

## **BILL ANALYSIS**

Senate Research Center  
81R6753 SJM-D

C.S.S.B. 395  
By: Lucio  
Health & Human Services  
2/25/2009  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

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 some level of oversight on 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.

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

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of agriculture in SECTION 1 (Section 115.012, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle E, Title 2, Health and Safety Code, by adding Chapter 115, as follows:

#### **CHAPTER 115. EARLY CHILDHOOD HEALTH AND NUTRITION INTERAGENCY COUNCIL**

Sec. 115.001. DEFINITION. Defines "council."

Sec. 115.002. APPLICATION OF SUNSET ACT. Provides that the Early Childhood Health and Nutrition Interagency Council (council) is subject to Chapter 325 (Texas Sunset Act), Government Code. Provides that unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2019.

Sec. 115.003. COMPOSITION OF COUNCIL; PRESIDING OFFICER. (a) Requires the Texas Department of Agriculture (TDA) to establish the council. Sets forth the composition of the council.

(b) Requires the representative appointed by the commissioner of agriculture as a representative of TDA to serve as the presiding officer of the council.

Sec. 115.004. DEPARTMENT DUTIES. Requires TDA to provide staff and resources as necessary for the operation of the council.

Sec. 115.005. TERMS; VACANCY. (a) Provides that members of the council (member) serve two-year terms, with the terms expiring February 1 of each odd-numbered year.

(b) Authorizes a member to be reappointed.

(c) Requires that a vacancy on the council be filled for the remainder of the unexpired term in the same manner as provided by Section 115.003(a).

Sec. 115.006. MEETINGS. (a) Requires the council to meet in person three times each year and authorizes meetings to be held by conference call as necessary. Requires the council to invite stakeholders to participate in at least two council meetings each year and provide an opportunity for submission of oral or written testimony. Requires the council to invite, at a minimum, certain persons.

(b) Provides that Section 551.125 (Other Governmental Body), Government Code, applies to a meeting held by conference call under this section, except that Section 551.125(b) (relating to certain circumstances under which a conference call is authorized to be held), Government Code, does not apply.

(c) Requires the council, not later than August 1, 2010, to provide three or more opportunities for public input, including two or more public hearings, to receive stakeholder input. Provides that this subsection expires September 1, 2010.

Sec. 115.007. COUNCIL POWERS AND DUTIES. (a) Requires the council to review current research to assess the health of children under the age of six in this state compared to the health of similar children in other states, the significance of nutrition and physical activity in the development of children under the age of six, and the existence of nutrition and physical activity requirements and practices in early childhood care settings.

(b) Requires the council to review the status of the programs administered by each agency represented on the council that promote healthy nutrition and physical activity in early childhood care settings.

(c) Requires the council to identify existing state and federal funding sources available for the promotion of health and nutrition in early childhood care settings.

(d) 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.

(e) Authorizes TDA for the council to contract with a university to study and report on best practices and obstacles for addressing early childhood health through nutrition and physical activity.

Sec. 115.008. COMPENSATION; REIMBURSEMENT. (a) Prohibits a member of the council from receiving compensation for service on the council.

(b) Authorizes a member to be reimbursed for the member's actual and necessary expenses for meals, lodging, transportation, and incidental expenses incurred while performing council business, subject to any applicable limitation on reimbursement prescribed by the General Appropriations Act.

Sec. 115.009. EARLY CHILDHOOD NUTRITION AND PHYSICAL ACTIVITY PLAN. (a) Requires the council to develop an early childhood nutrition and physical activity plan with a recommended timeline for implementation over a six-year period.

(b) Requires that the six-year plan account for stakeholder recommendations, address the financing, staffing, and training required to implement the plan, and include methods to achieve certain objectives.

(c) 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. Provides that this subsection expires December 1, 2010.

Sec. 115.010. GIFTS, GRANTS, AND DONATIONS. Authorizes TDA for the council to accept a gift, grant, or donation from any source to carry out the purposes of this chapter.

Sec. 115.011. REPORT. Requires the council to submit to both houses of the legislature and the governor on or before November 1 of each even-numbered year a written report on the actions taken in furtherance of the six-year plan, the areas that need improvement in implementing the plan, any change to the six-year plan, and the programs and practices that address nutrition and physical activity in early childhood settings in this state.

Sec. 115.012. RULES. Authorizes the commissioner of agriculture to adopt rules necessary to implement this chapter.

SECTION 2. (a) Requires the council to submit an initial report required under Section 115.011, Health and Safety Code, as added by this Act, not later than November 1, 2012.

(b) Requires the designated appointing officials, as soon as practicable after the effective date of this Act, to appoint the members to the council established under Chapter 115, Health and Safety Code, as added by this Act.

SECTION 3. Effective date: upon passage or September 1, 2009.