

By: Lucio

S.B. No. 870

A BILL TO BE ENTITLED

AN ACT

relating to the duties of the interagency obesity council and the Department of Agriculture relating to health, wellness, and prevention of obesity.

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

SECTION 1. Chapter 114, Health and Safety Code, is amended to read as follows:

CHAPTER 114. INTERAGENCY OBESITY COUNCIL

Sec. 114.001. DEFINITION. In this chapter, "council" means the interagency obesity council created by this chapter.

Sec. 114.002. INTERAGENCY OBESITY COUNCIL. The council is composed of the [(a) 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.

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

Sec. 114.004. GIFTS AND GRANTS. An agency represented on the council may accept gifts and grants on behalf of the council.

Sec. 114.005. REVIEW OF AGENCY PROGRAMS. The council[7] shall review [~~meet at least once a year as an interagency council to:~~

~~(1) discuss]~~ the status of the [~~each agency's]~~

1 programs of the Department of Agriculture, the Department of State
2 Health Services, and the Texas Education Agency that promote better
3 health and nutrition and prevent obesity among children and adults
4 in this state ~~[, and~~

5 ~~[(2) consider the feasibility of tax incentives for~~
6 ~~employers who promote activities designed to reduce obesity in the~~
7 ~~workforce].~~

8 Sec. 114.006. EVIDENCE-BASED PUBLIC HEALTH AWARENESS PLAN.

9 (a) The council shall create an evidence-based public health
10 awareness plan. In creating the plan, the council shall explore
11 past successful public health awareness efforts.

12 (b) The plan must include:

13 (1) a cost estimate that accounts for continuing
14 implementation of the plan;

15 (2) recommendations on reaching populations that
16 would most benefit from increased public health awareness; and

17 (3) recommendations on encouraging employers to
18 participate in wellness programs for employees.

19 (c) The council shall solicit input on the plan from the
20 private sector.

21 (d) The council shall provide to the Department of State
22 Health Services information on effective strategies for employers
23 to use to promote workplace wellness, including information on the
24 projected costs and benefits. The Department of State Health
25 Services shall post the information on its Internet website.

26 Sec. 114.007. STATE-ENDORSED HEALTHY FOOD AND BEVERAGE
27 DESIGNATION. (a) The Department of Agriculture, in consultation

1 with the council, shall study the feasibility, practicality, and
2 potential benefit, cost, and revenue associated with creating a
3 state-endorsed "healthy food and beverage" designation.

4 (b) If the Department of Agriculture determines that the
5 creation and implementation of a "healthy food and beverage"
6 designation is feasible, the department, in consultation with the
7 council, shall identify ways to note the following information on
8 qualifying products:

9 (1) serving size;

10 (2) nutrient class or family; and

11 (3) the role of the product as part of a healthy,
12 well-balanced diet.

13 (c) Not later than January 15, 2011, the Department of
14 Agriculture shall submit a report to the governor, the lieutenant
15 governor, and the speaker of the house of representatives regarding
16 the feasibility of creating and implementing a state-endorsed
17 "healthy food and beverage" designation. The report required under
18 this subsection may be included with the report of the council
19 required under Section 114.008.

20 (d) The Department of Agriculture may contract with a
21 private or public university to assist in gathering information
22 under this section.

23 (e) This section expires September 2, 2011.

24 Sec. 114.008. REPORTS. (a) [~~b~~] Not later than January
25 15 of each odd-numbered year, the [~~interagency~~] council shall
26 submit a report to the governor, the lieutenant governor, and the
27 speaker of the house of representatives on the activities of the

1 council under Sections 114.005 and 114.006 during the preceding two
2 calendar years.

3 (b) [~~(c)~~] A report submitted by the [~~interagency~~] council
4 under Subsection (a) [~~(b)~~] must include the following information
5 regarding discussions of agency programs under Section 114.005:

6 (1) a list of the programs within each agency
7 represented on the council that are designed to promote better
8 health and nutrition;

9 (2) an assessment of the steps taken by each program
10 during the preceding two calendar years;

11 (3) a report of the progress made by taking these steps
12 in reaching each program's goals;

13 (4) the areas of improvement that are needed in each
14 program; and

15 (5) recommendations for future goals or legislation.

16 (c) A report submitted by the council under Subsection (a)
17 must include the following information regarding the
18 evidence-based public health awareness plan under Section 114.006:

19 (1) a cost estimate for an ongoing program to
20 implement the plan;

21 (2) projected benefits of the program;

22 (3) a summary of the information provided to the
23 Department of State Health Services for its Internet website; and

24 (4) recommendations for goals and future legislation.

25 Sec. 114.009. MEETINGS. (a) The council shall meet at
26 least once each year to perform its duties under Sections 114.005
27 and 114.006.

1 (b) [~~(d)~~] A meeting held under this chapter [~~section~~] is not
2 subject to the provisions of the open meetings law, Chapter 551,
3 Government Code.

4 SECTION 2. This Act takes effect September 1, 2009.