

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 six members as follows:

(1) a representative of the Health and Human Services Commission's Office of Program Coordination for Children and Youth, appointed by the executive commissioner of the Health and Human Services Commission;

(2) a representative of the Department of State Health

1 Services' Chronic Disease Prevention Branch, appointed by the
2 commissioner of state health services;

3 (3) a representative of the Texas Workforce
4 Commission, appointed by the executive director of the Texas
5 Workforce Commission;

6 (4) a representative of the Department of Agriculture,
7 appointed by the commissioner of agriculture;

8 (5) a representative of the Texas Education Agency's
9 Health and Safety Division, appointed by the commissioner of
10 education; and

11 (6) a representative of the Department of Family and
12 Protective Services' Child Care Licensing Division, appointed by
13 the commissioner of the Department of Family and Protective
14 Services.

15 (b) The representative appointed under Subsection (a)(4)
16 shall serve as the presiding officer of the council.

17 Sec. 115.004. DEPARTMENT DUTIES. The Department of
18 Agriculture shall provide staff and resources as necessary for the
19 operation of the council.

20 Sec. 115.005. TERMS; VACANCY. (a) Members of the council
21 serve staggered, two-year terms, with the terms of members
22 appointed under Sections 115.003(a)(1) through (3) expiring
23 February 1 of each odd-numbered year and the terms of members
24 appointed under Sections 115.003(a)(4) through (6) expiring
25 February 1 of each even-numbered year.

26 (b) A member may be reappointed.

27 (c) A vacancy on the council shall be filled for the

1 remainder of the unexpired term in the same manner as provided by
2 Section 115.003(a).

3 Sec. 115.006. MEETINGS. (a) The council shall meet in
4 person once each quarter and hold at least four meetings by
5 conference call each year. The council may invite stakeholders to
6 participate in council meetings. Section 551.125, Government Code,
7 applies to a meeting held by conference call under this section,
8 except that Section 551.125(b) does not apply.

9 (b) Not later than August 1, 2010, the council shall provide
10 three or more opportunities for public input, including two or more
11 public hearings, to receive stakeholder input. This subsection
12 expires September 1, 2010.

13 Sec. 115.007. COUNCIL POWERS AND DUTIES. (a) The council
14 shall conduct research to assess:

15 (1) the health of children under the age of five in
16 this state compared to the health of similar children in other
17 states;

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

20 (3) the effectiveness of nutrition and physical
21 activity requirements and practices in early childhood care
22 settings.

23 (b) The council shall review the status of the programs
24 administered by each agency represented on the council that promote
25 health and nutrition in early childhood care settings.

26 (c) The council shall consult with key stakeholders to
27 identify:

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

3 (2) best practices for improving early childhood
4 health through nutrition and physical activity.

5 (d) The council may contract with a university to study and
6 report on best practices and obstacles for addressing early
7 childhood health through nutrition and physical activity.

8 Sec. 115.008. COMPENSATION; REIMBURSEMENT. (a) A member
9 of the council may not receive compensation for service on the
10 council.

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

16 Sec. 115.009. EARLY CHILDHOOD NUTRITION AND ACTIVITY PLAN.

17 (a) The council shall develop an early childhood nutrition and
18 activity plan for implementation over a six-year period. The plan
19 must address the financing, staffing, and training required to
20 implement the plan and must include methods to:

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

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

25 (3) increase awareness among parents of the benefits
26 of breast-feeding;

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

11 Sec. 115.010. GIFTS, GRANTS, AND DONATIONS. The council
12 may accept a gift, grant, or donation from any source to carry out
13 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; and

19 (2) the areas that need improvement in implementing
20 the plan.

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

23 SECTION 2. (a) The Early Childhood Health and Nutrition
24 Interagency Council shall submit an initial report required under
25 Section 115.011, Health and Safety Code, as added by this Act, not
26 later than November 1, 2012.

27 (b) As soon as practicable after the effective date of this

1 Act, the designated appointing officials shall appoint the members
2 to the Early Childhood Health and Nutrition Interagency Council
3 established under Chapter 115, Health and Safety Code, as added by
4 this Act.

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