

By: Lucio

S.B. No. 395

A BILL TO BE ENTITLED

AN ACT

relating to creation of the Early Childhood Health and Nutrition Interagency Council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 115 to read as follows:

CHAPTER 115. EARLY CHILDHOOD HEALTH AND NUTRITION INTERAGENCY COUNCIL

Sec. 115.001. DEFINITION. In this chapter, "council" means the Early Childhood Health and Nutrition Interagency Council.

Sec. 115.002. APPLICATION OF SUNSET ACT. The Early Childhood Health and Nutrition Interagency Council is subject to Chapter 325, Government Code (Texas Sunset Act). 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) The Department of Agriculture shall establish the Early Childhood Health and Nutrition Interagency Council. The council is composed of seven members as follows:

(1) a representative of the Health and Human Services Commission who is involved in the coordination of children's programs, appointed by the executive commissioner of the Health and Human Services Commission;

(2) a representative of the Department of State Health

1 Services' health promotion and chronic disease prevention
2 programs, appointed by the commissioner of state health services;

3 (3) a representative of the Department of State Health
4 Services' Special Supplemental Nutrition Program for Women,
5 Infants and Children, appointed by the commissioner of state health
6 services;

7 (4) a representative of the Texas Workforce
8 Commission, appointed by the executive director of the Texas
9 Workforce Commission;

10 (5) a representative of the Department of Agriculture,
11 appointed by the commissioner of agriculture;

12 (6) a representative of the Texas Education Agency's
13 school health programs, appointed by the commissioner of education;
14 and

15 (7) a representative of the Department of Family and
16 Protective Services' Child Care Licensing Division, appointed by
17 the commissioner of the Department of Family and Protective
18 Services.

19 (b) The representative appointed under Subsection (a)(5)
20 shall serve as the presiding officer of the council.

21 Sec. 115.004. DEPARTMENT DUTIES. The Department of
22 Agriculture shall provide staff and resources as necessary for the
23 operation of the council.

24 Sec. 115.005. TERMS; VACANCY. (a) Members of the council
25 serve two-year terms, with the terms expiring February 1 of each
26 odd-numbered year.

27 (b) A member may be reappointed.

1 (c) A vacancy on the council shall be filled for the
2 remainder of the unexpired term in the same manner as provided by
3 Section 115.003(a).

4 Sec. 115.006. MEETINGS. (a) The council shall meet in
5 person three times each year and may hold meetings by conference
6 call as necessary. The council shall invite stakeholders to
7 participate in at least two council meetings each year and provide
8 an opportunity for submission of oral or written testimony. The
9 council at a minimum shall invite:

10 (1) one individual with expertise in early childhood
11 nutrition and physical activity, such as a registered dietician,
12 physical therapist, or physical education specialist;

13 (2) one staff member or manager of a child-care
14 facility;

15 (3) one staff member or manager of a child-care
16 facility operated in a private residence;

17 (4) two individuals with medical experience in early
18 childhood health, such as a family practice physician, registered
19 nurse, nurse practitioner, pediatrician, or child health
20 consultant;

21 (5) one representative from a nonprofit organization
22 that provides family or wellness services; and

23 (6) one representative from an agency or organization
24 with expertise in community health education and outreach, such as
25 a local health department, public relations or marketing firm, or
26 university.

27 (b) Section 551.125, Government Code, applies to a meeting

1 held by conference call under this section, except that Section
2 551.125(b), Government Code, does not apply.

3 (c) Not later than August 1, 2010, the council shall provide
4 three or more opportunities for public input, including two or more
5 public hearings, to receive stakeholder input. This subsection
6 expires September 1, 2010.

7 Sec. 115.007. COUNCIL POWERS AND DUTIES. (a) The council
8 shall review current research to assess:

9 (1) the health of children under the age of six in this
10 state compared to the health of similar children in other states;

11 (2) the significance of nutrition and physical
12 activity in the development of children under the age of six; and

13 (3) the existence of nutrition and physical activity
14 requirements and practices in early childhood care settings.

15 (b) The council shall review the status of the programs
16 administered by each agency represented on the council that promote
17 healthy nutrition and physical activity in early childhood care
18 settings.

19 (c) The council shall identify existing state and federal
20 funding sources available for the promotion of health and nutrition
21 in early childhood care settings.

22 (d) The council shall consult with key stakeholders to
23 identify:

24 (1) barriers to improving nutrition and physical
25 activity standards in early childhood care settings; and

26 (2) evidence-based best practices for improving early
27 childhood health through nutrition and physical activity.

1 (e) The Department of Agriculture for the council may
2 contract with a university to study and report on best practices and
3 obstacles for addressing early childhood health through nutrition
4 and physical activity.

5 Sec. 115.008. COMPENSATION; REIMBURSEMENT. (a) A member
6 of the council may not receive compensation for service on the
7 council.

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

13 Sec. 115.009. EARLY CHILDHOOD NUTRITION AND PHYSICAL
14 ACTIVITY PLAN. (a) The council shall develop an early childhood
15 nutrition and physical activity plan with a recommended timeline
16 for implementation over a six-year period.

17 (b) The six-year plan must account for stakeholder
18 recommendations, address the financing, staffing, and training
19 required to implement the plan, and include methods to:

20 (1) increase fruit and vegetable consumption among
21 children under the age of six;

22 (2) increase daily structured and unstructured
23 physical activity in early childhood care settings;

24 (3) increase awareness among parents of the benefits
25 of breast-feeding, healthy eating, and appropriate activity in
26 children under the age of six;

27 (4) facilitate the consumption of breast milk in early

1 childhood care settings;

2 (5) decrease malnutrition and undernourishment among
3 children under the age of six; and

4 (6) engage existing community and state resources and
5 service providers to educate and increase the awareness of parents
6 and caretakers regarding the need for proper nutrition.

7 (c) The council, not later than November 1, 2010, shall
8 submit a written early childhood nutrition and physical activity
9 plan to the legislature and the governor. This subsection expires
10 December 1, 2010.

11 Sec. 115.010. GIFTS, GRANTS, AND DONATIONS. The Department
12 of Agriculture for the council may accept a gift, grant, or donation
13 from any source to carry out the purposes of this chapter.

14 Sec. 115.011. REPORT. The council shall submit to both
15 houses of the legislature and the governor on or before November 1
16 of each even-numbered year a written report on:

17 (1) the actions taken in furtherance of the six-year
18 plan;

19 (2) the areas that need improvement in implementing
20 the six-year plan;

21 (3) any change to the six-year plan; and

22 (4) the programs and practices that address nutrition
23 and physical activity in early childhood settings in this state.

24 Sec. 115.012. RULES. The commissioner of agriculture may
25 adopt rules necessary to implement this chapter.

26 SECTION 2. (a) The Early Childhood Health and Nutrition
27 Interagency Council shall submit an initial report required under

1 Section 115.011, Health and Safety Code, as added by this Act, not
2 later than November 1, 2012.

3 (b) As soon as practicable after the effective date of this
4 Act, the designated appointing officials shall appoint the members
5 to the Early Childhood Health and Nutrition Interagency Council
6 established under Chapter 115, Health and Safety Code, as added by
7 this Act.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2009.