

BILL ANALYSIS

Senate Research Center
81R5946 JSC-D

S.B. 870
By: Lucio
Health & Human Services
3/16/2009
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Senate Bill 556 from the 80th Legislature, Regular Session, 2007, established the Texas Interagency Obesity Council (council). The council is comprised of the commissioners of the Texas Education Agency, the Department of State Health Services, and the Texas Department of Agriculture (TDA). The council has proven to be an effective means for coordinating and improving current health-related initiatives and should be directed to continue its efforts.

As proposed, S.B. 870 expands the council's duties by requiring it to create an evidence-based public health awareness plan. The bill also requires TDA, in consultation with the council, to study the feasibility and practicality of the creation of a state-endorsed healthy food and beverage designation. The bill requires TDA's recommendations and findings to be reported to the legislature by January 15, 2011.

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 Chapter 114, Health and Safety Code, as follows:

CHAPTER 114. INTERAGENCY OBESITY COUNCIL

Sec. 114.001. DEFINITION. Defines "council."

Sec. 114.002. INTERAGENCY OBESITY COUNCIL. Provides that the Interagency Obesity Council (council) is composed of the commissioner of agriculture, the commissioner of state health services, and the commissioner of education, or a staff member designated by each of those commissioners. Makes nonsubstantive changes.

Sec. 114.003. CONTRACTS FOR ASSISTANCE. Authorizes the council to contract with a private or public university to assist in gathering information under this chapter.

Sec. 114.004. GIFTS AND GRANTS. Authorizes an agency represented on the council to accept gifts and grants on behalf of the council.

Sec. 114.005. REVIEW OF AGENCY PROGRAMS. Requires the council to review the status of the programs of the Texas Department of Agriculture (TDA), the Department of State Health Services (DSHS), and the Texas Education Agency that promote better health and nutrition and prevent obesity among children and adults in this state. Deletes existing text requiring the agency to meet at least once a year as an interagency council to discuss each agency's programs that promote better health and nutrition and prevent obesity among children and adults in this state and consider the feasibility of tax incentives for employers who promote activities designed to reduce obesity in the workforce.

Sec. 114.006. EVIDENCE-BASED PUBLIC HEALTH AWARENESS PLAN. (a) Requires the council to create an evidence-based public health awareness plan. Requires

the council, in creating the plan, to explore past successful public health awareness efforts.

(b) Requires that the plan include a cost estimate that accounts for continuing implementation of the plan; recommendations on reaching populations that would most benefit from increased public health awareness; and recommendations on encouraging employers to participate in wellness programs for employees.

(c) Requires the council to solicit input on the plan from the private sector.

(d) Requires the council to provide to DSHS information on effective strategies for employers to use to promote workplace wellness, including information on the projected costs and benefits. Requires DSHS to post the information on its Internet website.

Sec. 114.007. STATE-ENDORSED HEALTHY FOOD AND BEVERAGE DESIGNATION. (a) Requires TDA, in consultation with the council, to study the feasibility, practicality, and potential benefit, cost, and revenue associated with creating a state-endorsed "healthy food and beverage" designation.

(b) Requires TDA, if TDA determines that the creation and implementation of a "healthy food and beverage" designation is feasible, in consultation with the council, to identify ways to note certain information on qualifying products.

(c) Requires TDA, not later than January 15, 2011, to submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives regarding the feasibility of creating and implementing a state-endorsed "healthy food and beverage" designation. Authorizes the report required under this subsection to be included with the report of the council required under Section 114.008.

(d) Authorizes TDA to contract with a private or public university to assist in gathering information under this section.

(e) Provides that this section expires September 2, 2011.

Sec. 114.008. REPORTS. (a) Redesignates Subsection (b) as Subsection (a). Requires the council, rather than the Interagency Council, not later than January 15 of each odd-numbered year, to submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives on the activities of the council under Sections 114.005 and 114.006 during the preceding two calendar years. Makes a conforming change.

(b) Redesignates Subsection (c) as Subsection (b). Requires that a report submitted by the council under Subsection (a) include certain information regarding discussions of agency programs under Section 114.005, including a list of the programs within each agency represented on the council that are designed to promote better health and nutrition. Makes conforming changes.

(c) Requires that a report submitted by the council under Subsection (a) include certain information regarding the evidence-based public health awareness plan under Section 114.006, including a cost estimate for an ongoing program to implement the plan, projected benefits of the program, a summary of the information provided to DSHS for its Internet website, and recommendations for goals and future legislation.

Sec. 114.009. MEETINGS. (a) Requires the council to meet at least once each year to perform its duties under Section 114.005 and 114.006.

(b) Redesignates Subsection (d) as Subsection (b). Provides that a meeting held under this chapter, rather than section, is not subject to the provisions of the open meetings law, Chapter 551 (Open Meetings), Government Code.

SECTION 2. Effective date: September 1, 2009.