

FIRST REGULAR SESSION

HOUSE BILL NO. 759

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GRILL (Sponsor),
PACE, ATKINS AND SCHIEFFER (Co-sponsors).

1766L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto seven new sections relating to the diabetes prevention and health improvement act of 2009, with a sunset provision.

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

Section A. Chapter 191, RSMo, is amended by adding thereto seven new sections, to be known as sections 191.1075, 191.1078, 191.1081, 191.1084, 191.1087, 191.1090, and 191.1093, to read as follows:

191.1075. 1. Sections 191.1075 to 191.1093 shall be known and may be cited as the "Diabetes Prevention and Health Improvement Act of 2009".

2. As used in sections 191.1075 to 191.1093, the following terms shall mean:

(1) "Board", the governing body for the Missouri center for diabetes prevention and health improvement established in section 191.1078;

(2) "Center", the Missouri center for diabetes prevention and health improvement created in section 191.1078;

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

(4) "Nonprofit organization", an entity exempt from federal income taxation under Section 501(a) of the Internal Revenue Code, 26 U.S.C. Section 501(a), as an organization described in Section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. Section 501(c)(3).

191.1078. 1. There is hereby established the "Missouri Center for Diabetes Prevention and Health Improvement" within the department of health and senior services. The purpose of the center is to develop, implement, and promote a statewide effort to combat the proliferation of type 2 diabetes.

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.

5 **2. The duties of the center shall include providing the following:**

6 **(1) Grants to high schools through local education agencies across the state, to be**
7 **used exclusively for programs promoting the understanding and prevention of diabetes.**
8 **Grant requests shall contain specific information about how the school will spend the**
9 **moneys and how such spending promotes the understanding and prevention of diabetes.**
10 **Grant recipients shall be required to provide to the center quarterly reports of the results**
11 **of their program; and**

12 **(2) Grants to providers of primary and specialty health care services related to the**
13 **treatment of prediabetes and diabetes. All community- and faith-based organizations,**
14 **regional and county health departments, clinics, and other for-profit and nonprofit health-**
15 **related providers are eligible to apply. In order to be eligible for a grant, an entity shall**
16 **demonstrate evidence of financial stability, utilize evidence-based practices, and show**
17 **measurable results in its programs. The center shall establish the grant criteria and make**
18 **award decisions. In distributing the grants, the center shall strive to create a coordinated**
19 **statewide set of resources to assist Missouri in this state's effort to prevent and treat**
20 **diabetes.**

21 **3. (1) The center shall operate under the direction of a seven-member board of**
22 **trustees. Five members shall be appointed by the governor. One member shall be**
23 **appointed by the president pro tem of the senate and one member shall be appointed by**
24 **the speaker of the house of representatives.**

25 **(2) In making appointments to the board, the governor shall strive to ensure that**
26 **the membership of the board is representative of the state's geographic and demographic**
27 **composition, with appropriate attention to the representation of women and minorities.**
28 **The appointments made by the governor shall include the following:**

29 **(a) One member who is a physician licensed in this state;**

30 **(b) One member who is a registered nurse licensed in this state;**

31 **(c) One member who is a dietician licensed in this state; and**

32 **(d) One member who represents a human resources management or business**
33 **perspective.**

34 **(3) The director of the department of health and senior services, the commissioner**
35 **of education, the director of the department of agriculture, or their designees, and the**
36 **respective chairs of the education committees of the senate and house of representatives,**
37 **and the chairs of the health committees of the senate and house of representatives shall**
38 **serve as ex officio nonvoting members of the board.**

39 **(4) The governor shall appoint a chair from the members appointed under**
40 **subdivision (1) of this subsection, who shall serve a two-year renewable term as chair.**

41 (5) Trustees appointed by the governor shall serve four-year renewable terms;
42 provided that, of the initial trustees appointed:

43 (a) Two trustees appointed by the president pro tem of the senate and speaker of
44 the house of representatives shall be appointed for an initial term of four years;

45 (b) Two trustees appointed by the governor shall be appointed for an initial term
46 of three years;

47 (c) Two trustees appointed by the governor shall be appointed for an initial term
48 of two years; and

49 (d) One trustee appointed by the governor shall be appointed for an initial term of
50 one year.

51 (6) In case of a vacancy, the appointing authority for such vacancy shall appoint
52 a new member to serve the unexpired term. Trustees shall serve until a successor trustee
53 is appointed.

54 (7) A quorum of the board shall be four trustees.

55 (8) Trustees shall receive no compensation for their service on the board, but may
56 be reimbursed for their actual and necessary expenses incurred in the performance of their
57 duties as trustees of the board.

58 (9) The board shall adopt and implement a policy related to conflicts of interest to
59 ensure that all trustees avoid any situation that creates an actual or perceived conflict of
60 interest related to the work of the center.

61 (10) No trustee or any employee or agent of the board shall be liable and no cause
62 of action of any nature shall arise for any omission or any action taken by the board within
63 the scope of their duties, except for willful, malicious, or criminal acts or omissions done
64 for personal gain.

65 (11) The board shall submit an annual report to the governor, president pro tem
66 of the senate, and speaker of the house of representatives by June thirtieth each year. The
67 report shall include detailed information on the operation and financial status of the
68 center.

 191.1081. 1. There is hereby created in the state treasury the "Diabetes Prevention
2 and Health Improvement Fund", which shall consist of moneys appropriated under
3 sections 191.1075 to 191.1093 and any moneys received as gifts, contributions, bequests,
4 donations, and grants for diabetes prevention and health improvement. The state
5 treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,
6 RSMo, the state treasurer may approve disbursements. Upon appropriation, money in the
7 fund shall be used solely for the administration of sections 191.1075 to 191.1093.

8 **2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any**
9 **moneys remaining in the fund at the end of the biennium shall not revert to the credit of**
10 **the general revenue fund.**

11 **3. The state treasurer shall invest moneys in the fund in the same manner as other**
12 **funds are invested. Any interest and moneys earned on such investments shall be credited**
13 **to the fund.**

191.1084. The center is authorized to create or establish a nonprofit organization
2 **which shall also be eligible to request and receive gifts, contributions, bequests, donations,**
3 **and grants from a legal and appropriate source to effectuate the center's purpose. The**
4 **nonprofit organization, if created, shall report its receipts and expenditures on an annual**
5 **basis to the director of the department of health and senior services.**

191.1087. The center may promulgate rules to implement the provisions of sections
2 **191.1075 to 191.1093. Any rule or portion of a rule, as that term is defined in section**
3 **536.010, RSMo, that is created under the authority delegated in this section shall become**
4 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
5 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
6 **nonseverable and if any of the powers vested with the general assembly pursuant to**
7 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
8 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
9 **rule proposed or adopted after August 28, 2009, shall be invalid and void.**

191.1090. On or before July 1, 2010, there shall be created a special joint committee
2 **of the general assembly to study issues pertaining to the diabetes prevention and health**
3 **improvement act and to determine appropriate legislative actions with respect to the**
4 **programs established under such act. The special joint committee shall consist of five**
5 **members of the senate, appointed by the president pro tem of the senate and the minority**
6 **floor leader of the senate, and five members of the house of representatives, appointed by**
7 **the speaker of the house and the minority floor leader of the house. All appropriate state**
8 **agencies shall provide assistance to the special joint committee upon request of the chair.**
9 **The committee shall timely report its findings and recommendations, including any**
10 **proposed legislation, no later than January 15, 2011, at which time the committee shall**
11 **cease to exist.**

191.1093. Under section 23.253, RSMo, of the Missouri Sunset Act:

2 **(1) The provisions of the new program authorized under sections 191.1075 to**
3 **191.1093 shall automatically sunset six years after the effective date of sections 191.1075**
4 **to 191.1093 unless reauthorized by an act of the general assembly; and**

5 (2) If such program is reauthorized, the program authorized under sections
6 191.1075 to 191.1093 shall automatically sunset six years after the effective date of the
7 reauthorization of sections 191.1075 to 191.1093; and

8 (3) Sections 191.1075 to 191.1093 shall terminate on September first of the calendar
9 year immediately following the calendar year in which the program authorized under
10 sections 191.1075 to 191.1093 is sunset.

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