

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 680

1 AN ACT

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

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,**
6 **AS FOLLOWS:**

7 Section A. Chapter 192, RSMo, is amended by adding thereto
8 one new section, to be known as section 192.975, to read as
9 follows:

10 192.975. 1. As used in this section, the following words
11 and phrases shall mean:

12 (1) "Body mass index" or "BMI", the relationship between
13 weight and height used to assess health risk related to excess
14 weight, based on a mathematical formula that is expressed as
15 weight in kilograms divided by height in meters squared
16 (BMI=kg/m²) or weight in pounds divided by height in inches
17 squared and multiplied by 703 (BMI=lbs/in² x 703);

18 (2) "Department", the department of health and senior

1 services;

2 (3) "Dietary Guidelines for Americans", the current set of
3 recommendations of the federal government that are designed to
4 help people choose diets that will meet nutrient requirements,
5 promote health, support active lives and reduce chronic disease
6 risks;

7 (4) "Nutrition education", a planned sequential
8 instructional program that provides knowledge and teaches skills
9 to help students adopt and maintain lifelong healthy eating
10 patterns;

11 (5) "Obesity", a body mass index of more than 30kg/m² among
12 adults and among children or a body mass index greater than the
13 ninety-fifth percentile for age and sex in six to ten year olds;

14 (6) "Overweight", a body mass index between 25kg/m² and
15 29.9kg/m² among adults and children or a body mass index greater
16 than the eighty-fifth percentile but less than the ninety-fifth
17 percentile;

18 2. There is hereby created the "Missouri Commission on
19 Prevention and Management of Obesity" within the department of
20 health and senior services to be in existence within sixty days
21 of the effective date of this section until August 28, 2004.

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

24 (1) Collecting and analyzing data regarding the extent to

1 which children and adults in Missouri suffer from obesity,
2 including data already available to the department of health and
3 senior services, the division of medical services and, where
4 feasible, the data available to commercial insurers;

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

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

11 (4) Collecting and analyzing data to demonstrate the
12 economic impact on the state of failure to address and treat
13 obesity;

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

16 (6) Identifying specific recommendations that the state
17 must implement to increase obesity prevention and management in
18 children and adults and providing the estimated cost of
19 implementing those recommendations.

20 4. The commission shall coordinate with the United States
21 Department of Agriculture, the United States Department of Health
22 and Human Services, including the Health Resources and Services
23 Administration, the Centers for Medicaid and Medicare Services,
24 and the Centers for Disease Control and Prevention, the Missouri

1 department of elementary and secondary education, the Missouri
2 department of social services, and the Missouri department of
3 mental health to share resources and information in order to
4 ensure a comprehensive approach to the prevention and treatment
5 of obesity and obesity-related conditions.

6 5. The commission shall submit a report, including proposed
7 legislation if necessary, to the governor and to the house budget
8 committee and the senate appropriations committee, no later than
9 August 28, 2004. The report shall include information about the
10 economic burden of obesity, available programs and services, and
11 the barriers to such programs and services.

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

15 (1) The director of the department of health and senior
16 services;

17 (2) The commissioner of the department of elementary and
18 secondary education;

19 (3) The director of the department of mental health;

20 (4) The director of the department of social services;

21 (5) The director of the department of insurance;

22 (6) The director of the department of higher education;

23 (7) A member of the house of representatives as appointed
24 by the speaker of the house of representatives;

1 (8) A member of the senate as appointed by the president
2 pro tem of the senate;

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

5 (10) A representative of the Missouri State Medical
6 Association;

7 (11) A representative of the Missouri Chapter of the
8 American Academy of Pediatrics;

9 (12) A representative of the Missouri Nurses Association;

10 (13) Two persons from the University of Missouri-Columbia
11 with professional knowledge and experience in one of the
12 following areas, medicine, nursing, or dietetics or nutrition
13 sciences, jointly appointed by the deans of the University of
14 Missouri Sinclair School of Nursing, the School of Medicine, and
15 the College of Human and Environmental Sciences;

16 (14) A representative of the Missouri Dietetic Association;

17 (15) A representative of the Missouri Restaurant
18 Association;

19 (16) A representative of the Food Processors' Association;

20 (17) A representative of the Food Manufacturers'
21 Association;

22 (18) A representative of the School Food Service
23 Association;

24 (19) A Missouri representative of the Association of

1 American Medical Colleges; and

2 (20) A Missouri representative of the American Heart
3 Association.

4 7. The commission shall have its first meeting no later
5 than October 1, 2002. The director of the department of health
6 and senior services shall serve as chair of the commission. The
7 department shall establish the procedures necessary for the
8 organization and operation of the commission. The commission
9 shall meet and conduct business at least quarterly. Meetings of
10 the commission shall comply with sections 610.010 to 610.030,
11 RSMo.

12 8. Members of the commission shall receive no compensation.

13 9. The department shall establish and maintain a resource
14 databank containing information about obesity and obesity-related
15 subjects. Such databank shall be:

16 (1) Available to educational and research institutions,
17 physicians, hospitals, policy makers, and members of the general
18 public;

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

22 (3) Implemented by January 1, 2003.

23 10. The department of health and senior services shall
24 provide technical assistance to schools and school districts to

1 create healthy school nutrition environments. For purposes of
2 this subsection, a healthy school nutrition environment shall be
3 defined as one in which nutrition and physical activity are
4 taught and supported in the classroom, the dining room, and
5 throughout the school to provide positive messages that help
6 students develop healthy eating and physical activity habits. A
7 healthy school nutrition environment shall include:

8 (1) A commitment to nutrition and physical activity;

9 (2) Quality school meals that contain the required
10 nourishment to foster learning and growth based upon the United
11 States Department of Agriculture Dietary Guidelines for
12 Americans;

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

16 (4) Pleasant eating experiences so that children can relax,
17 eat and socialize without feeling rushed;

18 (5) Nutrition education to build nutrition knowledge and
19 skills into the curriculum to help children make healthy eating
20 and physical activity choices; and

21 (6) Marketing to motivate parents, teachers,
22 administrators, and the community to work towards a healthy
23 school nutrition environment.

24 Section B. Because immediate action is necessary to address

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