

FIRST REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 159
92ND GENERAL ASSEMBLY

Reported from the Committee on Aging, Families, Mental and Public Health, March 13, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

Senate Committee Substitute adopted May 14, 2003.

Taken up May 14, 2003. Read 3rd time and placed upon its final passage; bill passed.

0266S.02P

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 161.102, RSMo, and to enact in lieu thereof one new section relating to the coordination of school health programs.

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

Section A. Section 161.102, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 161.102, to read as follows:

161.102. 1. The state board of education shall:

(1) Adopt and promulgate rules and regulations deemed necessary to secure courses in physical education to all pupils and students in all public schools and in all educational institutions supported in whole or in part by the state; [and]

(2) With the advice and cooperation of the director of the state department of health and senior services, compile and print a manual of physical education and health supervision and school nurse service to be distributed for use by the teachers, supervisors of physical education, school health supervisors and school nurses of the state; **and**

(3) **(a) No later than January 1, 2004, establish a coordinated health program board. No later than January 1, 2005, the coordinated health program board shall make available to each school district in the state a coordinated health program designed in order to prevent obesity, cardiovascular disease, and type II diabetes in elementary and secondary students. The programs must provide for coordinating:**

a. Health education;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- b. Physical education and physical activity;**
- c. Nutrition services; and**
- d. Parental involvement.**

(b) The state board of education shall notify each school district of the availability of the program.

2. [No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **(1) Each school district may:**

(a) Participate in appropriate training for the implementation of the program approved by the state board of education pursuant to paragraph (a) of subdivision (3) of subsection 1 of this section; and

(b) Implement the program in each elementary and secondary school in the district.

(2) The state board of education may, in cooperation with the department of health, provide school districts with the necessary training under this section.

3. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.