

1-1 By: Lucio S.B. No. 870  
1-2 (In the Senate - Filed February 16, 2009; March 9, 2009,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 23, 2009, reported favorably by the following  
1-5 vote: Yeas 9, Nays 0; March 23, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the duties of the interagency obesity council and the  
1-9 Department of Agriculture relating to health, wellness, and  
1-10 prevention of obesity.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 114, Health and Safety Code, is amended  
1-13 to read as follows:

1-14 CHAPTER 114. INTERAGENCY OBESITY COUNCIL

1-15 Sec. 114.001. DEFINITION. In this chapter, "council" means  
1-16 the interagency obesity council created by this chapter.

1-17 Sec. 114.002. INTERAGENCY OBESITY COUNCIL. The council is  
1-18 composed of the ~~[(a) The]~~ commissioner of agriculture, the  
1-19 commissioner of state health services, and the commissioner of  
1-20 education, or a staff member designated by each of those  
1-21 commissioners.

1-22 Sec. 114.003. CONTRACTS FOR ASSISTANCE. The council may  
1-23 contract with a private or public university to assist in gathering  
1-24 information under this chapter.

1-25 Sec. 114.004. GIFTS AND GRANTS. An agency represented on  
1-26 the council may accept gifts and grants on behalf of the council.

1-27 Sec. 114.005. REVIEW OF AGENCY PROGRAMS. The council ~~[,~~  
1-28 shall review ~~[meet at least once a year as an interagency council~~  
1-29 ~~to~~

1-30 ~~to~~ [(1) discuss] the status of the ~~[each agency's]~~  
1-31 programs of the Department of Agriculture, the Department of State  
1-32 Health Services, and the Texas Education Agency that promote better  
1-33 health and nutrition and prevent obesity among children and adults  
1-34 in this state ~~[, and~~

1-35 ~~[(2) consider the feasibility of tax incentives for~~  
1-36 ~~employers who promote activities designed to reduce obesity in the~~  
1-37 ~~workforce].~~

1-38 Sec. 114.006. EVIDENCE-BASED PUBLIC HEALTH AWARENESS PLAN.  
1-39 (a) The council shall create an evidence-based public health  
1-40 awareness plan. In creating the plan, the council shall explore  
1-41 past successful public health awareness efforts.

1-42 (b) The plan must include:

1-43 (1) a cost estimate that accounts for continuing  
1-44 implementation of the plan;

1-45 (2) recommendations on reaching populations that  
1-46 would most benefit from increased public health awareness; and

1-47 (3) recommendations on encouraging employers to  
1-48 participate in wellness programs for employees.

1-49 (c) The council shall solicit input on the plan from the  
1-50 private sector.

1-51 (d) The council shall provide to the Department of State  
1-52 Health Services information on effective strategies for employers  
1-53 to use to promote workplace wellness, including information on the  
1-54 projected costs and benefits. The Department of State Health  
1-55 Services shall post the information on its Internet website.

1-56 Sec. 114.007. STATE-ENDORSED HEALTHY FOOD AND BEVERAGE  
1-57 DESIGNATION. (a) The Department of Agriculture, in consultation  
1-58 with the council, shall study the feasibility, practicality, and  
1-59 potential benefit, cost, and revenue associated with creating a  
1-60 state-endorsed "healthy food and beverage" designation.

1-61 (b) If the Department of Agriculture determines that the  
1-62 creation and implementation of a "healthy food and beverage"  
1-63 designation is feasible, the department, in consultation with the  
1-64 council, shall identify ways to note the following information on

2-1 qualifying products:

2-2 (1) serving size;

2-3 (2) nutrient class or family; and

2-4 (3) the role of the product as part of a healthy,  
2-5 well-balanced diet.

2-6 (c) Not later than January 15, 2011, the Department of  
2-7 Agriculture shall submit a report to the governor, the lieutenant  
2-8 governor, and the speaker of the house of representatives regarding  
2-9 the feasibility of creating and implementing a state-endorsed  
2-10 "healthy food and beverage" designation. The report required under  
2-11 this subsection may be included with the report of the council  
2-12 required under Section 114.008.

2-13 (d) The Department of Agriculture may contract with a  
2-14 private or public university to assist in gathering information  
2-15 under this section.

2-16 (e) This section expires September 2, 2011.

2-17 Sec. 114.008. REPORTS. (a) [~~(b)~~] Not later than January  
2-18 15 of each odd-numbered year, the [~~interagency~~] council shall  
2-19 submit a report to the governor, the lieutenant governor, and the  
2-20 speaker of the house of representatives on the activities of the  
2-21 council under Sections 114.005 and 114.006 during the preceding two  
2-22 calendar years.

2-23 (b) [~~(c)~~] A report submitted by the [~~interagency~~] council  
2-24 under Subsection (a) [~~(b)~~] must include the following information  
2-25 regarding discussions of agency programs under Section 114.005:

2-26 (1) a list of the programs within each agency  
2-27 represented on the council that are designed to promote better  
2-28 health and nutrition;

2-29 (2) an assessment of the steps taken by each program  
2-30 during the preceding two calendar years;

2-31 (3) a report of the progress made by taking these steps  
2-32 in reaching each program's goals;

2-33 (4) the areas of improvement that are needed in each  
2-34 program; and

2-35 (5) recommendations for future goals or legislation.

2-36 (c) A report submitted by the council under Subsection (a)  
2-37 must include the following information regarding the  
2-38 evidence-based public health awareness plan under Section 114.006:

2-39 (1) a cost estimate for an ongoing program to  
2-40 implement the plan;

2-41 (2) projected benefits of the program;

2-42 (3) a summary of the information provided to the  
2-43 Department of State Health Services for its Internet website; and

2-44 (4) recommendations for goals and future legislation.

2-45 Sec. 114.009. MEETINGS. (a) The council shall meet at  
2-46 least once each year to perform its duties under Sections 114.005  
2-47 and 114.006.

2-48 (b) [~~(a)~~] A meeting held under this chapter [~~section~~] is not  
2-49 subject to the provisions of the open meetings law, Chapter 551,  
2-50 Government Code.

2-51 SECTION 2. This Act takes effect September 1, 2009.

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