

BILL ANALYSIS

S.B. 395
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Agriculture & Livestock
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Child obesity rates and related health problems continue to increase in Texas. Although a number of school-based programs and interventions have been implemented to curb the problem, few efforts have been made to address the early childhood population. New evidence suggests that more children are entering kindergarten overweight. This trend is especially problematic because the earlier weight problems develop, the more difficult they are to overcome.

Unfortunately, tackling the issues of early childhood health in Texas is difficult, because there are six state agencies that provide oversight of programs that serve children under the age of six. For these reasons, it is important for the state to develop a strategic coordinated plan to improve early childhood nutrition and activity.

S.B. 395 creates a seven-member Early Childhood Health and Nutrition Interagency Council to develop an early childhood nutrition and physical activity plan with a recommended timeline for implementation over a six-year period. The council is required to study existing nutrition and physical activity programs and requirements in early childhood settings and to consult with key stakeholders to identify barriers to improving related standards.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of agriculture in SECTION 1 of this bill.

ANALYSIS

S.B. 395 amends the Health and Safety Code to require the Texas Department of Agriculture to establish the Early Childhood Health and Nutrition Interagency Council, to be composed of seven members appointed by the heads of their respective agencies or divisions, including a representative of:

- the Health and Human Services Commission involved in the coordination of children's programs;
- the Department of State Health Services health promotion and chronic disease prevention programs;
- the Department of State Health Services Special Supplemental Nutrition Program for Women, Infants, and Children;
- the Texas Workforce Commission;
- the TDA;
- the Texas Education Agency's school health programs; and
- the Department of Family and Protective Services' Child Care Licensing Division.

S.B. 395 requires the TDA to provide staff and resources as necessary for the operation of the council. The bill provides that the council is subject to the Texas Sunset Act, and unless continued is abolished September 1, 2019.

S.B. 395 designates the representative from TDA as the presiding officer, and provides that

members serve two-year terms and may be reappointed, and that vacancies are to be filled by appointment from the appropriate agency. The bill prohibits compensation of members for their service on the council, but provides that they may be reimbursed for certain expenses incurred while performing council business. The bill requires the council to meet in person three times each year and authorizes meetings by conference call as necessary. The bill requires the council to invite stakeholders to participate in at least two council meetings each year. The bill includes a temporary provision, expiring September 1, 2010, that requires the council to provide three or more opportunities for public input not later than August 1, 2010.

S.B. 395 requires the council to review current research to assess the health of children under the age of six in Texas compared to other states, the significance of nutrition and physical activity in the development of children in that age group, and the existence of nutrition and physical activity requirements and practices in early childhood care settings. The bill requires the council to review the status of programs administered by agencies represented on the council that promote healthy nutrition and physical activity in early childhood care settings. The bill requires the council to identify existing state and federal funding sources for the promotion of health and nutrition in early childhood care settings. The bill requires the council to consult with key stakeholders to identify barriers to improving nutrition and physical activity standards in early childhood care settings and evidence-based best practices for improving early childhood health through nutrition and physical activity.

S.B. 395 authorizes the TDA to contract, for the council, with a university to study and report on best practices and obstacles for addressing early childhood health through nutrition and physical activity.

S.B. 395 requires the council to develop an early childhood nutrition and physical activity plan with a recommended timeline for implementation over a six-year period. The bill requires the plan to account for stakeholder recommendations and to address the financing, staffing, and training required to implement the plan. The bill requires the plan to include methods to increase fruit and vegetable consumption among children under the age of six, increase daily physical activity in early childhood care settings, increase awareness among parents of the benefits of breast-feeding, healthy eating, and appropriate activity in children under the age of six, facilitate the consumption of breast milk in early childhood care settings, decrease malnutrition and undernourishment among children under the age of six, and engage existing community and state resources and service providers to educate and increase the awareness of parents and caretakers regarding proper nutrition.

S.B. 395 includes a temporary provision, expiring December 1, 2010, that requires the council, not later than November 1, 2010, to submit a written early childhood nutrition and physical activity plan to the legislature and the governor. The bill requires the council to submit a report to both houses of the legislature and the governor, on or before November 1 of each even-numbered year, regarding the actions taken in furtherance of the six-year plan, areas that need improvement in implementing the plan, any change to the plan, and the programs and practices that address nutrition and physical activity in early childhood settings in Texas. The bill requires the first such report to be submitted not later than November 1, 2012.

S.B. 395 authorizes the commissioner of agriculture to adopt rules necessary to implement the provisions of the bill. The bill authorizes the TDA to accept a gift, grant, or donation from any source to carry out the purposes of the bill. The bill requires the designated appointing officials to appoint the members to the Early Childhood Health and Nutrition Interagency Council as soon as practicable after the bill's effective date.

EFFECTIVE DATE

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