

FIRST REGULAR SESSION

# HOUSE BILL NO. 82

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLAND.

Pre-filed December 8, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0350L.011

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### AN ACT

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

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*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  
2 known as section 192.975, to read as follows:

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

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

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

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

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

14 **(5) "Obesity", a body mass index of more than  $30kg/m^2$  among adults and among**  
15 **children or a body mass index greater than the ninety-fifth percentile for age and sex in six**  
16 **to ten year olds;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           (6) "Overweight", a body mass index between 25kg/m<sup>2</sup> and 29.9kg/m<sup>2</sup> among adults  
18 and children or a body mass index greater than the eighty-fifth percentile but less than the  
19 ninety-fifth percentile.

20           2. There is hereby created the "Missouri Commission on Prevention and  
21 Management of Obesity" within the department of health and senior services to be in  
22 existence within sixty days of the effective date of this section until August 28, 2007.

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

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

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

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

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

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

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

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

48           5. The commission shall submit a report, including proposed legislation if  
49 necessary, to the governor and to the house budget committee and the senate  
50 appropriations committee, no later than August 28, 2007. The report shall include  
51 information about the economic burden of obesity, available programs and services, and  
52 the barriers to such programs and services.

53           **6. The commission shall be composed of at a minimum, the following twenty-two**  
54 **members with consideration given to equal representation by ethnic groups and by**  
55 **geographic area:**

56           **(1) The director of the department of health and senior services, or the director's**  
57 **designee;**

58           **(2) The commissioner of the department of elementary and secondary education,**  
59 **or the commissioner's designee;**

60           **(3) The director of the department of mental health, or the director's designee;**

61           **(4) The director of the department of social services, or the director's designee;**

62           **(5) The director of the department of insurance, or the director's designee;**

63           **(6) The commissioner of the department of higher education, or the commissioner's**  
64 **designee;**

65           **(7) A member of the house of representatives as appointed by the speaker of the**  
66 **house of representatives;**

67           **(8) A member of the senate as appointed by the president pro tem of the senate;**

68           **(9) Two public members, to be appointed by the director of the department of**  
69 **health and senior services;**

70           **(10) A representative appointed by the Missouri State Medical Association;**

71           **(11) A representative appointed by the Missouri Chapter of the American Academy**  
72 **of Pediatrics;**

73           **(12) A representative appointed by the Missouri Nurses Association;**

74           **(13) Two persons from the University of Missouri-Columbia with professional**  
75 **knowledge and experience from the fields of medicine, nursing, or dietetics or nutrition**  
76 **sciences, jointly appointed by the deans of the University of Missouri Sinclair School of**  
77 **Nursing, the School of Medicine, and the College of Human and Environmental Sciences;**

78           **(14) A representative appointed by the Missouri Dietetic Association;**

79           **(15) A representative appointed by the Missouri Restaurant Association;**

80           **(16) A representative appointed by the Food Processors' Association;**

81           **(17) A representative appointed by the Food Manufacturers' Association;**

82           **(18) A representative appointed by the School Food Service Association;**

83           **(19) A Missouri representative appointed by the Association of American Medical**  
84 **Colleges; and**

85           **(20) A Missouri representative appointed by the American Heart Association.**

86           **7. The commission shall have its first meeting no later than October 1, 2005. The**  
87 **director of the department of health and senior services shall serve as chair of the**  
88 **commission. The department shall establish the procedures necessary for the organization**

89 **and operation of the commission. The commission shall meet and conduct business at least**  
90 **quarterly. Meetings of the commission shall comply with sections 610.010 to 610.030,**  
91 **RSMo.**

92 **8. Members of the commission shall receive no compensation.**

93 **9. The department shall establish and maintain a resource databank containing**  
94 **information about obesity and obesity-related subjects. Such databank shall be:**

95 **(1) Available to educational and research institutions, physicians, hospitals, policy**  
96 **makers, and members of the general public;**

97 **(2) Accessible through the department's web site and through printed materials.**  
98 **The department may assess reasonable charges for duplication or sale of materials; and**

99 **(3) Implemented by January 1, 2006.**

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

107 **(1) A commitment to nutrition and physical activity;**

108 **(2) Quality school meals that contain the required nourishment to foster learning**  
109 **and growth based upon the United States Department of Agriculture dietary guidelines for**  
110 **Americans;**

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

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

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

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

Section B. Because immediate action is necessary to address the needs of overweight  
2 children and adults in this state, section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an  
4 emergency act within the meaning of the constitution, and section A of this act shall be in full  
5 force and effect upon its passage and approval.