

FIRST REGULAR SESSION

HOUSE BILL NO. 823

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES TILLEY (Sponsor), JETTON, RUPP, COOPER (120), NIEVES, BYRD, PRATT, JOHNSON (47), WELLS, PARSON AND JONES (Co-sponsors).

Read 1st time March 17, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2048L.02I

AN ACT

To amend chapter 167, RSMo, by adding thereto one new section relating to a model school wellness program.

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

Section A. Chapter 167, RSMo, is amended by adding thereto one new section, to be
2 known as section 167.229, to read as follows:

**167.229. 1. The department of health and senior services shall establish a "Model
2 School Wellness Program", and any moneys appropriated by the general assembly for this
3 program shall be used by selected school districts to establish school-based pilot programs
4 that focus on encouraging students to establish and maintain healthy lifestyles. These
5 programs shall include tobacco prevention education and the promotion of balanced
6 dietary patterns and physical activity to prevent becoming overweight or obese, and
7 discussion of serious and chronic medical conditions that are associated with being
8 overweight. The content of these programs shall address state and national standards and
9 guidelines established by the No Child Left Behind Act, the Healthy People 2010 Leading
10 Health Indicators as complied by the National Center for Health Statistics, and the
11 Produce for Better Health Foundation's "5 A Day, The Color Way" program.**

**12 2. School districts may apply for grants under this section. The department of
13 health and senior services shall establish selection criterion and methods for distribution
14 of funds to school districts applying for such funds. The department shall promulgate
15 rules to implement the provisions of this section.**

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.

16 **3. A school district that receives a grant under this section shall use the funds to**
17 **plan and implement the program in a diverse sampling of schools in each district. The**
18 **programs shall address students' academic success as well as health concerns, and**
19 **encourage links between the school and home settings to promote active healthy lifestyles**
20 **across the students' learning environments. The tobacco prevention initiative shall focus**
21 **on grades four and five to target students before they transition into middle grades. The**
22 **obesity prevention programs will cover sequential wellness education across grades**
23 **kindergarten through fifth grades. These programs shall:**

24 **(a) Be multidisciplinary, addressing academic standards in language arts, math,**
25 **and health;**

26 **(b) Provide multimedia resources that engage the students;**

27 **(c) Be evidence-based showing successful implementation including positive**
28 **changes in desired outcomes, such as changes in body mass index or attitudes towards**
29 **tobacco use;**

30 **(d) Be able to be integrated in to the core classroom at the elementary level; and**

31 **(e) Be sustainable and provide open web-based resources to teachers and students**
32 **across Missouri.**

33 **4. Hands-on professional development opportunities shall be provided in local**
34 **districts for the teachers who will be implementing the program. Ongoing support shall**
35 **be provided to the teachers and schools during the pilot period.**

36 **5. Following the completion of the 2005-2006 school year, the department of health**
37 **and senior services shall evaluate the effectiveness of the model school wellness program**
38 **in increasing knowledge, changing body mass index, improving attitudes and behaviors of**
39 **students related to nutrition, physical activity, or tobacco use.**

40 **6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
41 **that is created under the authority delegated in this section shall become effective only if**
42 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
43 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
44 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
45 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
46 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
47 **adopted after August 28, 2005, shall be invalid and void.**

48 **7. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

49 **(1) The provisions of the new program authorized under section 161.665 shall**
50 **automatically sunset six years after the effective date of section 161.665 unless reauthorized**
51 **by an act of the general assembly; and**

52 **(2) If such program is reauthorized, the program authorized under section 161.665**
53 **shall automatically sunset twelve years after the effective date of the reauthorization of**
54 **section 161.665; and**

55 **(3) Section 161.665 shall terminate on September first of the calendar year**
56 **immediately following the calendar year in which the program authorized under section**
57 **161.665 is sunset.**