

AN ACT

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

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 ~~[(1) discuss]~~ the status of the ~~[each agency's]~~
2 programs of the Department of Agriculture, the Department of State
3 Health Services, and the Texas Education Agency that promote better
4 health and nutrition and prevent obesity among children and adults
5 in this state~~[, and~~

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

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

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

13 (b) The plan must include:

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

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

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

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

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

27 Sec. 114.007. REPORTS. (a) ~~[(b)]~~ Not later than January

1 15 of each odd-numbered year, the [~~interagency~~] council shall
2 submit a report to the governor, the lieutenant governor, and the
3 speaker of the house of representatives on the activities of the
4 council under Sections 114.005 and 114.006 during the preceding two
5 calendar years.

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

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

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

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

16 (4) the areas of improvement that are needed in each
17 program; and

18 (5) recommendations for future goals or legislation.

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

22 (1) a cost estimate for an ongoing program to
23 implement the plan;

24 (2) projected benefits of the program;

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

27 (4) recommendations for goals and future legislation.

1 Sec. 114.008. MEETINGS. (a) The council shall meet at
2 least once each year to perform its duties under Sections 114.005
3 and 114.006.

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

7 SECTION 2. Subchapter B, Chapter 531, Government Code, is
8 amended by adding Section 531.0993 to read as follows:

9 Sec. 531.0993. OBESITY PREVENTION PILOT PROGRAM. (a) The
10 commission and the Department of State Health Services shall
11 coordinate to establish a pilot program designed to:

12 (1) decrease the rate of obesity in child health plan
13 program enrollees and Medicaid recipients;

14 (2) improve the nutritional choices and increase
15 physical activity levels of child health plan program enrollees and
16 Medicaid recipients; and

17 (3) achieve long-term reductions in child health plan
18 and Medicaid program costs incurred by the state as a result of
19 obesity.

20 (b) The commission and the Department of State Health
21 Services shall implement the pilot program for a period of at least
22 24 months in one or more health care service regions in this state,
23 as selected by the commission. In selecting the regions for
24 participation, the commission shall consider the degree to which
25 child health plan program enrollees and Medicaid recipients in the
26 region are at higher than average risk of obesity.

27 (c) In developing the pilot program, the commission and the

1 Department of State Health Services shall identify measurable goals
2 and specific strategies for achieving those goals. The specific
3 strategies may be evidence-based to the extent evidence-based
4 strategies are available for the purposes of the program.

5 (d) The commission shall submit a report on or before each
6 November 1 that occurs during the period the pilot program is
7 operated to the standing committees of the senate and house of
8 representatives having primary jurisdiction over the child health
9 plan and Medicaid programs regarding the results of the program. In
10 addition, the commission shall submit a final report to the
11 committees regarding those results not later than three months
12 after the conclusion of the program. Each report must include:

13 (1) a summary of the identified goals for the program
14 and the strategies used to achieve those goals;

15 (2) an analysis of all data collected in the program as
16 of the end of the period covered by the report and the capability of
17 the data to measure achievement of the identified goals;

18 (3) a recommendation regarding the continued
19 operation of the program; and

20 (4) a recommendation regarding whether the program
21 should be implemented statewide.

22 (e) The executive commissioner may adopt rules to implement
23 this section.

24 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 870 passed the Senate on April 2, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 30, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 870 passed the House, with amendments, on May 27, 2009, by the following vote: Yeas 129, Nays 19, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor