Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

State of Arkansas *As Engrossed: H3/3/03 H3/10/03 H3/12/03 S4/1/03*

84th General Assembly **A Bill** **Act 1220 of 2003**

Regular Session, 2003 HOUSE BILL 1583

By: Representatives Bradford, Biggs, Cleveland, Milligan

By: Senators Bisbee, Argue

For An Act To Be Entitled

AN ACT TO CREATE A CHILD HEALTH ADVISORY COMMITTEE; TO COORDINATE STATEWIDE EFFORTS TO COMBAT CHILDHOOD OBESITY AND RELATED ILLNESSES; TO IMPROVE THE HEALTH OF THE NEXT GENERATION OF ARKANSANS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO CREATE A CHILD HEALTH ADVISORY COMMITTEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 7, Subchapter 1 is amended to add three (3) additional sections to read as follows:

6-7-117. Committee - Creation.

(a) There is created a Child Health Advisory Committee to consist of *fifteen (15)* members.

(b)(1) The Director of the Department of Health shall appoint:

(A) One (1) member to represent the Department of Health;

(B) One (1) member to represent the Arkansas Dietetic Association;

(C) One (1) member to represent the Arkansas Academy of Pediatrics;

(D) One (1) member to represent the Arkansas Academy of Family Practice;

(E) One (1) member to represent the Arkansas Association

for Health, Physical Education, Recreation, and Dance;

(F) One (1) member to represent jointly the Arkansas Heart Association, the American Cancer Society, and the American Lung Association;

(G) One (1) member to represent the Arkansas School of Public Health of the University of Arkansas for Medical Sciences;

(H) One (1) member to represent the Arkansas Center for Health Improvement;

(I) One (1) member to represent the Arkansas Advocates for *Children and Family; and*

(J) One (1) member to represent the University of Arkansas Cooperative Extension Service.

(2) The Director of the Department of Education shall appoint:

(A) One (1) member to represent the Department of Education;

(B) One (1) member to represent the Arkansas School Food Service Association;

(C) One (1) member to represent the Arkansas School Nurses Association;

(D) One (1) member to represent the Arkansas Association of Education Administrators; and

(E) One (1) member to represent the Arkansas Parent Teacher Association.

(c) Terms of committee members shall be three (3) years except for the initial members whose terms shall be determined by lot so as to stagger terms to equalize as nearly as possible the number of members to be appointed each year.

(d) If a vacancy occurs, the officer who made the original appointment shall appoint a person who represents the same constituency as the member being replaced.

(e) The committee shall elect one (1) of its members to act as chair for a term of one (1) year.

(f) A majority of the members shall constitute a quorum for the transaction of business.

(g) The committee shall meet at least monthly.

(h) The Department of Health shall provide office space and staff for the committee.

1 (i) Members of the committee shall serve without pay but may receive
2 expense reimbursement in accordance with § 25-16-902, if funds are available.
3
4 6-7-118. Powers and duties.
5 (a) The Child Health Advisory Committee shall meet at least once per
6 month and make recommendations to the State Board of Education and the State
7 Board of Health consistent with the intent and purpose of §§ 6-7-117 through
8 6-7-119.
9 (b) The Committee shall develop nutrition and physical activity
10 standards and policy recommendations with consideration of the following:
11 (1) Foods sold individually in school cafeterias but outside the
12 regulated National School Lunch Program;
13 (2) Competitive foods as defined by the United States Department
14 of Agriculture, as in existence on January 1, 2003, and offered at schools
15 typically through vending machines, student stores, school fundraisers, food
16 carts, or food concessions;
17 (3) The continuing professional development of food service
18 staff;
19 (4) The expenditure of funds derived from competitive food and
20 beverage contracts;
21 (5) Physical education and activity;
22 (6) Systems to ensure the implementation of nutrition and
23 physical activity standards; and
24 (7) The monitoring and evaluating or results and reporting of
25 outcomes.
26
27 6-17-119. Nutrition and physical activity standards - Implementation.
28 (a) The State Board of Education, after having consulted the committee
29 and the State Board of Health, shall promulgate appropriate rules and
30 regulations to ensure that nutrition and physical activity standards are
31 implemented to provide students with the skills, opportunities, and
32 encouragement to adopt healthy lifestyles.
33 (b) Beginning with the 2003-2004 school year, the Department of
34 Health, in consultation with the Department of Education, shall:
35 *(1) Employ one (1) qualified community health promotion*
36 *professional, with training, experience, or both, in nutrition, chronic*

1 *disease, or another related field to be housed within the Department of*
2 *Health to plan, develop, implement, and evaluate pilot or model programs to*
3 *support schools and communities, if funds are available;*
4 *(2) Employ one (1) statewide health promotion consultant to be housed*
5 *within the Department of Education, if funds are available;*
6 *(3) Employ one (1) person as a community health promotion*
7 *specialist to support implementation of pilot or model programs in schools*
8 *and communities in nutrition and physical activity in several distinct*
9 *geographical areas of the state, if funds are available; and*
10 *(4) Not use more than five percent (5%) of the annual Department*
11 *of Health Master Settlement Agreement funds for the salaries or programs*
12 *created under this subsection (b).*
13 *(c)* Beginning with the 2003-2004 school year, every school district
14 shall:
15 (1) Prohibit, for elementary school students, in-school access
16 to vending machines offering food and beverages;
17
18 *(2)* Require schools to include as part of the annual report to
19 parents and the community the amounts and specific sources of funds received
20 and expenditures made from competitive food and beverage contracts;
21 *(3) Require school to include as part of the student report card to*
22 *parents an annual body mass index percentile by age for each student; and*
23 *(4) Require schools to annually provide parents with an*
24 *explanation of the possible health effects of body mass index, nutrition and*
25 *physical activity.*
26 *(d) Beginning with the 2004-2005 school year, the Department of*
27 Education shall:
28 (1) Begin the implementation of standards developed by the
29 committee and approved by the Department of Education; and
30 (2) Annually monitor and evaluate the implementation and
31 effectiveness of the nutrition and physical education standards.
32 *(e)* Beginning with the 2004-2005 school year, every school district
33 shall:
34 (1) Convene a school nutrition and physical activity advisory
35 committee that shall include members from school district governing boards,
36 school administrators, food service personnel, teacher organizations,

parents, students, and professional groups such as nurses and community members, to:

(A) Help raise awareness of the importance of nutrition and physical activity; and

(B) Assist in the development of local policies that address issues and goals, including, but not limited to, the following:

(i) Assisting with the implementation of nutrition and physical activity standards developed by the committee with the approval of the Department of Education and the State Board of Health;

(ii) Integrating nutrition and physical activity into the overall curriculum;

(iii) Ensuring that professional development for staff includes nutrition and physical activity issues;

(iv) Ensuring that students receive nutrition education and engage in healthful levels of vigorous physical activity;

(v) Improving the quality of physical education curricula and increasing training of physical education teachers;

(vi) Enforcing existing physical education requirements; and

(vii) Pursuing contracts that both encourage healthy eating by students and reduce school dependence on profits from the sale of *foods of minimal nutritional value;*

(2) Begin the implementation of standards developed by the committee with the approval of the Department of Education and the State Board of Health; and

(3) Require that goals and objectives for nutrition and physical activity be incorporated into the annual school planning and reporting process.

(f) The Department of Education and the Department of Health shall report annually on progress in implementing nutrition and physical education standards to the cochairs of the House and Senate Interim Committees on Public Health, Welfare, and Labor.

/s/ Bradford

APPROVED: 4/10/2003