

1-1 By: Lucio S.B. No. 395
1-2 (In the Senate - Filed January 5, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; March 2, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 March 2, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 395 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to creation of the Early Childhood Health and Nutrition
1-11 Interagency Council.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle E, Title 2, Health and Safety Code, is
1-14 amended by adding Chapter 115 to read as follows:

1-15 CHAPTER 115. EARLY CHILDHOOD HEALTH AND NUTRITION INTERAGENCY
1-16 COUNCIL

1-17 Sec. 115.001. DEFINITION. In this chapter, "council" means
1-18 the Early Childhood Health and Nutrition Interagency Council.

1-19 Sec. 115.002. APPLICATION OF SUNSET ACT. The Early
1-20 Childhood Health and Nutrition Interagency Council is subject to
1-21 Chapter 325, Government Code (Texas Sunset Act). Unless continued
1-22 in existence as provided by that chapter, the council is abolished
1-23 and this chapter expires September 1, 2019.

1-24 Sec. 115.003. COMPOSITION OF COUNCIL; PRESIDING OFFICER.

1-25 (a) The Department of Agriculture shall establish the Early
1-26 Childhood Health and Nutrition Interagency Council. The council is
1-27 composed of seven members as follows:

1-28 (1) a representative of the Health and Human Services
1-29 Commission who is involved in the coordination of children's
1-30 programs, appointed by the executive commissioner of the Health and
1-31 Human Services Commission;

1-32 (2) a representative of the Department of State Health
1-33 Services' health promotion and chronic disease prevention
1-34 programs, appointed by the commissioner of state health services;

1-35 (3) a representative of the Department of State Health
1-36 Services' Special Supplemental Nutrition Program for Women,
1-37 Infants and Children, appointed by the commissioner of state health
1-38 services;

1-39 (4) a representative of the Texas Workforce
1-40 Commission, appointed by the executive director of the Texas
1-41 Workforce Commission;

1-42 (5) a representative of the Department of Agriculture,
1-43 appointed by the commissioner of agriculture;

1-44 (6) a representative of the Texas Education Agency's
1-45 school health programs, appointed by the commissioner of education;
1-46 and

1-47 (7) a representative of the Department of Family and
1-48 Protective Services' Child Care Licensing Division, appointed by
1-49 the commissioner of the Department of Family and Protective
1-50 Services.

1-51 (b) The representative appointed under Subsection (a)(5)
1-52 shall serve as the presiding officer of the council.

1-53 Sec. 115.004. DEPARTMENT DUTIES. The Department of
1-54 Agriculture shall provide staff and resources as necessary for the
1-55 operation of the council.

1-56 Sec. 115.005. TERMS; VACANCY. (a) Members of the council
1-57 serve two-year terms, with the terms expiring February 1 of each
1-58 odd-numbered year.

1-59 (b) A member may be reappointed.

1-60 (c) A vacancy on the council shall be filled for the
1-61 remainder of the unexpired term in the same manner as provided by
1-62 Section 115.003(a).

1-63 Sec. 115.006. MEETINGS. (a) The council shall meet in

2-1 person three times each year and may hold meetings by conference
2-2 call as necessary. The council shall invite stakeholders to
2-3 participate in at least two council meetings each year and provide
2-4 an opportunity for submission of oral or written testimony. The
2-5 council at a minimum shall invite:

2-6 (1) one individual with expertise in early childhood
2-7 nutrition and physical activity, such as a registered dietician,
2-8 physical therapist, or physical education specialist;

2-9 (2) one staff member or manager of a child-care
2-10 facility;

2-11 (3) one staff member or manager of a child-care
2-12 facility operated in a private residence;

2-13 (4) two individuals with medical experience in early
2-14 childhood health, such as a family practice physician, registered
2-15 nurse, nurse practitioner, pediatrician, or child health
2-16 consultant;

2-17 (5) one representative from a nonprofit organization
2-18 that provides family or wellness services; and

2-19 (6) one representative from an agency or organization
2-20 with expertise in community health education and outreach, such as
2-21 a local health department, public relations or marketing firm, or
2-22 university.

2-23 (b) Section 551.125, Government Code, applies to a meeting
2-24 held by conference call under this section, except that Section
2-25 551.125(b), Government Code, does not apply.

2-26 (c) Not later than August 1, 2010, the council shall provide
2-27 three or more opportunities for public input, including two or more
2-28 public hearings, to receive stakeholder input. This subsection
2-29 expires September 1, 2010.

2-30 Sec. 115.007. COUNCIL POWERS AND DUTIES. (a) The council
2-31 shall review current research to assess:

2-32 (1) the health of children under the age of six in this
2-33 state compared to the health of similar children in other states;

2-34 (2) the significance of nutrition and physical
2-35 activity in the development of children under the age of six; and

2-36 (3) the existence of nutrition and physical activity
2-37 requirements and practices in early childhood care settings.

2-38 (b) The council shall review the status of the programs
2-39 administered by each agency represented on the council that promote
2-40 healthy nutrition and physical activity in early childhood care
2-41 settings.

2-42 (c) The council shall identify existing state and federal
2-43 funding sources available for the promotion of health and nutrition
2-44 in early childhood care settings.

2-45 (d) The council shall consult with key stakeholders to
2-46 identify:

2-47 (1) barriers to improving nutrition and physical
2-48 activity standards in early childhood care settings; and

2-49 (2) evidence-based best practices for improving early
2-50 childhood health through nutrition and physical activity.

2-51 (e) The Department of Agriculture for the council may
2-52 contract with a university to study and report on best practices and
2-53 obstacles for addressing early childhood health through nutrition
2-54 and physical activity.

2-55 Sec. 115.008. COMPENSATION; REIMBURSEMENT. (a) A member
2-56 of the council may not receive compensation for service on the
2-57 council.

2-58 (b) A member may be reimbursed for the member's actual and
2-59 necessary expenses for meals, lodging, transportation, and
2-60 incidental expenses incurred while performing council business,
2-61 subject to any applicable limitation on reimbursement prescribed by
2-62 the General Appropriations Act.

2-63 Sec. 115.009. EARLY CHILDHOOD NUTRITION AND PHYSICAL
2-64 ACTIVITY PLAN. (a) The council shall develop an early childhood
2-65 nutrition and physical activity plan with a recommended timeline
2-66 for implementation over a six-year period.

2-67 (b) The six-year plan must account for stakeholder
2-68 recommendations, address the financing, staffing, and training
2-69 required to implement the plan, and include methods to:

- 3-1 (1) increase fruit and vegetable consumption among
- 3-2 children under the age of six;
- 3-3 (2) increase daily structured and unstructured
- 3-4 physical activity in early childhood care settings;
- 3-5 (3) increase awareness among parents of the benefits
- 3-6 of breast-feeding, healthy eating, and appropriate activity in
- 3-7 children under the age of six;
- 3-8 (4) facilitate the consumption of breast milk in early
- 3-9 childhood care settings;
- 3-10 (5) decrease malnutrition and undernourishment among
- 3-11 children under the age of six; and
- 3-12 (6) engage existing community and state resources and
- 3-13 service providers to educate and increase the awareness of parents
- 3-14 and caretakers regarding the need for proper nutrition.

3-15 (c) The council, not later than November 1, 2010, shall

3-16 submit a written early childhood nutrition and physical activity

3-17 plan to the legislature and the governor. This subsection expires

3-18 December 1, 2010.

3-19 Sec. 115.010. GIFTS, GRANTS, AND DONATIONS. The Department

3-20 of Agriculture for the council may accept a gift, grant, or donation

3-21 from any source to carry out the purposes of this chapter.

3-22 Sec. 115.011. REPORT. The council shall submit to both

3-23 houses of the legislature and the governor on or before November 1

3-24 of each even-numbered year a written report on:

- 3-25 (1) the actions taken in furtherance of the six-year
- 3-26 plan;
- 3-27 (2) the areas that need improvement in implementing
- 3-28 the six-year plan;
- 3-29 (3) any change to the six-year plan; and
- 3-30 (4) the programs and practices that address nutrition
- 3-31 and physical activity in early childhood settings in this state.

3-32 Sec. 115.012. RULES. The commissioner of agriculture may

3-33 adopt rules necessary to implement this chapter.

3-34 SECTION 2. (a) The Early Childhood Health and Nutrition

3-35 Interagency Council shall submit an initial report required under

3-36 Section 115.011, Health and Safety Code, as added by this Act, not

3-37 later than November 1, 2012.

3-38 (b) As soon as practicable after the effective date of this

3-39 Act, the designated appointing officials shall appoint the members

3-40 to the Early Childhood Health and Nutrition Interagency Council

3-41 established under Chapter 115, Health and Safety Code, as added by

3-42 this Act.

3-43 SECTION 3. This Act takes effect immediately if it receives

3-44 a vote of two-thirds of all the members elected to each house, as

3-45 provided by Section 39, Article III, Texas Constitution. If this

3-46 Act does not receive the vote necessary for immediate effect, this

3-47 Act takes effect September 1, 2009.

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