

By: Farias

H.B. No. 2212

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to nutrition and physical activity policies, standards,  
3 and requirements for child-care facilities and programs for  
4 children under the age of six.

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

6 SECTION 1. (a) Chapter 116, Health and Safety Code, is  
7 amended by adding Section 116.0091 to read as follows:

8 Sec. 116.0091. IMPLEMENTATION OF NUTRITION AND PHYSICAL  
9 ACTIVITY POLICIES, STANDARDS, AND REQUIREMENTS; RULES. (a) The  
10 council, based on the plan developed under Section 116.009, shall  
11 create proposed nutrition and physical activity policies,  
12 standards, and requirements for child-care facilities serving, and  
13 programs involving, children under the age of six.

14 (b) In consultation with the council, the executive  
15 commissioner of the Health and Human Services Commission shall  
16 adopt rules to implement nutrition and physical activity policies,  
17 standards, and requirements in child-care facilities serving, and  
18 programs involving, children under the age of six. The rules must  
19 apply to each child-care facility or program that operates under a  
20 license issued by this state.

21 (c) The executive commissioner of the Health and Human  
22 Services Commission may develop voluntary nutrition and physical  
23 activity guidelines for child-care providers that serve children  
24 under the age of six and that are not subject to the rules adopted

1 under Subsection (b).

2 (b) The Early Childhood Health and Nutrition Interagency  
3 Council shall solicit public comment on proposed policies,  
4 standards, and requirements created under Section 116.0091(a),  
5 Health and Safety Code, as added by this Act, not later than October  
6 1, 2011, and shall particularly solicit comment from schools and  
7 parents.

8 (c) The executive commissioner of the Health and Human  
9 Services Commission shall adopt the rules required by Section  
10 116.0091(b), Health and Safety Code, as added by this Act, not later  
11 than July 1, 2012, for implementation starting with the 2012-2013  
12 school year. In adopting rules under this section, the executive  
13 commissioner shall consider public comment received by the Early  
14 Childhood Health and Nutrition Interagency Council under  
15 Subsection (b) of this section, as well as any public comment  
16 received during the rulemaking process.

17 SECTION 2. (a) Chapter 115, Health and Safety Code, as  
18 added by Chapter 733 (S.B. 395), Acts of the 81st Legislature,  
19 Regular Session, 2009, is amended by adding Section 115.0091 to  
20 read as follows:

21 Sec. 115.0091. IMPLEMENTATION OF NUTRITION AND PHYSICAL  
22 ACTIVITY POLICIES, STANDARDS, AND REQUIREMENTS; RULES. (a) The  
23 council, based on the plan developed under Section 115.009, shall  
24 create proposed nutrition and physical activity policies,  
25 standards, and requirements for child-care facilities serving, and  
26 programs involving, children under the age of six.

27 (b) In consultation with the council, the executive

1 commissioner of the Health and Human Services Commission shall  
2 adopt rules to implement nutrition and physical activity policies,  
3 standards, and requirements in child-care facilities serving, and  
4 programs involving, children under the age of six. The rules must  
5 apply to each child-care facility or program that operates under a  
6 license issued by this state.

7 (c) The executive commissioner of the Health and Human  
8 Services Commission may develop voluntary nutrition and physical  
9 activity guidelines for child-care providers that serve children  
10 under the age of six and that are not subject to the rules adopted  
11 under Subsection (b).

12 (b) The Early Childhood Health and Nutrition Interagency  
13 Council shall solicit public comment on proposed policies,  
14 standards, and requirements created under Section 115.0091(a),  
15 Health and Safety Code, as added by this Act, not later than October  
16 1, 2011, and shall particularly solicit comment from schools and  
17 parents.

18 (c) The executive commissioner of the Health and Human  
19 Services Commission shall adopt the rules required by Section  
20 115.0091(b), Health and Safety Code, as added by this Act, not later  
21 than July 1, 2012, for implementation starting with the 2012-2013  
22 school year. In adopting rules under this section, the executive  
23 commissioner shall consider public comment received by the Early  
24 Childhood Health and Nutrition Interagency Council under  
25 Subsection (b) of this section, as well as any public comment  
26 received during the rulemaking process.

27 SECTION 3. (a) Section 1 of this Act takes effect only if

1 the Act of the 82nd Legislature, Regular Session, 2011, relating to  
2 nonsubstantive additions to and corrections in enacted codes  
3 becomes law.

4 (b) Section 2 of this Act takes effect only if the Act of the  
5 82nd Legislature, Regular Session, 2011, relating to  
6 nonsubstantive additions to and corrections in enacted codes does  
7 not become law.

8 SECTION 4. This Act takes effect September 1, 2011.