORK GROUP

Sec. 114.001. DEFINITION. Defines "work group."

Sec. 114.002. APPOINTMENT OF WORK GROUP; TERMS OF MEMBERS. Sets forth members for the Nutrition and Health Work Group (work group). Provides that public members of the work group serve staggered six-year terms.

Sec. 114.003. COMPENSATION; REIMBURSEMENT. Prohibits a member of the work group from receiving compensation for service on the work group and prohibits reimbursement for travel expenses incurred while conducting the business of the work group.

Sec. 114.004. OPERATION OF WORK GROUP. (a) Requires members of the work group to annually elect a member to serve as presiding officer.

(b) Requires the work group to meet every six months and at the call of the presiding officer.

(c) Authorizes the work group to seek expert testimony or assistance and form subcommittees as needed to accomplish the business of the work group.

(d) Provides that the work group is administratively supported by the Texas Education Agency (TEA), the Department of State Health Services (DSHS), and the Department of Agriculture (TDA). Requires TEA, DSHS, and TDA to adopt a memorandum of understanding on the provision of necessary staff and facilities to assist the work group in performing its duties.

Sec. 114.005. REPORT. Requires the work group, not later than January 15 of each odd-numbered year, to report to specific legislative members on the activities of the work group during the preceding two calendar years.

Sec. 114.006. GENERAL POWERS AND DUTIES. (a) Requires the work group to develop and set priorities designed to improve the nutritional health of children and adults, including recommendations for activities and programs designed to reduce obesity and nutrition-related chronic diseases.

(b) Requires the work group to perform specific functions including developing and making recommendations to specific entities, developing statewide public awareness campaigns, creating school menus, and collecting information relating to innovative community partnerships, and developing a statewide monitoring program to address specific health issues.

Sec. 114.007. IMPLEMENTATION OF PUBLIC NUTRITION AND HEALTH AWARENESS CAMPAIGN. Requires DSHS, subject to funds being appropriated for the purpose, to implement the statewide or targeted public awareness campaigns developed by the work group.

[Reserves Sections 114.008-114.050 for expansion.]

SUBCHAPTER B. DEPARTMENT PROGRAMS

Sec. 114.051. FITNESS PROGRAMS. Requires DSHS, with the assistance of the Texas Department of Insurance (TDI), to develop programs to encourage employers and health insurers or other health benefit plan issuers to provide or subsidize the cost of memberships to gyms or health clubs for employees or covered persons.

Sec. 114.052. RESEARCH. Requires DSHS, with the assistance of TDI, to encourage research to prevent and treat obesity and identify evidence-based strategies to prevent and treat obesity that are supported by research findings. Authorizes DSHS to publish its findings regarding research to serve as guidelines for the medical community and insurers or other health benefit plan issuers in developing prevention or treatment plans for obesity-related health concerns.

[Reserves Sections 114.053-114.100 for expansion.]

SUBCHAPTER C. COMMUNITY PROGRAMS TO PREVENT AND TREAT OBESITY-RELATED HEALTH CONCERNS

Sec. 114.101. COMPREHENSIVE NUTRITION AND PHYSICAL ACTIVITY PILOT PROGRAM. (a) Requires DSHS to develop and implement a five-year pilot program in one community to improve nutrition and physical activity within that community.

(b) Requires the community chosen for the pilot program to have a population of less than 100,000. Requires DSHS to consider specific criteria in choosing the community in which to implement the program.

(c) Sets forth requirements for the pilot program.

(d) Requires DSHS to seek input from specific members of the selected community in developing the pilot program.

(e) Provides that this section expires September 1, 2011.

Sec. 114.102. NUTRITION AND PHYSICAL ACTIVITY PROMOTION ANALYSIS. (a) Requires DSHS, with assistance from interested public and private entities, to analyze the local activities of a community related to the improvement of nutrition and physical activity within that community.

(b) Requires DSHS to consider specific resources in the community that are being expended for the purpose of preventing or treating obesity-related health concerns in the community's population, in the process of identifying a community in which to conduct the analysis.

(c) Requires DSHS to perform specific functions regarding the coordination of existing resources, identifying segments of the population not reached by current resources, and determining the feasibility of expanding current resources to serve those segments.

(d) Requires DSHS to analyze whether current resources in the community address specific issues regarding public awareness, intervention, clinical programs, surveillance, research, and evaluation.

(e) Requires DSHS to collect specific information regarding the introduction and discontinuation of health-related activities, the rate of obesity, the number of overweight persons in the community, and possible causes of obesity in developing the program.

(f) Requires DSHS to conduct the analysis over a five-year period.

(g) Provides that this section expires December 31, 2010.

SECTION 2. Amends Subchapter Z, Chapter 33, Education Code, by adding Sections 33.9011 and 33.9012, as follows:

Sec. 33.9011. OPERATION OF BREAKFAST PROGRAMS IN CERTAIN DISTRICTS. (a) Requires the school district to consider seeking approval to act under the appropriate special assistance provision of the program that allows the district to offer free breakfast to all students enrolled at each campus in the district and reduce administrative costs and requirements associated with the program, if at least 60 percent of the students enrolled in a school district are eligible to participate in the national free or reduced-price breakfast program established under 42 U.S.C. Section 1751 et seq.

(b) Requires a school district to offer free breakfast to every child if funds are available for that purpose.

(c) Authorizes a school district that does not have sufficient funds available to provide breakfast under Subsection (b) to apply to TEA for a grant under Section 33.9012 or to nonprofit foundations, governmental entities, or other sources for grants for that purpose.

Sec. 33.9012. BREAKFAST FUND; GIFTS, GRANTS, AND DONATIONS. (a) Provides that the breakfast fund is an account established in the general revenue fund. Provides that the fund is composed of money appropriated to the fund and gifts, grants, and donations accepted for the fund under this section. Provides that money in the breakfast fund may be appropriated only to the agency to provide grants to school districts to operate breakfast programs under Section 33.9011.

(b) Authorizes TEA to seek and accept gifts, grants, and donations for the breakfast fund from appropriate nonprofit foundations, governmental entities, and other sources.

(c) Requires all gifts, grants, and donations of money accepted under this section to be deposited to the credit of the breakfast fund.

SECTION 3. Amends Subchapter D, Chapter 262, Occupations Code, by adding Section 262.153, as follows:

Sec. 262.153. DUTY TO PROVIDE NUTRITIONAL EDUCATION INFORMATION. Requires a dental hygienist to provide nutritional education information with dental

hygiene services performed in schools, Head Start centers, and day-care facilities to help establish good nutritional and oral care habits at the earliest age possible.

SECTION 4. Amends Chapter 12, Agriculture Code, by adding Section 12.039, as follows:

Sec. 12.039. CHANGES IN SCHOOL NUTRITION POLICY. (a) Requires the commissioner of agriculture to seek input from the commissioner of education and the commissioner of state health services in establishing school nutrition policy.

(b) Authorizes school nutrition policy to be more stringent than any recommended or required federal guidelines.

(c) Prohibits the Department of Agriculture from changing school nutrition policy in a manner that would allow more competitive foods or foods of minimal nutritional value to be served at a school than the amount allowed by the policy on January 1, 2005.

SECTION 5. (a) Requires DSHS to analyze and evaluate whether a statewide wellness council would assist DSHS in promoting consumer health and educating Texans on the importance of proper nutrition and physical activity in preventing obesity-related health concerns. Requires DSHS, not later than September 1, 2006, to submit a report to specific legislative officials regarding DSHS's recommendation for the creation of a statewide wellness council.

(b) Requires TDI to analyze and evaluate the changes in law needed to require health insurers and other health benefit plan issuers to provide coverage for the treatment and prevention of obesity, including coverage for counseling of overweight and obese individuals. Requires TDI, not later than September 1, 2006, to submit a report specific legislative officials regarding TDI's recommendations for required changes in law.

SECTION 6. (a) Requires DSHS, not later than July 1, 2006, to develop the pilot program required by Section 114.101, Health and Safety Code, as added by this Act, and select the community in which to implement the pilot program.

(b) Requires DSHS, not later than August 1, 2006, to implement the pilot program required by Section 114.101, Health and Safety Code, as added by this Act.

(c) Requires DSHS, not later than December 31 of each even-numbered year through December 2010, to submit a report to specific legislative officials on the pilot program required by Section 114.101, Health and Safety Code, as added by this Act, regarding the success of the pilot program, any problems encountered, and DSHS's recommendations for expansion.

(d) Requires DSHS to submit a final report as described by Subsection (c) of this section not later than December 31, 2011.

SECTION 7. (a) Requires DSHS, not later than October 1, 2005, to begin the analysis required by Section 114.102, Health and Safety Code, as added by this Act.

(b) Requires DSHS, not later than December 31 of each even-numbered year through December 2010, to submit a report specific government officials regarding DSHS's findings and analysis under Section 114.102, Health and Safety Code, as added by this Act.

SECTION 8. Effective date: September 1, 2005.