

BILL ANALYSIS

C.S.S.B. 282
By: Nelson
Agriculture & Livestock
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Nutritional habits are developed early in life and should be instilled in children in various settings throughout the day, not just at school. Texas ranks sixth nationally in the rate of children who are obese or overweight. Seventy percent of overweight children will become overweight adults.

Elementary and middle schools are currently required to have coordinated school health plans which include a health education curriculum. Additionally, state law requires health education for children in kindergarten through grade 12, but there are no nutrition education requirements for early childhood education settings. There are also no nutritional standards in place for community and faith-based childcare settings. Schools are asked to be the primary providers of nutrition education and nutritious foods; their efforts to establish effective, proven programs to improve the health of students through innovative nutritional practices should be recognized and rewarded. The bill seeks to encourage nutrition education in early childhood and after-school environments and rewards achievements in school nutrition.

C.S.S.B. 282 requires the Department of Agriculture to develop two nutrition-related grant programs and authorizing the department to develop a nutrition outreach program.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Agriculture in SECTIONS 1, 2, and 3 of this bill.

ANALYSIS

C.S.S.B. 282 amends the Agriculture Code to authorize the Department of Agriculture to develop an outreach program to promote better health and nutrition programs and prevent obesity among children in Texas.

C.S.S.B. 282 amends the Education Code to require the department to develop a program under which the department awards grants to public school campuses for best practices in nutrition education.

C.S.S.B. 282 amends the Human Resources Code to require the department to develop a program under which the department awards grants to participants in the Child and Adult Care Food Program, Head Start program, or other early childhood education programs to operate nutrition education programs for children who are at least three years of age but younger than five years of age, as well as to community and faith-based initiatives that provide recreational, social, volunteer, leadership, mentoring, or developmental programs to incorporate nutrition education into programs provided for children younger than 19 years of age.

C.S.S.B. 282 amends the Agriculture, Education, and Human Resources Codes to authorize the department to solicit and accept gifts, grants, and donations from any public or private source for the purposes of, and to adopt rules as necessary to administer, the programs the bill authorizes or requires the department to develop.

C.S.S.B. 282 establishes that its provisions do not make an appropriation and that such a provision that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during a fiscal period for which the legislature has not made a specific appropriation to implement the provision. The bill establishes that it is the intent of the legislature that not more than \$4 million may be appropriated for the implementation of the bill's provisions for the state fiscal biennium beginning September 1, 2009.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.S.B. 282 differs from the original by removing a provision establishing that the bill's provisions take effect only if a specific appropriation for the implementation of the provisions is provided in a general appropriations act of the 81st Legislature and instead establishes that a provision of the bill that creates a new governmental program, creates a new entitlement, or imposes a new duty on a governmental entity is not mandatory during any fiscal period for which the legislature has not made a specific appropriation to implement the provision. The substitute makes a conforming change in the provision relating to the effective date. The substitute adds a provision not in the original establishing that it is the intent of the legislature that not more than \$4 million may be appropriated for the implementation of the bill's provisions for the state fiscal biennium beginning September 1, 2009.