

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 680

91ST GENERAL ASSEMBLY

Reported from the Committee on Public Health and Welfare, March 13, 2002, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3128S.03C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 192, RSMo, by adding thereto one new section relating to obesity.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 192, RSMo, is amended by adding thereto one new section, to be known as section 192.975, to read as follows:

192.975. 1. As used in this section, the following words and phrases shall mean:

(1) "Body mass index" or "BMI", the relationship between weight and height used to assess health risk related to excess weight, based on a mathematical formula that is expressed as weight in kilograms divided by height in meters squared ($BMI=kg/m^2$) or weight in pounds divided by height in inches squared and multiplied by 703 ($BMI=lbs/in^2 \times 703$);

(2) "Department", the department of health and senior services;

(3) "Dietary Guidelines for Americans", the current set of recommendations of the federal government that are designed to help people choose diets that will meet nutrient requirements, promote health, support active lives and reduce chronic disease risks;

(4) "Nutrition education", a planned sequential instructional program that provides knowledge and teaches skills to help students adopt and maintain lifelong healthy eating patterns;

(5) "Overweight", a body mass index between $25kg/m^2$ and $29.9kg/m^2$ among adults and children or a body mass index greater than the eighty-fifth percentile but less than the ninety-fifth percentile;

(6) "Obesity", a body mass index of more than $30kg/m^2$ among adults and among

children or a body mass index greater than the ninety-fifth percentile for age and sex in six to ten year olds;

2. There is hereby created the "Missouri Commission on Prevention and Management of Obesity" within the department of health and senior services to be in existence for two years from August 28, 2002 to August 28, 2004.

3. The functions and duties of the commission shall include, but not be limited to, the following:

(1) Collecting and analyzing data regarding the extent to which children and adults in Missouri suffer from obesity, including data already available to the department of health and senior services, the division of medical services and, where feasible, the data available to commercial insurers;

(2) Listing programs and services currently available to address the health, mental health, and social services needs of overweight children and adults;

(3) Listing funds dedicated within the state through commercial and self insurers, medicaid, and other federal and state funds to maintain such programs and services;

(4) Collecting and analyzing data to demonstrate the economic impact on the state of failure to treat obesity;

(5) Identifying cultural, environmental, and socioeconomic barriers to the prevention and management of obesity;

(6) Identifying specific recommendations that the state must implement to increase obesity prevention and management in children and adults and providing the estimated cost of implementing those recommendations.

4. The commission shall coordinate with the United States Department of Agriculture, the United States Department of Health and Human Services, including the Health Resources and Services Administration, the Centers for Medicaid and Medicare Services, and the Centers for Disease Control and Prevention, the Missouri department of elementary and secondary education, the Missouri department of social services, and the Missouri department of mental health to share resources and information in order to ensure a comprehensive approach to the prevention and treatment of obesity and obesity-related conditions.

5. The commission shall submit a report, including proposed legislation if necessary, to the governor and to the house budget committee and the senate appropriations committee, no later than August 28, 2004. The report shall include information about the economic burden of obesity, available programs and services, and the barriers to such programs and services.

6. The commission shall be composed of at a minimum, the following twenty-

one members with consideration given to equal representation by ethnic groups and by geographic area:

- (1) The director of the department of health and senior services;**
- (2) The commissioner of the department of elementary and secondary education;**
- (3) The director of the department of mental health;**
- (4) The director of the department of social services;**
- (5) The director of the department of insurance;**
- (6) The director of the department of higher education;**
- (7) A member of the house of representatives as appointed by the speaker of the house of representatives;**
- (8) A member of the senate as appointed by the president pro tem of the senate;**
- (9) Two public members, to be appointed by the director of the department of health and senior services;**
- (10) The president of the Missouri State Medical Association;**
- (11) The president of the Missouri Chapter of the American Academy of Pediatrics;**
- (12) The president of the Missouri Nurses Association;**
- (13) The dean of the School of Medicine, University of Missouri-Columbia;**
- (14) The dean of the Sinclair School of Nursing, University of Missouri-Columbia;**
- (15) A representative of the Missouri Dietetic Association;**
- (16) A representative of the Missouri Restaurant Association;**
- (17) A representative of the Food Processors' Association;**
- (18) A representative of the Food Manufacturers' Association;**
- (19) A representative of the School Food Service Association; and**
- (20) A Missouri representative of the Association of American Medical Colleges.**

7. The commission shall have its first meeting no later than October 1, 2002. The director of the department of health and senior services shall serve as chair of the commission. The department shall establish the procedures necessary for the organization and operation of the commission. The commission shall meet and conduct business at least quarterly. Meetings of the commission shall comply with sections 610.010 to 610.030, RSMo.

8. Members of the commission shall receive no compensation.

9. The department shall establish and maintain a resource databank containing information about obesity and obesity-related subjects.

(1) The databank will be available to educational and research institutions,

physicians, hospitals, policy makers and members of the general public;

(2) The databank will be accessible through the department's web site and through printed materials. The department may assess reasonable charges for duplication or sale of materials;

(3) The databank shall be implemented by January 1, 2003.

10. The department of health and senior services shall provide technical assistance to schools and school districts to create healthy school nutrition environments. For purposes of this section, a healthy school nutrition environment shall be defined as one in which nutrition and physical activity are taught and supported in the classroom, the dining room, and throughout the school to provide positive messages that help students develop healthy eating and physical activity habits. A healthy school nutrition environment shall include:

(1) A commitment to nutrition and physical activity;

(2) Quality school meals that contain the required nourishment to foster learning and growth based upon the United States Department of Agriculture Dietary Guidelines for Americans;

(3) Other healthy food options that include sales of foods and beverages that are based on nutrition goals, not profit-making;

(4) Pleasant eating experiences so that children can relax, eat and socialize without feeling rushed;

(5) Nutrition education to build nutrition knowledge and skills into the curriculum to help children make healthy eating and physical activity choices; and

(6) Marketing to motivate parents, teachers, administrators, and the community to work towards a healthy school nutrition environment.

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