

BILL ANALYSIS

C.S.H.B. 702
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There are calls for the state to recognize before-school and after-school programs that meet certain criteria for healthy eating and physical activity. C.S.H.B. 702 seeks to do this by requiring the Health and Human Services Commission to develop a voluntary program for assessing and recognizing such before-school and after-school programs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 702 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to develop a voluntary program for recognizing licensed before-school and after-school programs that promote healthy eating and physical activity that provides for such a licensed program's self-evaluation to determine its compliance with the recognition requirements. The bill requires a before-school or after-school program seeking recognition to evaluate its compliance with specified requirements, including staff training, opportunities for program attendees to participate in physical activity, restricted use of certain entertainment devices, the availability of healthy foods and beverages, and engagement with parents, guardians, and caregivers of program attendees. The bill requires the staff training requirement to comply with the requirements of the National Institute on Out-of-School Time, the Healthy Out-of-School Time Coalition, or other similar programs and authorizes the training to be completed in person or online.

C.S.H.B. 702 requires HHSC to establish bronze, silver, and gold recognition levels for a before-school or after-school program applying for recognition under the bill's provisions and establishes the criteria for achieving those recognition levels. The bill authorizes a before-school or after-school program that determines that it meets the requirements for a recognition level to create a corresponding recognition certificate using a certificate template created by HHSC and requires such a program to notify HHSC of the level of recognition for which it qualifies. The bill establishes that such a certificate does not expire, but requires the program to remove the certificate if the program no longer meets the recognition requirements. The bill requires a program to notify HHSC of any change in its recognition level or if the program no longer qualifies for recognition.

C.S.H.B. 702 requires HHSC to post information about the recognition program on the HHSC

website, to maintain a list of each program that qualifies for recognition under the bill's provisions and post the list on the HHSC website, including each program's recognition level, and to update the list at least quarterly to reflect any change in a program's recognition level. The bill authorizes the executive commissioner of HHSC to adopt rules to implement the bill's provisions.

EFFECTIVE DATE

January 1, 2020.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 702 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a requirement for HHSC to assess a before-school or after-school program based on compliance with specified requirements, but the substitute includes a requirement for the recognition program instead to provide for the self-evaluation of a before-school or after-school program to determine its compliance with those requirements.

The substitute does not include an authorization for HHSC to provide technical assistance to a before-school or after-school program seeking to advance to a higher recognition level. The substitute includes a requirement for such a program that determines it meets the requirements for a recognition level to notify HHSC of that level.

The substitute does not include a provision setting a recognition certificate to expire and providing for certificate renewal. The substitute includes instead provisions establishing that such a certificate does not expire, providing for the removal of the certificate if the program no longer meets recognition requirements, and requiring notice to HHSC of any change in the program's recognition level or if the program no longer qualifies for recognition.

The substitute includes a requirement for HHSC to update the list of programs that qualify for recognition at least quarterly to reflect any change in a program's recognition level.