



healthy states

CSG's partnership to promote public health

Trends in State Public Health Legislation January 1, 2006 – December 31, 2006

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Chapter 1B:

Obesity

This report was completed for the Council of State Governments by the Health Policy Tracking Service, a service of Thomson West

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Healthy States Initiative

The Council of State Governments' Healthy States Initiative is designed to help state leaders make informed decisions on public health issues. The enterprise brings together state legislators, officials from the Centers for Disease Control and Prevention, state health department officials, and public health experts to share information, analyze trends, identify innovative responses, and provide expert advice on public health issues. CSG's partners in the initiative are the National Black Caucus of State Legislators (NBCSL) and the National Hispanic Caucus of State Legislators (NHCSL).

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The Council of State Governments

Chapter 1B. Obesity

SCHOOL NUTRITION

Because of nutrition's proven impact on weight, health and academics, many lawmakers continue to focus on instilling lifelong healthy behaviors in children through encouraging or mandating improved nutrition in state public school systems. Studies show that soft drink and fat consumption among adolescents has increased since the 1970s. Advocates contend that this is due in part to an increase in the availability in schools of competitive foods and beverages, which tend to be high in fat and added sugar and low in nutrients. They stress that the availability of such products also contradicts health and nutrition education classes.¹ Studies demonstrate that the presence of à la carte foods and vending machines in schools, common venues for competitive foods and foods of minimal nutritional value (FMNV), are associated inversely with fruit and vegetable consumption.^{2,3}

As students spend a great amount of time in school, advocates emphasize the important role of schools in promoting, facilitating and teaching lifelong healthy eating habits. Opponents of state school nutrition legislation maintain that a healthy diet can include all foods and beverages in moderation and that such decisions should be made at a local, not state, level. Proponents maintain that the state government, which incurs a significant portion of the rising healthcare costs, should intervene in the obesity crisis and facilitate healthy lifestyles, particularly in schools where children may not make nutritious food choices. Despite the controversial debate over school nutrition, HPTS has seen much federal and state activity in the past several years.

Since 2003, at least 20 states — **Alabama, Arizona, Arkansas, California, Connecticut, Indiana, Kansas, Kentucky, Louisiana, Maine, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas and West Virginia** — have adopted school nutrition guidelines beyond those required by the USDA through legislative bills, executive orders, rules and regulations.

This year, at least 31 states introduced or carried over 94 school nutrition bills. Of those, at least 11 states adopted legislation, and two states vetoed legislation (see Figure 1).

¹ American Dietetic Association, Local Support for Nutrition Integrity in Schools (2000), available at

http://www.eatright.org/cps/rde/xchg/ada/hs.xsl/advocacy_3779_ENU_HTML.htm.

² Martha Y. Kubik, Leslie A. Lytle, Peter J. Hannan, Cheryl L. Perry, Mary Story, *The Association of the School Food Environment with Dietary Behaviors of Young Adolescents*, 93(7) Am. J. Public Health, 1168-73 (2003).

³ Marie-Pierre St-Onge, Kathleen L. Keller, Steven B. Heymsfield, *Changes in Childhood Food Consumption Patterns: A Cause for Concern in Light of Increasing Body Weights*, 78 Am. J. Clin. Nutr. 1068-73 (2003).

for local control of schools and parental participation. After a yearlong debate, the governor, the state Senate and the state Department of Education reached an agreement in February on a legislative proposal for school nutrition, S.B. 373. In May, Gov. Rell signed the bill, "An Act Concerning Healthy Food and Beverages in Schools."

The new law contains the following beverage provisions, which will be among the country's most stringent because it applies the same guidelines to all school levels:

- Restricts beverage sales to students from any source (e.g., school stores, cafeterias, vending machines or fundraising activities on school premises) to only low- and nonfat milk, nondairy milk, 100 percent fruit and vegetable juices and water
- Allows local boards of education to permit the sale of other beverages to students as long as the sale takes place at after-school or weekend school-sponsored events

Lawmakers will continue to allow for local control over food sold in schools. However, they provide a unique financial incentive for schools to offer healthy foods. The state Department of Education must publish nutrition standards for food items by Aug. 1, 2006. School districts participating in the National School Lunch Program must decide and report to the Department each year whether they will offer only food items that meet the new standards. Districts that do so will receive from the state an additional 10 cents per lunch — a substantial increase from the current rate of 5 cents per lunch. The law went into effect July 1, 2006.

In **Rhode Island**, Gov. Donald Carcieri (R) signed two identical bills to establish school nutrition guidelines on food and beverages, S.B. 2696 and H.B. 6968. The new law requires all state elementary, middle and junior high schools that sell or distribute beverages and snacks on school grounds to offer healthier beverages, effective Jan. 1, 2007, and healthier snacks, effective Jan. 1, 2008. The new law defines healthier beverages as the following:

- Water, including carbonated water, flavored or sweetened with 100 percent fruit juice and containing no added sweetener
- Low- and nonfat milk and milk alternatives with no more than four grams of sugar per ounce
- 100 percent fruit juice and fruit- and vegetable-based drinks with no less than 50 percent fruit or vegetable juice and no added sweetener

Healthier snacks are defined as the following:

- Individually sold portions of nuts, nut butters, seeds, eggs, cheese packaged for individual sale, fruit, vegetables that have not been deep fried and legumes
- Individually sold portions of low-fat yogurt with not more than four grams of total carbohydrates (natural and added) per ounce and reduced fat or low-fat cheese packaged for individual sale
- Individually sold enriched grain products or whole grain food items that contain no more than 30 percent of total calories from fat, no more than 10 percent of total calories from saturated fat and no more than seven grams of total sugar per ounce

The standards will not apply to items sold by students at least one hour after the end of the school day or off school grounds or items sold during a school-sponsored activity after school.

Among its many provisions, **Pennsylvania** H.B. 185 imposes restrictions on competitive food and beverage contracts. The bill also would have required every local education agency that participates in the National School Lunch Program to review the nutritional value of and adopt nutritional guidelines for all foods and beverages available during the school day, but that provision was removed at the last minute. Gov. Edward Rendell (D) signed the bill on July 11.

Developing Local Wellness Policies

Two years ago, Congress enacted "The Child Nutrition and WIC Reauthorization Act of 2004." The law required every school district that participates in the National School Lunch Program to have adopted a local school wellness policy that promotes healthy nutrition and physical activity by July 1, 2006. However, the Act left much authority to the states and localities in determining what should be included in each policy.^{4, 5}

In the past two years, many states considered legislation to help guide school districts in their efforts to comply. Some states considered legislation to add state requirements in conjunction with the federal requirements. This year, lawmakers in at least eight states — **Florida, Georgia, Indiana, Massachusetts, Mississippi, New York, Oklahoma** and **Pennsylvania** — introduced legislation to assist or set requirements for school districts in establishing wellness councils and policies. Much of the legislation provides guidance for both nutrition and physical activity. Florida, Indiana, Mississippi, Oklahoma and Pennsylvania enacted bills. The table below details the bills that were enacted.

Table 1. 2006 Enacted Legislation to Develop Local School Wellness Policies			
Source: Health Policy Tracking Service, a service of Thomson West, Dec. 2006			
State	Bill	Status	Summary
FL	S.B. 772	06/26/06—Signed by governor	Requires each school district to submit to the Department of Education a copy of its school wellness policy and its physical education policy by Sept. 1, 2006 Requires the Department to post Web site links to each district's policies by Dec. 1, 2006 Requires the Department to provide Web site links to examples of school wellness policies
IN	S.B. 111	03/15/06—Signed by governor	Requires each school board to establish a coordinated school advisory council to develop a local wellness policy that complies with federal requirements Directs the Department of Education to provide

⁴ U.S. House of Representatives Committee on Education and the Workforce, The Child Nutrition and WIC Reauthorization Act Update (July 2004), available at <http://edworkforce.house.gov/democrats/hr3873cupdate.html>.

⁵ USDA's Food and Nutrition Service, Local School Wellness Policy Requirements, available at http://teammnutrition.usda.gov/Healthy/wellness_policyrequirements.html.

Table 1. 2006 Enacted Legislation to Develop Local School Wellness Policies			
Source: Health Policy Tracking Service, a service of Thomson West, Dec. 2006			
State	Bill	Status	Summary
			information concerning health, nutrition and physical activity to the councils
MS	H.B. 319	03/15/06—Signed by governor	Directs local school districts to establish local school health councils and wellness policies in accordance with the federal requirements
OK	S.B. 1459	04/24/06—Signed by governor	Requires the state departments of Education and Health to assist the Healthy and Fit School Advisory Committees by making information and technical assistance available to schools for use in establishing healthy school nutrition environments, reducing childhood obesity, developing physical education and activity programs, preventing diet-related chronic diseases and establishing school wellness policies
PA	H.B. 185	07/11/06—Signed by governor	Requires each local education agency to establish a local wellness policy by June 30, 2006 Establishes an interagency coordinating council for child health and nutrition to annually review and revise the Pennsylvania nutrition and activity plan to prevent obesity and related chronic disease. The plan must include recommendations regarding local wellness policies Establishes local advisory health councils to provide recommendations on the development of local wellness policies

Establishing Committees, Councils and Task Forces

Instead of mandating school nutrition standards, several states considered legislation to appoint statewide or local committees, councils or task forces to study the issues and formulate recommendations. In 2006, at least 10 states — **California, Iowa, Maryland, Massachusetts, Missouri, New Hampshire, New Mexico, Oklahoma, Pennsylvania** and **Tennessee** — introduced or carried over such legislation. Iowa, Oklahoma, Pennsylvania and Tennessee enacted bills.

In **Iowa**, Gov. Thomas Vilsack (D) signed S.B. 2251, directing the departments of Education and Public Health to establish a 24-member healthy children task force. The task force will assess current policies affecting the health of children, particularly those pertaining to physical activity and nutrition, and will develop and submit policy recommendations by Jan. 1, 2007.

Oklahoma lawmakers approved H.B. 2655 calling for a 15-member Farm-to-School Task Force to study the barriers of implementing a Farm-to-School Program and to recommend resolutions in a report to state lawmakers by Dec. 31, 2006.

In June, **Tennessee** lawmakers enacted a carry-over measure, the “Child Nutrition and Wellness Act of 2005.” The law directs the Commissioner of Health to appoint an advisory council to advise him and the Office of Child Nutrition and Wellness on child

nutrition and wellness issues. The council will meet quarterly and holds the following responsibilities:

- Advocating for the wellness of children and recommending forums, programs and initiatives to educate the public regarding child nutrition and wellness
- Developing nutrition and physical activity standards for children
- Gathering data on child nutrition and wellness
- Developing a comprehensive long-term strategy to promote child nutrition and wellness in various settings, including schools, child care centers, health care facilities and community settings

Pennsylvania H.B. 185, enacted in July, contains a provision for the establishment of an interagency coordinating council for child health and nutrition to annually review and revise the state's nutrition and activity plan to prevent obesity and related chronic diseases. The plan will include recommendations regarding physical education and nutrition guidelines for food and beverages sold in schools. The bill also calls for the Secretary of Education to establish an advisory committee to offer recommendations to the council.

Increasing Access to Fresh Produce

Becoming a bigger trend in 2006 compared to recent years are bills that increase or promote access to fresh fruits and vegetables in schools, rather than restricting access to certain foods. At least eight states introduced legislation, including **Arizona, California, Colorado, Connecticut, Iowa, Oklahoma, Pennsylvania** and **Vermont**. **Colorado** Gov. Bill Owens (R) signed a bill in May to implement a pilot program to increase students' access to fresh fruits and vegetables in participating schools. **Vermont** and **Oklahoma** lawmakers enacted bills that create farm-to-school programs to support farms and to promote healthy eating and nutrition education in schools. Pennsylvania...The table below highlights the enacted legislation.

Table 2. 2006 Enacted Legislation to Increase Access to Fresh Produce			
Source: Health Policy Tracking Service, a service of Thomson West, Dec. 2006			
State	Bill	Status	Summary
CA	H.B. 1535	09/25/2006— Signed by governor	Amends law on the Instructional School Garden Program
CO	S.B. 127	05/25/06—Signed by governor	Creates a pilot program to make free fruits and vegetables available to students throughout the school day in participating schools
OK	H.B. 2655	05/26/06—Signed by governor	Establishes the "Oklahoma Farm-to-School Program Act"
PA	S.B. 1209	11/29/06—Signed by governor	Establishes a program to award grants for the purposes of developing a Healthy Farms and Healthy Schools program in kindergarten classes.
VT	H.B. 456	05/15/06—Signed by governor	Establishes a mini-grant program for schools to develop farm-to-school connections and to teach nutrition education

Promoting School Nutrition

Rather than mandating action, lawmakers in several states introduced legislation to promote school nutrition. For instance, urging education officials to establish nutrition policies, providing incentives to promote school nutrition, developing model

policies to serve as local guidance, etc. In 2006, **Connecticut, Florida, Georgia, Hawaii, Iowa, Massachusetts** and **New Hampshire** considered such legislation. Bills were enacted in Connecticut and Florida.

As part of enacted **Connecticut** bill S.B. 373, instead of mandating schools to offer healthy foods, the state will provide a financial incentive for school districts that choose to offer only food items that meet the state Department of Education's nutrition guidelines.

Florida lawmakers approved H.R. 9095, designating the 2006-2007 school year as "Healthy School Lunch Year." The bill urges all school districts and parents of schoolchildren to emphasize the importance of and provide daily diets consisting of fruits, vegetables, whole grains and legumes.

Other School Nutrition Legislation

At least 14 states — **Alaska, California, Connecticut, Florida, Hawaii, Iowa, Maryland, Massachusetts, Missouri, New Mexico, Oklahoma, Rhode Island, Virginia** and **Wyoming** — considered legislation that does not fit into the specific sub-topics. Three bills were enacted.

- **Iowa** S.B. 2124 establishes a nutrition and physical activity community obesity prevention grant program. Senate Bill 2124 will strive to increase fruit and vegetable consumption and physical activity among elementary schoolchildren. The Department of Public Health will award grants to six communities in each of six regions; however, the grant program is contingent on funding.
- **Oklahoma** S.B. 1459 requires the state Education and Health departments to assist the Healthy and Fit School Advisory Committees by making information and technical assistance available to schools for use in establishing healthy school nutrition environments, reducing childhood obesity, developing physical education and activity programs and preventing diet-related chronic diseases.
- **Florida**, S.B. 772 requires that the state Department of Education provide Web site links to wellness information. The links should include information regarding classroom instruction on exercise, healthful eating and tobacco use and exposure; the components of the coordinated school health program; the core measures for school health and wellness; nutritional content of foods and beverages; examples of school wellness policies; and examples of wellness classes for teachers and school staff.

Vetoed Legislation

In 2006, two school nutrition bills received approval from both chambers but were vetoed by the governor. **Colorado** Gov. Bill Owens (R) vetoed H.B. 1056, a bill that would have required school districts to ensure that at least 50 percent of items available for sale in school vending machines meet acceptable nutritional standards. Current law only encourages school districts to do so. Owens' took a stand that the state should not impose such mandates on school districts and that school districts should have the authority to voluntarily adopt school nutrition regulations.

California Gov. Arnold Schwarzenegger (R), a strong proponent for health and wellness who signed a major school nutrition legislative package in 2005, vetoed H.B. 469. The bill would have required the state Department of Education to maintain the existing nutritional guidelines for all schools and to add guidelines for

sugar and sodium. In his veto message, the governor said, "Simply revising state level guidelines without any implementation or enforcement mechanism does not address the proliferation of unhealthy foods in any effective or timely manner... I would welcome a bill next year that attempts to increase the quality of food served on California school campuses by eliminating meals with unhealthy trans fats and those foods fried in unhealthy oils, as much as practically possible." He vetoed a similar bill in 2005 for the same reason.

New Trends

California, Massachusetts and **Virginia** introduced innovative legislation in the 2006 session. Massachusetts S.B. 2372 and California H.B. 569 would have required nutritional content information to be provided in schools. The Massachusetts measure also would require an annual public service campaign on pediatric obesity. California lawmakers later removed the nutritional content information provision, while Massachusetts lawmakers postponed S.B. 2373 to next session.

Several bills in recent years have called for child nutrition program and school food service personnel to receive education on nutrition and meal planning. Two identical and innovative bills in **Virginia**, H.B. 1593 and S.B. 206, took this concept one step further and would require all superintendents to receive instruction on the causes, consequences, prevention and reduction of childhood obesity. The bills were carried over to 2007 legislative session.

HEALTH AND PHYSICAL EDUCATION

Just as sound nutrition positively influences children's weight, health and academic performance, the physical activity portion of the "calories in, calories out" equation does as well. In the past two decades, health and physical education increasingly has taken a back seat to sedentary activities and higher academic expectations, significantly contributing to the rise in childhood obesity. Leading health advocates, including the Centers for Disease Control and Prevention, Action for Healthy Kids and the National Association of State Boards of Education, recommend providing all children from pre-kindergarten through grade 12 with daily physical activity in schools and co-curricular physical activity programs.^{6,7,8}

Although most states require health and physical education to be provided as part of the public school curriculum, student participation may not be required, and enforcement of education requirements often remains at a local level. Facing annual budget constraints and pressure to meet academic standards, local and state education officials, school administrators and educators often express time and financial concerns with legislative measures containing health and physical education mandates, particularly those that do not provide for the increased funding needed to support proposed enhancements. Regardless, during the past several years,

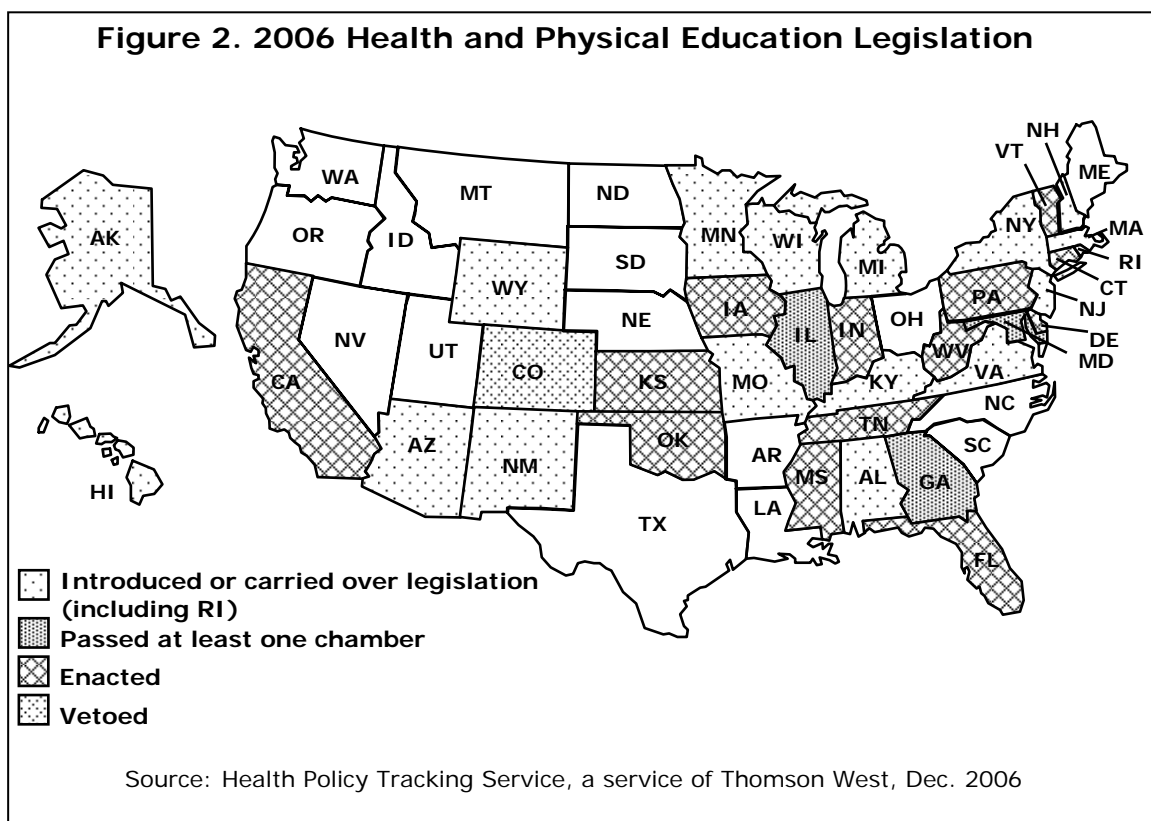
⁶ National Center for Chronic Disease Prevention and Health Promotion, *Overweight and Obesity: Contributing Factors* (March 2006), available at http://www.cdc.gov/nccdphp/dnpa/obesity/contributing_factors.htm.

⁷ Action for Healthy Kids, *An Action for Healthy Kids Report: Criteria for Evaluating School-Based Approaches to Increasing Good Nutrition and Physical Activity* (Fall 2004), available at http://www.actionforhealthykids.org/pdf/report_small.pdf.

⁸ National Association of State Boards of Education, *Sample Policies to Encourage Physical Activity*, available at http://www.nasbe.org/HealthySchools/Sample_Policies/physical_activity.html.

lawmakers have presented an increasing number of legislative proposals and actions to enhance health and physical education in state public school systems.

In 2006, lawmakers in at least 34 states have introduced or carried over 100 bills that address health and physical education in schools. Of those, 13 states have adopted legislation and one state has vetoed legislation (see Figure 2).



Setting Health and Physical Education Standards

Of the 34 states that introduced measures, at least 19 states have considered legislation that sets health and physical education or physical activity standards in schools to help prevent obesity and improve child fitness and wellness. The states include **Alabama, California, Connecticut, Florida, Georgia, Hawaii, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, Oklahoma, Rhode Island, Tennessee and Virginia**. Four states have enacted measures.

In March, **Indiana** Gov. Mitch Daniels (R) enacted a school wellness bill, S.B. 111, requiring school districts to provide daily physical activity opportunities for elementary school students.

Florida Gov. Jeb Bush (R) also signed a bill, H.B. 7087, to enhance health and physical education requirements. The new law requires students to fulfill one credit of health and physical education to graduate from high school.

In **Tennessee**, lawmakers enacted H.B. 3750, a bill that requires each local education agency to integrate 90 minutes of physical activity per week into the

school day for elementary and secondary school students. The bill also authorizes each agency to implement a coordinated school health program by the 2007-2008 school year and creates within the Department of Education the positions of school health coordinator and physical education specialist to assist with coordinated school health programs. Gov. Phil Bredesen (D) signed the measure on June 27.

In **West Virginia**, enacted S.B. 785 amends the “West Virginia Healthy Act of 2005,” which set physical education and fitness requirements for public school students by grade levels, by setting the requirements by programmatic levels (e.g., elementary, middle and high school), to accommodate any variance in grade levels within each school. The physical education requirements are now as follows:

- Elementary school students — At least 30 minutes of physical education, including physical exercise, at least 3 days a week
- Middle school students — At least one full period of physical education, including physical exercise, every day for one semester of the academic year
- High school students — At least one full course of physical education, including physical exercise, for high school graduation and the opportunity to enroll in an elective lifetime physical education course

Developing Local Wellness Policies

Two years ago, Congress enacted “The Child Nutrition and WIC Reauthorization Act of 2004.” The law required every school district that participates in the National School Lunch Program to have adopted a local school wellness policy that promotes healthy nutrition and physical activity by July 1, 2006. However, the Act left much authority to the states and localities in determining what should be included in each policy.^{9, 10}

In the past two years, many states considered legislation to help guide school districts in their efforts to comply. Some states considered legislation to add state requirements in conjunction with the federal requirements. This year, lawmakers in at least eight states — **Connecticut, Florida, Georgia, Indiana, Massachusetts, Mississippi, Oklahoma** and **Pennsylvania** — introduced legislation to assist or set requirements for school districts in establishing wellness councils and policies. Much of the legislation provides guidance for both nutrition and physical activity. Florida, Indiana, Mississippi, Oklahoma and Pennsylvania enacted bills. The table below details the bills that were enacted.

Table 3. 2006 Enacted Legislation to Develop Local School Wellness Policies			
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⁹ U.S. House of Representatives Committee on Education and the Workforce, The Child Nutrition and WIC Reauthorization Act Update (July 2004), available at <http://edworkforce.house.gov/democrats/hr3873cupdate.html>.

¹⁰ USDA's Food and Nutrition Service, Local School Wellness Policy Requirements, available at http://teammnutrition.usda.gov/Healthy/wellness_policyrequirements.html.

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Source: Health Policy Tracking Service, a service of Thomson West, Dec. 2006			
State	Bill	Status	Summary
			to each district's policies by Dec. 1, 2006 Requires the Department to provide Web site links to examples of school wellness policies
IN	S.B. 111	03/15/06—Signed by governor	Requires each school board to establish a coordinated school advisory council to develop a local wellness policy that complies with federal requirements Requires the Department of Education to provide information concerning health, nutrition and physical activity to the councils
MS	H.B. 319	03/15/06—Signed by governor	Directs local school districts to establish local school health councils and wellness policies in accordance with federal requirements
OK	S.B. 1459	04/24/06—Signed by governor	Requires the state departments of Education and Health to assist the Healthy and Fit School Advisory Committees by making information and technical assistance available to schools for use in establishing healthy school nutrition environments, reducing childhood obesity, developing physical education and activity programs, preventing diet-related chronic diseases and establishing school wellness policies
PA	H.B. 185	07/11/06—Signed by governor	Requires each local education agency to establish a local wellness policy by June 30, 2006 Establishes an interagency coordinating council for child health and nutrition to annually review and revise the Pennsylvania nutrition and activity plan to prevent obesity and related chronic disease, which must include recommendations regarding local wellness policies Establishes local advisory health councils to provide recommendations on the development of local wellness policies

Promoting Physical Activity

Legislators wishing to increase physical activity in schools without imposing mandates have pushed measures encouraging education officials to enhance physical education in schools and providing them guidance (i.e. guidelines, model policies) to do so. Eleven states introduced such measures this year — **Connecticut, Delaware, Florida, Georgia, Hawaii, Iowa, Kansas, Massachusetts, Missouri, New Hampshire** and **Tennessee**. The table below details the bills that were enacted.

Table 4. 2006 Enacted Legislation to Promote Physical Activity			
Source: Health Policy Tracking Service, a service of Thomson West, Dec. 2006			
State	Bill	Status	Summary
CT	S.B. 204	05/08/06—Signed by governor	Requires the state Department of Education to develop guidelines to address the physical health

Table 4. 2006 Enacted Legislation to Promote Physical Activity			
Source: Health Policy Tracking Service, a service of Thomson West, Dec. 2006			
State	Bill	Status	Summary
			of students and provide them to local boards of education by Jan. 1, 2007 The guidelines must include plans for promoting daily physical exercise before, during and after school hours Local boards of education may establish and implement, based on the guidelines, plans to address physical health of students by the 2007-2008 school year
DE	H.B. 471	07/10/06—Signed by governor	Establishes a physical education/physical activity pilot program to provide at least 150 minutes of physical education and physical activity for each student in at least six schools.
FL	S.B. 772	06/26/06—Signed by governor	Encourages each school district to provide 150 minutes of physical education each week for students in kindergarten through grade 5 and 225 minutes each week for students in grades 6 through 8
KS	H.R. 6011-6	03/10/06—Signed by governor	Urges the state Board of Education to require some type of physical education instruction for students in kindergarten through grade 12

The decrease in legislation providing for model physical education policies and programs may be due in part to an increasing number of states and school districts adopting physical education policies and standards.

Establishing Committees, Councils and Task Forces

Instead of mandating physical education and activity standards, several states are considering legislation to appoint committees, councils or task forces to study the issues and formulate recommendations. This year, lawmakers in at least 10 states — **California, Delaware, Iowa, Maryland, Massachusetts, Missouri, New Hampshire, Oklahoma, Pennsylvania** and **Tennessee** — introduced or carried over such legislation. California, Delaware, Iowa, Pennsylvania and Tennessee enacted bills.

In 2005, **Delaware** established a Physical Activity and Education Task Force to examine current physical activity and physical education policies and programs and to develop recommendations to improve or create high-quality physical education in the state. Its recommendations included the creation of a Statewide Health Advisory Council. In 2006, lawmakers enacted S.B. 289, a measure codifying the 17-member Statewide Health Advisory Council. The Council is responsible for providing ongoing guidance to the state Department of Education regarding current and future physical education and physical activity programs in public schools. It will convene four times each year and sunset in 2011.

In **Iowa**, Gov. Thomas Vilsack (D) signed S.B. 2251, directing the departments of Education and Public Health to establish a 24-member healthy children task force. The task force will assess current policies affecting the health of children, particularly

those pertaining to physical activity and nutrition, and will develop and submit policy recommendations by Jan. 1, 2007.

In June, **Tennessee** lawmakers enacted a carry-over measure, the "Child Nutrition and Wellness Act of 2005." The law directs the Commissioner of Health to appoint an advisory council to advise him and the Office of Child Nutrition and Wellness on child nutrition and wellness issues. The council will meet quarterly and holds the following responsibilities:

- Advocating for the wellness of children and recommending forums, programs and initiatives to educate the public regarding child nutrition and wellness
- Developing nutrition and physical activity standards for children
- Gathering data on child nutrition and wellness

In **California**, lawmakers approved S.C.R. 73, providing for the California Task Force on Youth and Workplace Wellness to continue to promote health and fitness in schools and workplaces. The bill passed the Senate and awaits action in the House.

Pennsylvania H.B. 185, enacted in July, contains a provision for the establishment of an interagency coordinating council for child health and nutrition to annually review and revise the state's nutrition and activity plan to prevent obesity and related chronic diseases. The plan will include recommendations regarding physical education. The bill also calls for the Secretary of Education to establish an advisory committee to offer recommendations to the council.

Other Physical Education Legislation

This year, at least 14 states — **Arizona, California, Colorado, Delaware, Florida, Illinois, Iowa, Maryland, Mississippi, Missouri, New York, Oklahoma, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin** and **Wyoming** — considered legislation that does not fit into the key trends.

Iowa lawmakers enacted a bill to establish a nutrition and physical activity community obesity prevention grant program. Senate Bill 2124 strives to increase fruit and vegetable consumption and raise physical activity to up to 60 minutes per day among elementary school children. The Department of Public Health will award grants to six communities in each of six regions.

Florida, S.B. 772 directs the state Department of Education to provide Web site links to information regarding classroom instruction on exercise, healthful eating and tobacco use and exposure; the components of the coordinated school health program; the core measures for school health and wellness; nutritional content of foods and beverages; examples of school wellness policies; and examples of wellness classes for teachers and school staff.

Delaware H.B. 372, enacted in July, requires that each school district assess the physical fitness of each student at least once at given elementary school, middle school and high school levels, with all results reported to parents and guardians. The intent is to provide baseline and follow-up fitness results to students and their parents in an effort to raise awareness of obesity and related chronic illnesses.

Vetoed Legislation

One state governor, **Colorado** Gov. Bill Owens (R) has vetoed physical education legislation. House Bill 1021 would have established qualification standards for physical education teachers. Gov. Owens expressed in his veto message that he saw no evidence that current licensure requirements or physical education instruction are inadequate. He also stated that local school districts have the authority to impose stricter hiring standards and that he does not want to impose barriers for current or aspiring physical education teachers. This marked the third time since 2005 the governor exercised veto powers over school wellness bills. Earlier in 2006, he vetoed a school nutrition bill, and in 2005 he vetoed a bill to establish a physical education recognition program.

New Trends

Several unique and innovative initiatives regarding physical education and physical activity surfaced in 2006.

While most bills focus on specifically on physical education, S.B. 362 in **California** contains a provision to establish the Physical Education Professional Development Program for physical education teachers. The program would serve to continue the education of physical education teachers and, hence, strive to improve the quality of physical education programs. The bill passed the Senate in January, but died upon adjournment.

A unique bill, S.B. 3143, in **Tennessee** would have required local education agencies to review and report on the long-term health effects of structured and intramural sports on children. The bill also would have encouraged local education agencies that have implemented or expanded physical activity programs to report to the Department of Education on the actions taken and the effectiveness of the programs. However, the bill died upon adjournment.

Two identical and innovative bills, H.B. 1593 and S.B. 206, in **Virginia** that would have required all superintendents to receive instruction on the causes, consequences, prevention and reduction of childhood obesity were continued to 2007.

In a unique, unprecedented move, the **Nevada** Association for Health, Physical Education, Recreation and Dance filed a petition in 2005 for a state constitutional amendment requiring public schools to provide daily physical education to be placed on the 2006 ballot. The association needed to collect 83,184 signatures by June 20 to be eligible for the November 2006 ballot. Although they collected around 80,000 signatures by the deadline, they fell short and the measure will not be on the ballot. However, this may mark the beginning of a trend for other state chapters of the American Association for Health, Physical Education, Recreation and Dance to follow.

BODY MASS INDEX (BMI) MONITORING AND REPORTING

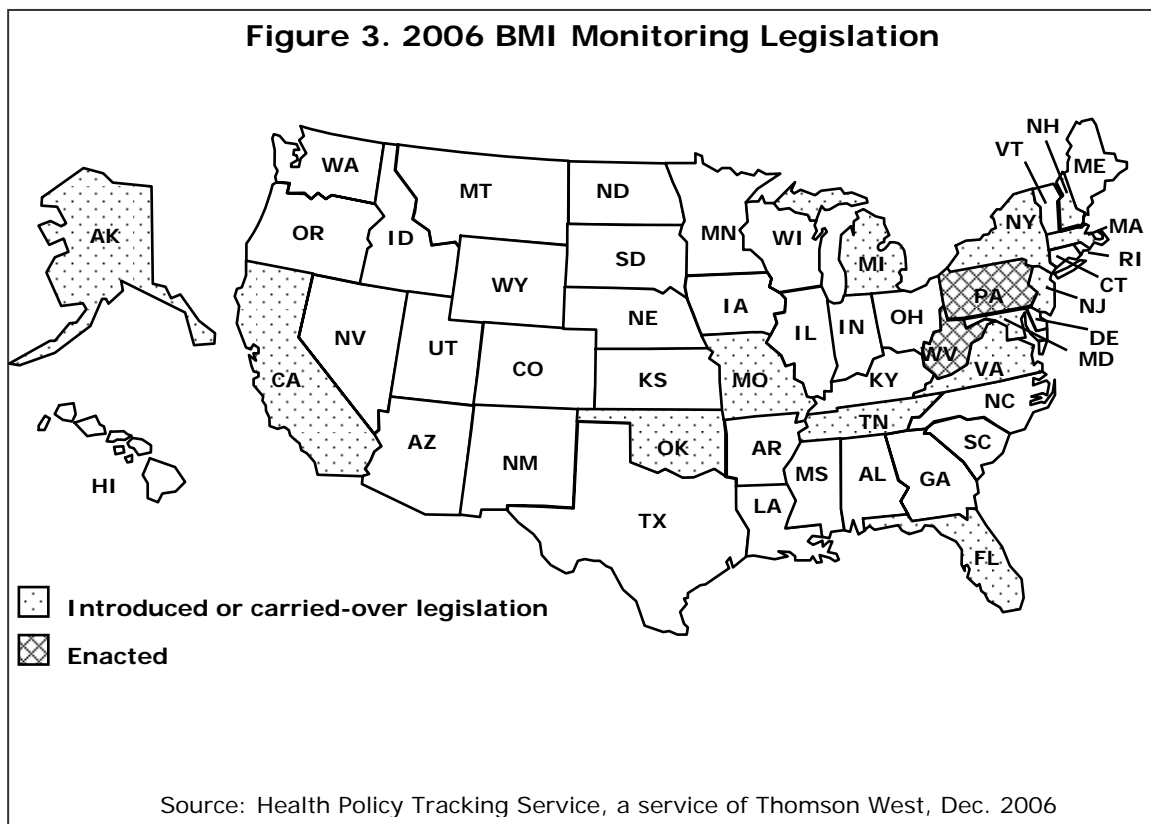
Body mass index (BMI) measures an individual's weight in proportion to his or her height and is a simple, widely used measurement in determining if one's weight is healthy or puts them a risk for obesity. For children and adolescents, their BMI measurements are compared with age- and gender-specific charts developed by the Centers for Disease Control and Prevention (CDC), commonly referred to as BMI-for-age growth charts. These charts help healthcare professionals determine whether a child or adolescent is underweight, at a healthy weight, at risk for overweight or overweight.

To assess the prevalence of obesity, evaluate the effects of policies intended to curb obesity rates in children and adolescents and educate parents, state lawmakers have turned to legislation that measures children's and teenager's BMI. In addition, some lawmakers have supported issuing "health report cards" to increase parental awareness of their child's health status.

Despite the good intent behind BMI reporting bills, they evoke controversy. Opponents of such legislation contend that the assessments potentially may cause self-esteem or psychological damage. Another argument is that BMI does not always provide a reliable measure of a person's health status, as it is based on a formula using height and weight and does not take into account muscle mass, body fat content, cardiorespiratory fitness or other health measures. Supporters argue that studies consistently demonstrate that parents of overweight children fail to identify their children as such and that if parents do not perceive a problem, they will not make the necessary lifestyle changes.

In 2003, **Arkansas** was the first state to require schools to send annual health report cards with information about each student's BMI to parents. Schools also were required to aggregate the data to give school officials and policy makers a school-by-school assessment on the overall health status of the pupils. In 2004, the **Illinois** Department of Health was required by the legislature to collect data measuring obesity as part of the mandatory health examination required for students to attend public schools. Three states—**New York, Tennessee** and **West Virginia**—joined the ranks of those using BMI to monitor childhood obesity in 2005.

In 2006, lawmakers in 15 states—**Alaska, California, Florida, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Oklahoma, Pennsylvania, Tennessee, Virginia** and **West Virginia**—introduced or carried over 24 measures that address BMI measuring and reporting in schools. Pennsylvania and West Virginia enacted legislation.



West Virginia Gov. Joe Manchin (D) signed S.B. 785 in April. The bill provides additional guidance on the BMI measuring and reporting requirements enacted in 2005 by directing the state Board of Education to adopt a rule governing the process and requiring that only a scientifically random sample of students be assessed.

While **Pennsylvania** law already requires schoolchildren to have their height and weight measured by a school nurse or teacher as part of established school health tests, H.B. 185, enacted July 11, requires that information be used to generate a weight-to-height ratio.

With only two of 15 states enacting BMI legislation in 2006, this signifies reluctance among state lawmakers to pass legislation that evokes such controversy. However, a recent analysis on Arkansas' BMI data show that the rate of children who are overweight or at risk of overweight has remained stagnant as the nationwide rate has continued to increase. Positive results in states that have enacted laws to measure and report BMI may encourage lawmakers in other states to push for similar measures.

MENU-LABELING REQUIREMENTS FOR RESTAURANTS

Providing nutritional content to consumers in restaurants is not currently required under any federal or state laws. The provision of such information is voluntary. Nutritional information voluntarily is provided to consumers by at least 150 of the country's 300 largest chain restaurants in many formats, including menus, Web sites and kiosks. However, there is no standard format in how this information is provided to

consumers.¹¹ However, the decision to provide nutritional information and the type of information provided varies from business to business.

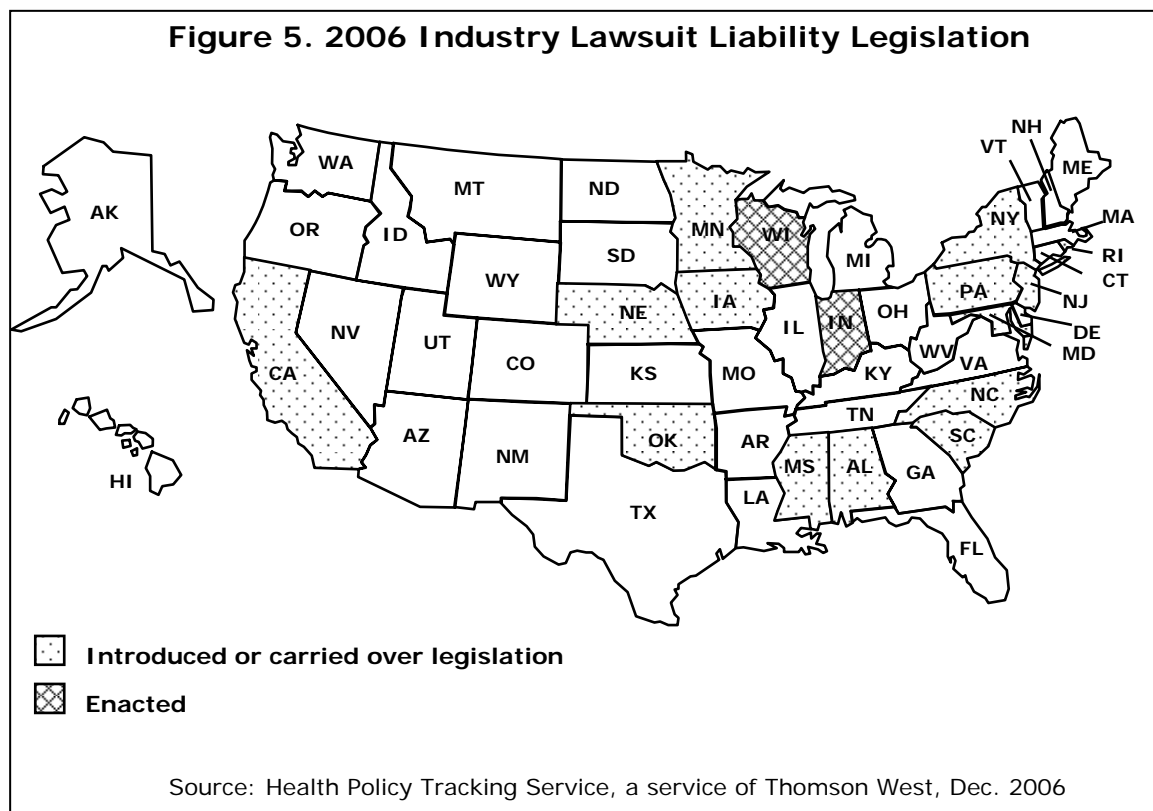
To help reduce the obesity rate in this country, lawmakers in several states have considered legislation mandating food service establishments to provide this information. Public health advocates, particularly the Center for Science in the Public Interest (CSPI), fully support such measures that force establishments to shed light on the amount of calories, sodium and fat contained in food and hope that a better informed consumer will help curb rising obesity rates.

State menu labeling legislation was first introduced in **Maine** in 2003. Since then, lawmakers in several states have introduced similar requirements, but none have been enacted into law. The majority of legislation introduced has targeted chain restaurants and franchises and model CSPI's recommendations, which would require food service chains with 10 or more units to list the calorie, sodium and saturated and trans fat contents of standard menu items on their menus or menu boards. These bills face major opposition from the National Restaurant Association and restaurant owners who claim that nutritional information already is available to the consumer by request or via the Internet. Restaurant owners argue that such a legislative mandate would be very expensive, forcing small business owners to pass additional costs on to consumers.

This year, legislators in nine states — **Hawaii, Illinois, Massachusetts, New Jersey, New York, Ohio, Oklahoma, Pennsylvania** and **Vermont** — and the **District of Columbia** introduced or carried over at least 17 menu labeling bills. None of the measures have made it out of the chamber of origin. Two measures in New Jersey, H.B. 1693 and S.B. 2264, will carry over to the 2007 legislative session.

¹¹ The Keystone Center, *The Keystone Forum On Away-From-Home Foods: Opportunities for Preventing Weight Gain and Obesity, Final Report*, May 2006.

State legislatures continue to take the lead in preventing obesity-related lawsuits from being filed in their jurisdictions. During the 2006 legislative sessions, lawmakers in 16 states introduced or carried over at least 31 industry liability bills. Of those, two states enacted bills. **Indiana** H.B. 1113 was enacted in March and **Wisconsin** S.B. 161 was signed into law in April. Legislative action is highlighted in Figure 4.



With 23 states having enacted and most remaining states having considered such legislation, the trend appears to favor obesity-related liability legislation.

SNACK AND SODA TAXES

With health behaviors such as poor diet contributing to the rising obesity rates and subsequent health care costs, state governments have looked at ways to offset the costs. According to a Yale study released in 2000, a 1-cent tax on soft drinks, candy, chips and other snack items could raise more than \$1.8 billion — money that public health advocates hope would be appropriated to fund obesity research and national or state anti-obesity efforts. The study estimates that the 1-cent tax would generate \$1.5 billion from soft drinks, \$70 million from candy, \$54 million from potato chips and an additional \$190 million from other snack items.¹²

In the early- to mid-1990s, several states and jurisdictions enacted legislation to tax sodas and snacks at a higher rate than other food products. However, due to the complexity involved in the collection and administration of the tax, most of the measures were repealed in states such as **California, Louisiana, Maryland,**

¹² News Release, Yale, Soda and Snack Tax Could Raise \$1.8 Billion for Health Promotion Programs, Yale Study Shows (June 1, 2000), available at http://www.yale.edu/opa/newsr/00-06-01-03_all.html.

Mississippi, North Carolina, Ohio, and South Carolina. Opponents, including the Grocery Manufacturers of America and the Snack Food Association, have helped defeat such measures in recent years. They argue that taxing sodas and snack foods leads to consumer and retailer confusion, establishes government-imposed preferences and creates competitive disadvantages for retailers whose businesses operate near state borders. With the exception of tobacco products, increasing the sales tax on beer, wine, alcohol, soda and snacks is very difficult. Such taxes are seen as regressive and having a negative effect on low-income and working-class families. Furthermore, any proposal to increase taxes, no matter what the product or purpose, faces a difficult legislative future in the current political climate.

The strong opposition and lack of success in states that implemented a snack and soda tax makes introducing and passing such legislation unpopular and difficult. In 2006, eight states — **California, Indiana, Kansas, Nebraska, New Mexico, New York, Washington, and Wisconsin** — introduced or carried over 11 bills to impose a snack or soda tax. None of the legislation was enacted. No new snack or soda tax legislation has been enacted in the past three years.

MEDICAID BENEFITS AND SERVICES TO TREAT OVERWEIGHT AND OBESE INDIVIDUALS

According to a 2004 study published in *Obesity Research*, providing medical treatment to obese Americans cost the country \$75 billion in 2003, of which \$21 billion was paid in Medicaid dollars. The study, *State-Level Estimates of Annual Medical Expenditures Attributable to Obesity*, provides an estimate of the financial impact of obesity in each state, ranging from \$87 million in Wyoming to \$7.7 billion in California.¹³ This study serves to inform state lawmakers of the economic impact obesity has on their respective budgets.

The federal government currently does not require states to reimburse obesity treatment. However, in 2006, legislators in several states reviewed their options and considered legislation to provide Medicaid coverage for obesity-related treatment or to encourage healthy behaviors and place a premium on behaviors detrimental to one's health.

In 2006, three states — **Minnesota, New York and Virginia** — introduced or carried over four bills that would provide Medicaid coverage for obesity-related treatment. None of the measures were enacted.

Rather than providing Medicaid coverage for obesity treatment, the predominant trend appears to be Medicaid waivers to create programs that offer incentives to Medicaid beneficiaries to lead healthier lives. This year, **Idaho, Kentucky, Rhode Island, South Carolina and West Virginia** set plans in motion to promote healthy behaviors as their respective Medicaid programs are overhauled.

Near the end of 2005, former **Idaho** Gov. Dirk Kempthorne (R) began promoting a plan to reform his state's Medicaid program that would divide Medicaid into three separate parts based on eligibility, type and health risk. Although the primary bill to enact his plan, ID H.B. 776, was initially met with some skepticism and disapproval in the Legislature, the "Medicaid Simplification Act" was signed into law March 31. The measure authorizes the director of the Idaho Department of Health and Welfare

¹³ Eric A. Finkelstein, Ian C. Fiebelkorn and Guijing Wang, *State-Level Estimates of Annual Medical Expenditures Attributable to Obesity*, 12 OBESITY RESEARCH, 18-24 (2004).

(DHW) to restructure the Idaho Medicaid program in order to achieve improved health outcomes for Medicaid participants and slow the rate of growth in Medicaid costs.

Kentucky's reformed Medicaid program will offer enrollees special disease management programs and "Get Healthy" benefits to promote healthy behaviors and lives through such additional services as dental, vision, nutritional counseling and smoking cessation programs. The new "Get Healthy" benefits also provide incentives to enrollees practicing healthy behaviors. Enrollees may receive additional services after one year of successful participation in a disease management program.¹⁴

Rhode Island Gov. Donald Carcieri (R) recently signed a package of legislation that, taken together, is designed to begin to overhaul the state's health care system. According to a press release from the governor's office, the health care legislation that the governor signed addressed: lowering health care costs for small business employees, promoting healthier living, and ensuring greater access to primary and preventive care.

Early in the 2006 legislative session, Gov. Mark Sanford directed the state Department of Health and Human Services to proceed with implementing his Medicaid reform plan, **South Carolina** Healthy Connections. The governor's plan will transform Medicaid from a one-size-fits-all model into one in which beneficiaries may tailor their plans to best fit their needs.

Gov. James Douglas (R) and the **Vermont** Legislature agreed on a major healthcare reform bill to provide health insurance coverage for 25,000 uninsured residents. The "2006 Health Care Affordability Act," VT H.B. 861, creates a health insurance program called Catamount Health in which everyone who is uninsured for 12 months will have access to — and will help pay for — the comprehensive health insurance package. One of the key aspects of the Catamount Health insurance program established by the law is that — unlike high-deductible catastrophic plans — the coverage will pay for primary and preventive care. This coverage hopefully will lower the amount of money spent on treatment for people who did not see a doctor early in their illness. The law also directs the Department of Banking Insurance Securities and Health Care Administration to adopt rules to permit health insurance companies to offer premium discounts or other incentives (Healthy Choices Discounts) to people who participate in health promotion or disease prevention programs such as smoking cessation.

In **West Virginia**, the state is offering enrollees a choice of two benefit packages: a basic plan based on the current services offered and an enhanced package that includes benefits not usually offered under Medicaid. To be eligible for the enhanced package, enrollees must sign an agreement to comply with all recommended medical treatment and wellness behaviors. The state initially will market the enhanced benefit package to healthy children and adult enrollees. The enhanced package will include tobacco cessation, nutritional education, diabetes care and substance abuse and mental health services. The state will track medical outcomes and compliance with the agreement through several indicators including receiving screenings as

¹⁴ Press Release, United States Department of Health and Human Services, HHS Approves Historic Medicaid Reform Plans in Kentucky (May 3, 2006), available at <http://www.hhs.gov/news/press/2006pres/20060503a.html>.

directed and adherence to health improvement programs. Enrollees failing to comply with their agreements may lose access to the enhanced package.¹⁵

Although not specifically targeting obesity, **Massachusetts** Gov. Mitt Romney (R) approved legislation in 2006 that requires the state Medicaid program to develop a wellness program that will provide incentives to encourage beneficiaries to achieve desired health outcomes. If outcomes are achieved, enrollees will benefit from reductions in premiums or copayments. The provision was included in H.B. 4850, a comprehensive bill that requires individuals to obtain health insurance coverage by July 1, 2007.

Given the growing prevalence of obesity and the Centers for Medicare and Medicaid Services (CMS) recent decision to expand Medicare's coverage of bariatric surgery to Medicare beneficiaries of all ages and for three types of bariatric surgeries, states may give more consideration to Medicaid coverage for obesity treatment and prevention in the coming years.

INSURANCE COVERAGE FOR TREATMENT AND PREVENTION OF OBESITY AND CHRONIC ILLNESSES

The increase in health care costs related to chronic illness has put a strain on state and federal governments' budgets and health insurers and has caused a subsequent hike in health insurance premiums. The rapidly growing prevalence of overweight and obesity is a key contributor to the rising health care costs and incidence of chronic illness. The total cost of obesity in the United States in 2000 was estimated at \$117 billion. This amount includes \$61 billion for direct medical costs and \$56 billion for indirect costs such as loss of productivity, absenteeism and income lost due to related morbidity or premature mortality.^{16,17}

In an effort to control health care costs, both the state and federal governments have considered actions to reduce obesity and chronic illness by encouraging and mandating health insurance companies to provide coverage for treatment (e.g. medical nutritional therapy and bariatric surgery) and prevention (e.g. health promotion and wellness benefits). As with all mandates for healthcare benefits, proponents contend that the requirements are necessary to ensure adequate healthcare for consumers by providing needed coverage for a particular disease, treatment or service. Proponents also maintain that the long-term health and economic benefits of obesity treatment and wellness benefits outweigh the short-term costs. Opponents of mandated benefit legislation believe that any additional requirements placed on insurers contribute to the rising costs of health insurance policies, which, in turn, is a factor in the rising number of uninsured.

At the federal level, to help treat and reduce obesity among those already affected, the Centers for Medicare and Medicaid Services (CMS) recently decided to expand

¹⁵ Press Release, United States Department of Health and Human Services, HHS Approves Innovative Medicaid Reform in West Virginia (May 3, 2006), *available at* <http://www.hhs.gov/news/press/2006pres/20060503.html>.

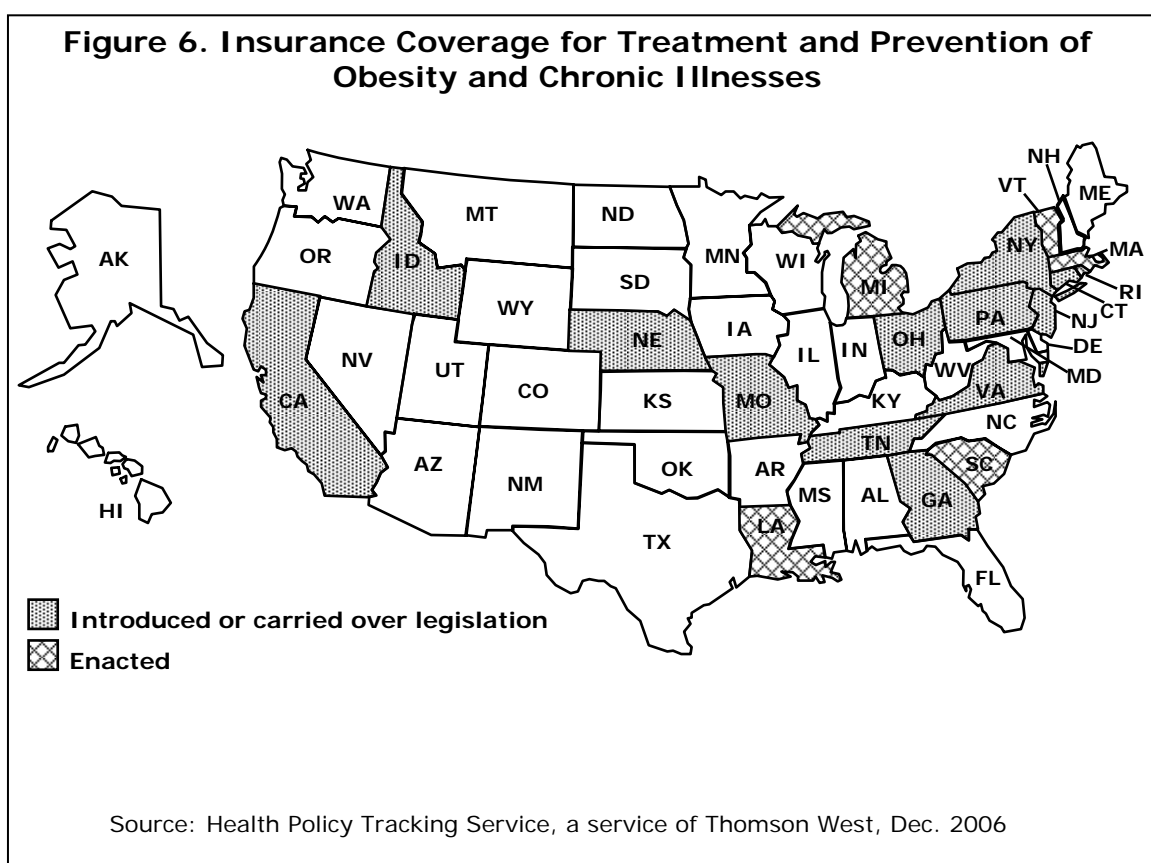
¹⁶ National Center for Chronic Disease Prevention and Health Promotion, *Overweight and Obesity: Economic Consequences* (2004), *available at* http://www.cdc.gov/nccdphp/dnpa/obesity/economic_consequences.htm.

¹⁷ National Center for Chronic Disease Prevention and Health Promotion, *Preventing Chronic Diseases: Investing Wisely in Health and Preventing Obesity and Chronic Diseases through Good Nutrition and Physical Activity* (August 2003), *available at* <http://www.cdc.gov/nccdphp/publications/factsheets/Prevention/obesity.htm>.

Medicare's coverage of bariatric surgery to Medicare beneficiaries of all ages and for three types of bariatric surgeries. However, the procedures are covered only for those beneficiaries who have been diagnosed with obesity as well as an obesity-related illness or disease such as hypertension, type II diabetes, heart disease, stroke, osteoarthritis or sleep apnea.¹⁸

The predominant themes in the state legislation are revisions of current insurance laws to allow insurers to award discounts on premiums for those who participate in wellness programs, or to revise wellness benefits, mandates on insurers to provide coverage for the treatment of obesity, and mandates to insurers for coverage of medically nutritional foods, used in the treatment of heart disease, diabetes, obesity and other conditions.

In 2006, at least 41 bills which reference the issues mentioned above were introduced or carried over. Of these 41, seven were enacted and one was vetoed.



Obesity Treatment

In recent years, **Georgia, Indiana** and **Virginia** have mandated health insurers to offer coverage for morbid obesity treatment, while Maryland mandates health insurers to cover the treatment. In 2006, lawmakers in 10 states — **Alaska, Connecticut, Georgia, Louisiana, Missouri, New Jersey, Oklahoma, South**

¹⁸ Centers for Medicare and Medicaid Services, Press Release: Medicare Expands National Coverage for Bariatric Surgery Procedures (Feb. 21, 2006), available at <http://www.cms.hhs.gov/apps/media/press/release.asp?Counter=1786>.

Carolina, Tennessee and Virginia — considered 16 bills addressing health insurance coverage for morbid obesity treatment. Three resolution bills were adopted in two states and one bill passed its chamber of origin.

None of the states enacted a bill to mandate benefits for obesity treatment. However, **Louisiana** and **South Carolina** adopted resolutions to study the issue:

- **Louisiana** S.C.R. 101 requests the state's Office of Group Benefits to conduct the second phase of an ongoing study for gastric bypass surgery. The study, which began two years ago, pays for the surgery for selected eligible state employees and tracks the patients for several years to determine whether the surgery reduces obesity-related health problems and health care costs.
- **Louisiana** S.R. 120 requests the Senate Committee on Insurance to study the feasibility of requiring insurance companies to cover surgical treatment for morbid obesity and to report its findings to the Legislature prior to the 2007 session.
- **South Carolina** S.C.R. 1379 requests the state's departments of Health and Human Services and Insurance to jointly study the treatment of obesity. The study should include an analysis on short and long-term complications and mortality rates of bariatric surgeries and recommendations on the use of bariatric surgery as a cost-effective treatment of morbid obesity. The measure also requests the study and recommendations be submitted to the General Assembly before January 16, 2011.

The focus on studies demonstrates states may want to see more evidence on the costs and benefits of obesity treatment before further considering legislation that mandates offering or covering such benefits. If the studies conclude obesity treatment reduces health care costs and improves health, more states may join Georgia, Indiana, Maryland and Virginia in mandating benefits. Medicare's decision to expand obesity surgery benefits also may encourage state lawmakers to consider further legislation for health insurance coverage for obesity treatment and prevention.

Wellness Benefits

Wellness initiatives saw the most activity with a total of 21 bills under consideration, with 15 introduced in the 2006 session. Of these 15 introduced, **New York** introduced six bills, **Vermont** three bills, **Massachusetts, Michigan, and New Jersey** two bills each respectively. Wellness related measures were enacted in **Massachusetts, Michigan and Vermont**.

Massachusetts enacted a bill which created a program meant to provide state-wide health insurance coverage to all its residents. **Vermont** enacted legislation that created a program of health insurance meant to cover a portion of, if not all, its uninsured population. Both of these programs contain a wellness component. **Michigan** enacted two bills to promote the availability of health behavior wellness, maintenance and improvement programs.

Michigan Senate Bill 848 provides that each insurer and health maintenance organization may offer group, family or individual wellness coverage. The coverage may provide an appropriate rebate or reduction in premiums, copayments, coinsurance, and/or deductibles for participation in any health behavior wellness, maintenance, or improvement program offered by the employer or approved by the insurer. The employer or insured must demonstrate maintenance or improvement of

the enrollees' health behaviors, to be determined by approved health status indicators. Senate Bill 849 set forth the same provisions for health care corporations offering group and nongroup wellness coverage. Both were enacted in September.

Massachusetts H.B. 4850 mandates that all state residents carry health insurance and creates a system whereby residents can more easily purchase this coverage. This bill requires all health insurers in Massachusetts to include a wellness component in the insurance coverage they provide to residents under this plan. Insurers will allow for a premium discount for those that participate in the wellness plan.

Vermont bill, H.B. 861, creates the Catamount Health, a standardized health plan that will be voluntarily offered by private insurers to uninsured persons. The state expects to cover about 25,000 of the currently 60,000 uninsured Vermont residents. This program contains a Healthy Lifestyle Insurance Discount component, which also permits an insurer to establish rewards, premium discounts, rebates, or modify co-payments, deductibles, or other cost-sharing amounts in return for member participation in programs of health promotion and disease prevention.

In coming years, it is likely that more and more states and health insurers will focus on health promotion and wellness benefits for health insurance beneficiaries to reduce growing health care costs and health insurance premiums.

Medical Nutritional Therapy

For beneficiaries with chronic illnesses such as heart disease, diabetes and obesity, medical nutrition therapy has the potential to reduce symptoms and other medical and pharmaceutical expenses. Insurance coverage for medical nutritional therapy saw six bills, with five bills introduced in the 2006 session. Of these five, **New York** introduced three bills, **Idaho** and **Ohio** each introduced one. However, none of the measures were enacted.

The tables on the following pages highlight the measures identified on obesity. Measures that are pending are italicized and highlighted in blue. Those that have been enacted are bolded and highlighted in yellow. Please note that the bill summaries provided in the table are based upon the introduced versions of the bills.



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
AK	SB	162	An Act relating to monitoring and reporting of student discipline and safety of student health pertaining to height nutrition and physical activity of the percentage of the legislative body with a body mass index that exceeds 25.0 and of state capitol vending machine profits; requiring schools to report school health status and policy the percentage of students that are overweight and at risk of being overweight and profits from vending machines; and requiring the evaluation of health education programs on the basis of health reports and screening.	03/01/2006--(S) BILL HEARING CANCELED
AK	SB	199	An Act relating to public school funding for a prohibition on the sale of food and beverages of minimal nutritional value in schools and for placing restrictions on the use of vending machines in public schools; and providing for an effective date.	03/01/2006--(S) MINUTE(HEALTH EDUCATION & SOCIAL SERVICES)
AZ	HB	2557	AN ACT amending section 15-242 Arizona Revised Statutes; relating to the DEPARTMENT of education.	01/31/2006--SECOND READ
AZ	HB	2565	AN ACT Amending title 3 chapter 1 article 1 Arizona Revised Statutes by adding section 3-109.03; relating to the department of agriculture.	01/23/2006--SECOND READ
CA	HB	469	An act to add Section 14109.8 to the Welfare and Institutions Code relating to Medi-Cal. - Medi-Cal: supportive housing.	09/06/2006 - Enrolled
CA	HB	569	An act to add Section 49550.2 to the Education Code relating to school meals and declaring the urgency thereof to take effect immediately.	09/29/2006 - Adopted
CA	HB	1381	An act to amend Section 35400 of and to add and repeal Chapter 5 (commencing with Section 35900) of Part 21 of the Education Code relating to school district governance.	09/18/2006 - Adopted
CA	HB	2121	An act to add Chapter 2.5 (commencing with Section 104700) to Part 3 of Division 103 of the Health and Safety Code relating to child nutrition.	05/25/2006--(H) IN COMMITTEE: SET SECOND HEARING. HELD UNDER SUBMISSION.
CA	SCR	73	Relative to the California Task Force on Youth and Workplace Wellness.	09/07/2006 - Adopted
CO	HB	1056	CONCERNING THE PROVISION OF HEALTHY NUTRITION ALTERNATIVES IN PUBLIC SCHOOLS.	04/11/2006--GOVERNOR ACTION - VETOED
CO	SB	127	Creates a program to make free fruits and vegetables available to students in public schools ("program"). Requires that a certain percentage of the public schools participating in the program are schools that are eligible for free or reduced-cost lunch under the "National School Lunch Act." Sets requirements with regard to the application process for schools that wish to participate in the program. Requires that Colorado produce be used in the program to the maximum extent practicable. Requires the department of education to use a portion of the funds that may be appropriated for school breakfast programs to implement the program.	05/25/2006--GOVERNOR ACTION - SIGNED
CT	SB	202	To establish a pilot program to provide in-classroom school breakfast and to require severe need schools with grades eight or under to participate in the existing school breakfast program.	05/03/2006--SENATE RECOMMITTED TO CHILDREN
CT	SB	373	AN ACT CONCERNING HEALTHY FOOD AND BEVERAGES IN SCHOOLS.	05/19/2006--SIGNED BY THE GOVERNOR
CT	SB	375	To establish farm to school programs within the Departments of Education and Agriculture to facilitate and promote the purchase of Connecticut-grown products by schools from Connecticut farmers and to establish the Connecticut-Grown for Connecticut Kids Week to promote Connecticut agriculture and foods to children through school meals and classroom programs at farms farmers' markets and other locations in the community.	05/01/2006--SENATE RECOMMITTED TO EDUCATION
CT	SB	381	To limit the distribution of unhealthy beverages and encourage the distribution of healthy foods and beverages to students in schools and to make minor changes to the school lunch program.	03/31/2006--APPROPRIATIONS COMMITTEE MOTION FAILED JF



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
FL	HB	629	School Food Service Program/Fructose; requires district school board plans to eliminate sale or use of products containing high-fructose corn syrup from school food service programs & on school grounds; requires DOE approval of plans monitoring of plan implementation & reporting. Amends 1006.06. EFFECTIVE DATE: Upon becoming law.	05/05/2006--(H) DIED IN COMMITTEE ON HEALTH CARE GENERAL (HFC)
FL	HB	679	Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; requires DOE to provide website links to certain resources & prescribes types of info. those resources must provide; encourages said districts to provide physical education for specified amount of time; requires schools to annually provide certain information to students' parents & guardians etc. Amends FS. EFFECTIVE DATE: 07/01/2006.	05/05/2006--(H) DIED ON CALENDAR LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 772 (CH. 2006-301)
FL	HB	7203	Wellness Programs; requires DOH to collaborate with other state agencies in developing policies & strategies to prevent & treat obesity which shall be incorporated into agency programs; requires dept. to advise health care practitioners re morbidity mortality & costs associated with condition of being overweight or obese; creates Fla. State Employee Wellness Council within DMS; provides purpose & duties of council etc. Amends 381.0054 110.123. EFFECTIVE DATE: 07/01/2006.	05/04/2006--(H) SUBSTITUTED COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 1324; LAID ON TABLE LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 1324 (CH. 2006-269) - HOUSE JOURNAL 01245
FL	HR	9095	Healthy School Lunch Year; designates the 2006-2007 school year as "Healthy School Lunch Year" in Florida.	04/25/2006--(H) PLACED ON CEREMONIAL RESOLUTIONS CALENDAR - PUBLICATION ONLY; READ SECOND TIME -HOUSE JOURNAL 00626; ADOPTED -HOUSE JOURNAL 00627
FL	SB	772	Schools; clarifies applicability of salary formula & certification programs to elected district school superintendents; provides that students who have attained 16 years of age & have not graduated are subject to compulsory school attendance under certain circumstances; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; amends "School Health Services Act" etc. Amends FS. EFFECTIVE DATE: 07/01/2006.	06/26/2006--APPROVED BY GOVERNOR; CHAPTER NO. 2006-301
FL	SB	2414	School Food Service Program/Fructose; requires district school board plans to eliminate sale or use of products containing high-fructose corn syrup from school food service programs & on school grounds; requires DOE approval of plans monitoring of plan implementation & reporting. Amends 1006.06. EFFECTIVE DATE: Upon becoming law.	05/01/2006--(S) WITHDRAWN FROM EDUCATION; HEALTH CARE; EDUCATION APPROPRIATIONS; WITHDRAWN FROM FURTHER CONSIDERATION
FL	SB	2602	Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; requires DOE to provide website links to certain resources & prescribes types of info. those resources must provide; encourages said districts to provide physical education for specified amount of time; requires schools to annually provide certain information to students' parents & guardians etc. Amends FS. EFFECTIVE DATE: 07/01/2006.	05/05/2006--(H) DIED IN MESSAGES LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 772 (CH. 2006-301)



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
GA	HB	967	To amend Article 4A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to community involvement in education so as to provide for development of a wellness plan for each school by the school council; to provide for reporting; to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to health of students so as to require implementation of a wellness plan for each school; to repeal conflicting laws; and for other purposes.	01/12/2006--(H) SECOND READERS
GA	SB	474	To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to elementary and secondary education so as to establish school health advisory councils to serve as advisory bodies to local boards of education on health physical education and nutrition policy; to provide for a short title; to provide certain requirements for physical education instruction for students in kindergarten and grades one through eight; to encourage a wide range of supplemental health physical activity and nutrition programs that may be provided on school property beyond the confines of the traditional school day; to require local boards of education to adopt and implement a coordinated school health program; to provide for a state office to promote student health and physical fitness; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.	02/28/2006--(H) SECOND READERS
HI	HB	377	Establishes public school nutrition standards and food service manager nutrition training requirements. Requires the department of education to encourage schools to provide culturally appropriate nutrition education and farm-to-table education programs. (HB377 HD1)	12/02/2005--(D) CARRIED OVER TO 2006 REGULAR SESSION
HI	SB	493	Establishes public school nutrition standards and food service manager nutrition training requirements. Requires the department of education to encourage schools to provide culturally appropriate nutrition education and farm-to-table education programs.	12/02/2005--(D) CARRIED OVER TO 2006 REGULAR SESSION.
ID	HB	681	RELATING TO PUBLIC SCHOOLS; AMENDING CHAPTER 1 TITLE 33 IDAHO CODE BY THE ADDITION OF A NEW SECTION 33-131 IDAHO CODE TO RESTRICT VENDING MACHINES AND VENDING MACHINE PRODUCTS IN PUBLIC SCHOOLS TO DEFINE TERMS AND TO LIMIT APPLICATION.	02/15/2006--(H) REPORTED PRINTED - TO EDUCATION
IN	HB	1167	Requires school boards to establish a coordinated school health advisory council to develop a local wellness policy that complies with certain federal requirements. Requires the department of education to provide information concerning health nutrition and physical activity. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill. (The introduced version of this bill was prepared by the health finance commission.)	01/09/2006--(H) FIRST READING: REFERRED TO COMMITTEE ON PUBLIC HEALTH



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
IN	SB	111	<p>Lowens the percentage in the definition of &quot;qualifying school building; from 25% to 15% beginning July 1 2007 for purposes of the school breakfast and lunch programs. Requires school boards to establish a coordinated school health advisory council to develop a local wellness policy that complies with certain federal requirements. Requires the department of education to provide information concerning health nutrition and physical activity. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill. (The introduced version of this bill was prepared by the health finance commission.)</p>	03/15/2006--(S) SIGNED BY THE GOVERNOR
IN	SB	358	<p>Establishes minimum requirements for the beverages that are offered in vending machines in public schools.</p>	01/10/2006--(S) FIRST READING: REFERRED TO COMMITTEE ON COMMERCE & TRANSPORTATION
IA	HB	2061	<p>This bill establishes a fresh fruits and vegetables pilot program for schools to be administered by the department of education and appropriates \$1.4 million to the department for the program. The department is directed to encourage public school districts to provide fruits and vegetables to students to supplement other fruits and vegetables that are available to students and to promote the consumption of fresh fruits and vegetables by schoolage children. Fruits and vegetables provided under the program are to be free of charge to a student and provided during the school day but not during regularly scheduled lunch periods. School districts and charter schools may apply to the department for reimbursement of 10 cents per meal to supplement but not supplant a school breakfast program. To be eligible for the pilot program a school district or charter school must provide one to two servings of nutritious fruits or vegetables or both at breakfast and give priority to serving fresh fruits and vegetables; spend at least 90 percent of the funding received for the direct purchase of nutritious fruits and vegetables; not spend any of the funding for the purchase of juice; and</p>	01/17/2006--(H) SUBCOMMITTEE CHAMBERS BUKTA AND DOLECHECK. H.J. 80.
IA	HB	2321	<p>This bill establishes a nutrition and physical activity community obesity prevention grant program in the event that a sufficient amount of funding for the program is received by the Iowa department of public health. The bill specifies that the goal of the program shall be to expand an existing community intervention plan for preventing obesity with nutrition and physical activity approved by the centers for disease control and prevention of the United States department of health and human services. The bill states that the program's purpose shall be to increase the physical activity and fruit and vegetable consumption of targeted youth of elementary school age with a long-term objective of developing a model program that will support and sustain such healthy behavior and incorporate 60 minutes of physical activity per day for replication by other communities. The bill provides that the department shall distribute the grants on a competitive basis to six communities on a regional basis who are not currently participating in the existing intervention plan and shall provide technical assistance.</p>	03/14/2006--(H) EXPLANATION OF VOTE. H.J. 668.
IA	SB	2124	<p>AN ACT PROVIDING FOR THE ESTABLISHMENT OF A NUTRITION AND PHYSICAL ACTIVITY COMMUNITY OBESITY PREVENTION GRANT PROGRAM AND PROVIDING A CONTINGENT EFFECTIVE DATE.</p>	03/21/2006--(S) SIGNED BY GOVERNOR. S.J. 620.



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
IA	SB	2190	This bill directs the department of education in cooperation with the Iowa department of public health to convene a healthy kids task force to study and recommend measures to reduce the level of obesity in Iowa's student population. The department of education in cooperation with the Iowa department of public health is to provide staffing and administrative support to the task force. The task force is directed to study the current level of health nutrition and physical fitness prevalent among students and to develop a model policy regarding access to nutritious foods opportunities for physical activity and accurate education related to these topics. The policy is to include a minimum standard for the nutritional content of foods and beverages sold or provided throughout the school day or sold in competition with the federal school food programs. The task force must submit the model policy and its findings and recommendations to the governor and the general assembly by July 1 2008 and the department of education must post the model policy on its website by August 1 2008.	02/15/2006--(S) AMENDMENT S-5006 FILED. S.J. 281.
IA	SB	2251	AN ACT DIRECTING THE DEPARTMENT OF EDUCATION AND THE IOWA DEPARTMENT OF PUBLIC HEALTH TO CONVENE A HEALTHY CHILDREN TASK FORCE AND PROVIDING AN EFFECTIVE DATE.	04/26/2006--(S) SIGNED BY GOVERNOR. S.J. 991.
KS	HB	2738	An act concerning schools; relating to healthy food choices in vending machines.	01/27/2006--(H) REFERRED TO HEALTH AND HUMAN SERVICES -HJ 1135
KS	HB	2870	An act relating to schools; relating to nutritional food in school.	02/10/2006--(H) REFERRED TO HEALTH AND HUMAN SERVICES -HJ 1198
KY	HB	252	Amend KRS 158.854 to prohibit vending machines used for the sale of competitive foods or beverages in public schools; require the General Assembly to appropriate funds annually to replace revenue lost to schools; require the Kentucky Department of Education to calculate the amount to be distributed to schools based on the average annual revenue generated by vending machine sales from the 2002-2003 2003-2004 and 2004-2005 school years; make an annual appropriation of \$5 200 000 for fiscal years 2006-2007 and 2007-2008; establish the means by which funds shall be allocated to schools if appropriated funds are insufficient.	01/10/2006--(H) POSTED IN COMMITTEE
MD	HB	1418	Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc.	04/08/2006--(H) DELEGATES BOZMAN HELLER AND GILLELAND
MD	SB	436	Establishing the Maryland Obesity Awareness and Prevention Task Force in the Department of Health and Mental Hygiene; providing for the purpose of the Task Force; providing for the membership chair and staff of the Task Force; providing that a member of the Task Force may receive specified reimbursement as provided in the State budget; providing for the duties of the Task Force; requiring the Task Force to submit specified reports to the Governor and the General Assembly on or before specified dates; etc.	03/27/2006--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MD	SB	457	Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc.	04/10/2006--(H) FAVORABLE WITH AMENDMENTS REPORT BY WAYS AND MEANS



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
MA	HB	4636	Relative to requiring school districts to convene child nutrition and physical activity advisory committees.	04/04/2006--(S) SENATE CONCURRED IN COMMITTEE REFERRAL
MA	SB	107	AN ACT PROMOTING HEALTHY ALTERNATIVES IN PUBLIC SCHOOL FOOD PROGRAMS	04/03/2006--(H) HOUSE CONCURRED IN COMMITTEE REFERRAL
MA	SB	2373	Moore: Directs the department of public health in consultation with the department of education to establish regulations and guidelines relative to the training of school nurses in behavioral health and treatment for eating disorders continuing professional education guidelines for said nurses and guidelines and guidelines for referral programs for children in need of outside medical services; directs the board of education in consultation with the department of public health to establish certification requirements and criteria for food service directors and managers in public schools; regulates the sale of food and beverages in public schools; excludes meals provided through the national school lunch and breakfast programs from said provisions; mandates the sale of fruit and non-fried vegetables; mandates the availability of nutritional information; directs said departments to review reported cases of obesity and eating disorders; directs the department of public health to establish an annual public service campaign regarding pediatric overweight; establishes a special commission charged with analyzing childhood obesity nutrition physical activity education and wellness.	06/01/2006--(S) POSTPONED UNTIL JUNE 29 2006
MS	HB	297	AN ACT TO REQUIRE THAT IN KINDERGARTEN THROUGH GRADE 12 SCHOOLS WITH VENDING MACHINES ONLY MILK WATER 100% NATURAL JUICES FRESH OR DRIED FRUITS AND VEGETABLES AND WHOLE-GRAIN SNACKS MAY BE SOLD IN THOSE MACHINES; AND FOR RELATED PURPOSES.	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	319	AN ACT TO DIRECT LOCAL SCHOOL DISTRICTS TO ESTABLISH LOCAL SCHOOL HEALTH COUNCILS BY NOVEMBER 1 2006 IN CONFORMITY WITH FEDERAL REQUIREMENTS; TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT SALES OF FOOD THROUGH SCHOOL FUND-RAISERS HELD OFF THE SCHOOL CAMPUS; AND FOR RELATED PURPOSES.	03/15/2006--APPROVED BY GOVERNOR
MS	HB	941	AN ACT TO LIMIT THE PRODUCTS THAT MAY BE SOLD THROUGH CERTAIN VENDING MACHINES ON PUBLIC SCHOOL CAMPUSES TO MILK WATER 100% NATURAL JUICES FRESH OR DRIED FRUITS AND VEGETABLES AND WHOLE-GRAIN SNACKS; TO EXEMPT SCHOOL DISTRICTS UNDER CONTRACT FOR VENDING SERVICES FROM SUCH REQUIREMENTS UNTIL THE DATE THE VENDING CONTRACT EXPIRES; AND FOR RELATED PURPOSES.	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	SB	2152	AN ACT TO REQUIRE THAT IN KINDERGARTEN THROUGH GRADE 12 SCHOOLS WITH VENDING MACHINES ONLY MILK WATER 100% NATURAL JUICES FRESH OR DRIED FRUITS AND VEGETABLES AND WHOLE-GRAIN SNACKS MAY BE SOLD IN THOSE MACHINES; TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE RULES THAT DELINEATE A NUTRITION INTEGRITY POLICY FOR PUBLIC SCHOOLS; TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO MONITOR SCHOOL COMPLIANCE AND SUBMIT REPORTS TO THE LEGISLATURE; AND FOR RELATED PURPOSES.	01/31/2006--(S) DIED INSURANCE COMMITTEE
MS	SB	2753	AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO PROMULGATE RULES THAT DELINEATE A NUTRITION INTEGRITY POLICY FOR PUBLIC SCHOOLS; TO SPECIFY THAT COMPETITIVE FOODS SHALL NOT BE AVAILABLE IN ELEMENTARY OR MIDDLE SCHOOLS UNTIL ONE-HALF HOUR AFTER THE LAST LUNCH PERIOD OF EACH DAY; TO DIRECT THE STATE DEPARTMENT OF EDUCATION TO MONITOR SCHOOL COMPLIANCE AND SUBMIT REPORTS TO THE LEGISLATURE; AND FOR RELATED PURPOSES.	01/31/2006--(S) DIED INSURANCE COMMITTEE



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
MO	HB	1417	To amend chapter 167 RSMo by adding thereto one new section relating to the healthy drinks for healthy children act.	05/12/2006--(H) REFERRED: ELEMENTARY AND SECONDARY EDUCATION
MO	HB	1829	To amend chapter 168 RSMo by adding thereto one new section relating to school food services.	05/12/2006--(H) REFERRED: ELEMENTARY AND SECONDARY EDUCATION
MO	HB	1852	To repeal section 161.102 RSMo and to enact in lieu thereof one new section relating to the coordination of school health programs.	03/29/2006--(H) REFERRED: ELEMENTARY AND SECONDARY EDUCATION
MO	HB	1856	To amend chapter 192 RSMo by adding thereto one new section relating to obesity with an emergency clause	03/29/2006--(H) REFERRED: HEALTH CARE POLICY
NH	SB	290	This bill establishes a wellness program in New Hampshire schools that combines education about nutrition with physical exercise.	02/23/2006--(S) INEXPEDIENT TO LEGISLATE MOTION ADOPTED VOICE VOTE === BILL KILLED ===; SENATE JOURNAL 6 PG. 117
NJ	HB	883	An Act establishing certain restrictions concerning foods and beverages sold served or given away to pupils at public and certain nonpublic schools and supplementing chapter 33 of Title 18A of the New Jersey Statutes.	01/26/2006--REPORTED OUT OF ASSEMBLY COMMITTEE 2ND READING
NJ	HB	984	An Act concerning pupil health and supplementing chapter 33 of Title 18A of the New Jersey Statutes.	01/10/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NJ	HB	1971	An Act concerning food and beverages sold in vending machines in public school districts and supplementing chapter 33 of Title 18A of the New Jersey Statutes.	01/10/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NJ	SB	1218	An Act establishing certain restrictions concerning foods and beverages sold served or given away to pupils at public and certain nonpublic schools and supplementing chapter 33 of Title 18A of the New Jersey Statutes.	02/27/2006--RECEIVED IN THE ASSEMBLY WITHOUT REFERENCE 2ND READING
NJ	SB	1363	An Act concerning food and beverages sold in vending machines in public school districts and supplementing chapter 33 of Title 18A of the New Jersey Statutes.	02/09/2006--INTRODUCED IN THE SENATE REFERRED TO SENATE EDUCATION COMMITTEE
NM	HB	231	AN ACT MAKING AN APPROPRIATION TO SUPPORT FOOD BANKS STATEWIDE AND PROVIDE FOOD FOR PUBLIC SCHOOLCHILDREN.	02/01/2006--(11) DO PASS AS AMENDED COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	HB	330	AN ACT MAKING AN APPROPRIATION FOR AN ANTI-OBESITY NUTRITION EDUCATION SELF-ESTEEM AND FITNESS DANCE PROGRAM FOR LOW-INCOME AT-RISK CHILDREN IN PUBLIC SCHOOLS.	02/08/2006--(16) DO PASS COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	SB	217	AN ACT RELATING TO NUTRITION; CREATING A NUTRITION COUNCIL; PROVIDING DUTIES; REQUIRING STUDIES; MAKING AN APPROPRIATION.	01/31/2006--(7) SENATE FINANCE COMMITTEE-SENATE PUBLIC AFFAIRS COMMITTEE



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
NY	HB	10729	AN ACT to amend the education law in relation to providing for the sale availability and distribution of healthy foods and beverages on school property and at school-sponsored functions	06/13/2006--(H) HELD FOR CONSIDERATION IN ASSEMBLY EDUCATION
NY	SB	7367	AN ACT to amend the education law in relation to providing for the sale availability and distribution of healthy foods and beverages on school property and at school-sponsored functions	04/20/2006--(S) INTRODUCED AND REFERRED TO COMMITTEE ON SENATE EDUCATION
OK	HB	2655	An Act relating to agriculture; creating the Oklahoma Farm to School Program Act; providing short title; stating intent purposes and goals; recognizing need for collaboration; creating the Oklahoma Farm to School Program; designating the Oklahoma Department of Agriculture Food and Forestry as lead agency; providing for employment of a director; providing for staffing; stating duties of the director; requiring establishment of web site; requiring a link to the web site on certain home pages; stating purpose of the web site; authorizing the Department to promulgate rules; providing for codification; and providing an effective date.	05/26/2006--(H) APPROVED BY GOVERNOR 06/07/2006
OK	HJR	1037	A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study ; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency.	02/07/2006--(H) SECOND READING REFERRED TO HEALTH AND HUMAN SERVICES
OK	HJR	1039	A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study ; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency.	02/07/2006--(H) SECOND READING REFERRED TO RULES
OK	SB	1459	An Act relating to schools; directing State Department of Education in consultation with State Department of Health to make certain information and assistance available to schools; encouraging use of certain program assessment instruments; directing involvement of certain committee in implementation of certain requirement; providing for codification; and providing an effective date.	04/24/2006--(S) APPROVED BY GOVERNOR 04/24/2006
OK	SB	1515	Agriculture - Oklahoma Farm to School Program Act - codification - effective date	03/20/2006--(H) SECOND READING REFERRED TO APPROPRIATIONS AND BUDGET
PA	HB	185	Amending the act of March 10 1949 (P.L.30 No.14) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto" providing for school district notification of residential development and for contracts for competitive food or beverage contracts; further providing for funding for charter schools for cyber charter school requirements and prohibitions and for enrollment and notification; and providing for free and reduced-price school lunches for certain students. COMPETITIVE FOOD OR BEVERAGE CONTRACTS AND FOR NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE SALES IN SCHOOLS; FURTHER PROVIDING FOR CERTAIN HEALTH SERVICES AND FOR ADVISORY HEALTH COUNCILS; PROVIDING FOR LOCAL WELLNESS POLICIES FOR AN INTERAGENCY COORDINATING COUNCIL FOR CHILD HEALTH AND NUTRITION FOR DUTIES OF THE DEPARTMENT OF EDUCATION AND FOR PHYSICAL EDUCATION; AND FURTHER PROVIDING FOR PHYSIOLOGY AND HYGIENE.	07/11/2006--GOVERNOR SIGNED
RI	HB	6968	An act relating to school committees and superintendents	06/28/2006--SIGNED BY GOVERNOR
RI	HB	7065	This act would establish a pilot program to encourage physical exercise and promote healthy weight levels in children.This act would take effect upon passage.	04/26/2006--CONTINUED



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
RI	HB	7459	This act would prohibit the sale or distribution of carbonated soda beverages containing added sweeteners and high-fat or high-sugar snacks in all elementary middle junior and senior high schools. This act would take effect on January 1 2007.	03/15/2006--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
RI	HB	7614	This act would prohibit the sale and distribution of certain beverages and food items in all Rhode Island elementary middle junior and high schools. This act would take effect January 1 2007.	03/22/2006--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
RI	SB	2495	This act would prohibit the sale or distribution of carbonated soda beverages containing added sweeteners and high-fat or high-sugar snacks in all elementary middle junior and senior high schools.This act would take effect on January 1 2007.	03/15/2006--COMMITTEE RECOMMENDED MEASURE BE HELD FOR FURTHER STUDY
RI	SB	2696	An act relating to education	06/28/2006--SIGNED BY GOVERNOR
SC	HJR	5023	TO APPROVE REGULATIONS OF THE BOARD OF EDUCATION RELATING TO NUTRITION STANDARDS FOR ELEMENTARY (K-5) SCHOOL FOOD SERVICE MEALS AND COMPETITIVE FOODS DESIGNATED AS REGULATION DOCUMENT NUMBER 3027 PURSUANT TO THE PROVISIONS OF ARTICLE 1 CHAPTER 23 TITLE 1 OF THE 1976 CODE.	04/26/2006--SENATE REFERRED TO COMMITTEE ON EDUCATION SJ-19
TN	HB	2522	An act to amend tennessee code annotated title 49 chapter 50 to enact the tennessee student health act.	03/01/2006--TAKEN OFF NOTICE FOR CALENDAR IN: GOVERNMENT OPERATIONS COMMITTEE
TN	HB	2910	An act to amend Tennessee code annotated title 4 chapter 29 and title 68 chapter 1 relative to child nutrition and wellness.	03/30/2006--WITHDRAWN.
TN	SB	2494	An act to amend Tennessee code annotated title 49 chapter 50 to enact the tennessee student health act.	02/27/2006--WITHDRAWN.
TN	SB	2839	An act to amend Tennessee code annotated title 4 chapter 29 and title 68 chapter 1 relative to child nutrition and wellness.	03/23/2006--WITHDRAWN.
VT	HB	456	Education; schools; education fund; Vermont food products; nutrition education - This bill proposes to direct the commissioner of education to award small grants from the education fund to schools that use Vermont products in their food services programs and provide nutrition education to their students.	05/15/2006--GOVERNOR'S ACTION: SIGNED -- ACT NO: 0145 -- EFFECTIVE DATE:
VT	SB	272	Education; agriculture; food service programs; appropriation - This bill proposes to establish a mini-grant program to help schools obtain resources to increase their use of local foods and to educate schoolchildren about nutrition and farming; direct the secretary of agriculture food and markets to help farmers find local markets for their products and to fund a project that will help Vermont farmers to process their products; direct the commissioner of education to expand training for school food service personnel; create a legislative committee on expanding markets for Vermont farmers; and appropriate funds therefor.	01/10/2006--(S) IN EDUCATION
VT	SB	273	Education; sale of food and beverages on school grounds; nutritional standards - This bill proposes to establish nutritional standards for food and beverages sold on school grounds and to prohibit between one‑half hour before the start of the school day and one-half hour after the end of the school day the sale of food and beverages which do not meet the standards.	02/22/2006--(S) IN AGRICULTURE
VA	HB	1593	Childhood obesity. Prevention and reduction in pubic schools	01/30/2006--(H) CONTINUED TO 2007 IN EDUCATION



2006 Legislative Activity: School Nutrition Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
VA	SB	206	Childhood obesity. Requires the Board of Education to promulgate in cooperation with the State Health Department regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill also requires division superintendents to complete instruction concerning the causes and consequences of overweight and obese students and the relationship between nutrition health and learning by July 1 2008. The requirement for instruction may be satisfied by attendance at conferences seminars or in-service training.	01/26/2006--(S) CONTINUED TO 2007 IN EDUCATION AND HEALTH (12-Y 2-N)
WV	HB	4548	A BILL to amend and reenact 18-2-6a of the Code of West Virginia 1931 as amended relating to prohibiting sale or serving of soft drinks during school day in elementary middle and junior high schools in areas accessible to students; prohibiting sale or serving of soft drinks during breakfast and lunch periods in high schools and requiring equally accessible healthy beverages if soft drinks are offered for sale at other times during school day; correcting references; and conforming disposition of profits from healthy beverage sales and prohibition of sales of competitive food and beverages during food service periods to federal program regulations.	02/14/2006--TO HOUSE EDUCATION
WI	HB	1133	An Act to renumber 118.12 (4); and to create 118.12 (4) (b) of the statutes; relating to: contracts for the sale of soft drinks in middle schools and high schools	05/11/2006--(H) FAILED TO PASS PURSUANT TO SENATE JOINT RESOLUTION 1
WY	HB	72	AN ACT relating to education; creating the healthy living- healthy learning program account as specified; providing for grants to school districts from the account; providing criteria for healthy living-healthy learning grants; establishing a maximum grant level; establishing a healthy living-healthy learning panel as specified; granting rulemaking authority; and providing for an effective date.	02/14/2006--(H) FAILED INTRODUCTION



2006 Legislative Activity: Health and Physical Education Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
AL	HB	400	comprehensive character instruction each school day. This bill would authorize local boards of education to devote those 10 minutes to health and nutrition education or physical activity in addition to or in lieu of character education pursuant to rules or regulations adopted by the State Board of Education. Amendment 621 of the Constitution of Alabama of 1901 prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds or provides a local source of revenue to the entity for the purpose. The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of Amendment 621. However the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes withi	01/17/2006--READ FOR THE FIRST TIME AND REFERRED TO THE HOUSE OF REPRESENTATIVES COMMITTEE ON EDUCATION
AL	SB	209	This bill makes appropriations for the support maintenance and development of public education in Alabama for debt service and for capital outlay for the fiscal year ending September	04/06/2006--INDEFINITELY POSTPONED
AL	SB	324	Under existing law every public school is required to carry out a system of physical education the character of which shall conform to the program outlined by the State Department of Education. Also under existing law elective courses in physical education are to be available to all students as determined by the local board of education. This bill would require over a specified time that each public school student in grades K to 12 inclusive participate in physical education instruction each school day or a variety of physical education activities. This bill would require the State Board of Education to adopt necessary rules and methods to implement this requirement. This bill would also create the Public School Physical Education Task Force to study and report to the Legislature and the State Board of Education regarding the implementation of the physical education requirement.	01/19/2006--READ FOR THE FIRST TIME AND REFERRED TO THE SENATE COMMITTEE ON EDUCATION
AK	SB	162	An Act relating to monitoring and reporting of student discipline and safety of student health pertaining to height nutrition and physical activity of the percentage of the legislative body with a body mass index that exceeds 25.0 and of state capitol vending machine profits; requiring schools to report school health status and policy the percentage of students that are overweight and at risk of being overweight and profits from vending machines; and requiring the evaluation of health education programs on the basis of health reports and screening.	03/01/2006--(S) BILL HEARING CANCELED
AZ	HB	2778	AN ACT establishing a pilot program for physical education; making an appropriation	02/06/2006--SECOND READ
CA	HB	1779	An act to amend Sections 51210 51210.1 51210.2 and 51223 of the Education Code and to amend Section 3543.2 of the Government Code relating to physical education.	05/25/2006--(H) IN COMMITTEE: SET SECOND HEARING. HELD UNDER SUBMISSION.
CA	HB	1845	An act to amend Sections 51222 and 51241 as amended by Section 2 of Chapter 459 of the Statutes of 2003 of and to repeal Section 51241 as added by Section 3 of Chapter 459 of the Statutes of 2003 of the Education Code relating to physical education.	05/03/2006--(H) IN COMMITTEE: SET FIRST HEARING. HEARING CANCELED AT THE REQUEST OF AUTHOR.
CA	SB	362	An act to amend Sections 33352 51222 and 51241 of and to add Article 3.5 (commencing with Section 33355) to Chapter 3 of Part 20 of and to add Article 9.5 (commencing with Section 44620) to Chapter 3 of Part 25 of the Education Code relating to physical education.	06/26/2006--(H) READ SECOND TIME. AMENDED. RE-REFERRED TO COMMITTEE ON APPROPRIATIONS
CA	SCR	73	Relative to the California Task Force on Youth and Workplace Wellness.	08/11/2006 - Adopted
CO	HB	1021	Prohibits a school district from employing as a physical education teacher a person who does not hold a physical education endorsement on his or her teacher license or who is not highly qualified as determined by the school district.	05/04/2006--GOVERNOR ACTION - VETOED



2006 Legislative Activity: Health and Physical Education Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
CT	HB	5252	To encourage exercise in school by (1) requiring local boards of education to provide students an opportunity to engage in twenty minutes of exercise during the school day and (2) allowing such boards to establish wellness committees to promote physical education and exercise.	02/17/2006--PUBLIC HEARING 02/23
CT	SB	204	AN ACT PROMOTING THE PHYSICAL HEALTH NEEDS OF STUDENTS.	05/08/2006--SIGNED BY THE GOVERNOR
DE	HB	372	This Bill requires the Department of Education to develop a regulation requiring each local school district and charter school to assess the physical fitness of each student at least once at the elementary middle and high school level. The regulation would also outline the grades at which the assessment will be given. The assessment results are to be provided to the parent guardian or relative caregiver. The intent is to provide baseline and periodic updates for each student and his or her parent guardian or relative caregiver sharing in the knowledge of obesity and other chronic illnesses.	07/01/2006--SENATE PASSED
DE	HB	471	This Act provides for a physical education/physical activity pilot program in at least six (6) of Delaware's elementary middle or high schools. The Department would be required to provide technical assistance in the development and any training related to implementation. The Department could also work with an outside entity such as the Nemours Health and Prevention Services to conduct an evaluation. This Act would be effective upon funding provided by either the General Assembly and/or outside entity.	07/01/2006--SENATE PASSED
DE	SB	289	The purpose of the Health Advisory Council as recommended by the Physical Education Task Force created by HCR 37 of the 143rd General Assembly is to provide advice and guidance to the Department of Education regarding current and future physical education and physical activity programs in Delaware schools.	06/30/2006--SIGNED
FL	HB	679	Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; requires DOE to provide website links to certain resources & prescribes types of info. those resources must provide; encourages said districts to provide physical education for specified amount of time; requires schools to annually provide certain information to students' parents & guardians etc. Amends FS. EFFECTIVE DATE: 07/01/2006.	05/05/2006--(H) DIED ON CALENDAR LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 772 (CH. 2006-301)
FL	HB	7087	Education; establishes Accountability Research & Measurement Div. in DOE; repeals provision re "Jobs for Florida's Graduates Act"; specifies that mission of state's K-20 education system is to provide rigorous & relevant learning opportunities for students; requires that each teacher assigned to any classroom be included in calculation for compliance with constitutional class-size limits etc. Amends FS. EFFECTIVE DATE: 06/05/2006.	06/05/2006--APPROVED BY GOVERNOR; CHAPTER NO. 2006-74; SEE ALSO COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 772 (CH. 2006-301)
FL	HB	7203	Wellness Programs; requires DOH to collaborate with other state agencies in developing policies & strategies to prevent & treat obesity which shall be incorporated into agency programs; requires dept. to advise health care practitioners re morbidity mortality & costs associated with condition of being overweight or obese; creates Fla. State Employee Wellness Council within DMS; provides purpose & duties of council etc. Amends 381.0054 110.123. EFFECTIVE DATE: 07/01/2006.	05/04/2006--(H) SUBSTITUTED COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 1324; LAID ON TABLE LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 1324 (CH. 2006-269) - HOUSE JOURNAL 01245



2006 Legislative Activity: Health and Physical Education Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
FL	SB	772	Schools; clarifies applicability of salary formula & certification programs to elected district school superintendents; provides that students who have attained 16 years of age & have not graduated are subject to compulsory school attendance under certain circumstances; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; amends "School Health Services Act" etc. Amends FS. EFFECTIVE DATE: 07/01/2006.	06/26/2006--APPROVED BY GOVERNOR; CHAPTER NO. 2006-301
FL	SB	2602	Schools/Health-related Education; requires each school district to submit to DOE by specified deadline copies of district's school wellness policy & physical education policy; requires DOE to provide website links to certain resources & prescribes types of info. those resources must provide; encourages said districts to provide physical education for specified amount of time; requires schools to annually provide certain information to students' parents & guardians etc. Amends FS. EFFECTIVE DATE: 07/01/2006.	05/05/2006--(H) DIED IN MESSAGES LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 772 (CH. 2006-301)
GA	HB	967	To amend Article 4A of Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to community involvement in education so as to provide for development of a wellness plan for each school by the school council; to provide for reporting; to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to health of students so as to require implementation of a wellness plan for each school; to repeal conflicting laws; and for other purposes.	01/12/2006--(H) SECOND READERS
GA	SB	474	To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to elementary and secondary education so as to establish school health advisory councils to serve as advisory bodies to local boards of education on health physical education and nutrition policy; to provide for a short title; to provide certain requirements for physical education instruction for students in kindergarten and grades one through eight; to encourage a wide range of supplemental health physical activity and nutrition programs that may be provided on school property beyond the confines of the traditional school day; to require local boards of education to adopt and implement a coordinated school health program; to provide for a state office to promote student health and physical fitness; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.	02/28/2006--(H) SECOND READERS
GA	SB	647	To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated relating to miscellaneous provisions relative to the 'Quality Basic Education Act ' so as to require that students in kindergarten through grade 12 participate in physical activity health instruction or a combination of both for a minimum of 15 minutes each day; to repeal conflicting laws; and for other purposes.	03/06/2006--(S) READ AND REFERRED
HI	HB	2085	Requires the course of study for all elementary and middle schools include instruction in physical education for not less than 200 minutes every 10 school days; makes an appropriation to support the curriculum changes.	01/23/2006--(H) REFERRED TO HOUSE EDUCATION HOUSE FINANCE REFERRAL SHEET 2
HI	HB	2086	Requires all elementary and middle schools to include in their curriculum at least 200 minutes of physical activities every 10 school days. Makes an appropriation.	01/30/2006--(H) THE COMMITTEES ON HOUSE HEALTH RECOMMEND THAT THE MEASURE BE HELD. THE VOTES WERE AS FOLLOWS: 7 AYES: REPRESENTATIVE(S) ARAKAKI GREEN CABANILLA HALE NISHIMOTO SONSON HALFORD; AYES WITH RESERVATIONS: NONE; 0 NOES: NONE; AND 0 EXCUSED: NONE.



2006 Legislative Activity: Health and Physical Education Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
HI	SB	2167	Requires all elementary and middle schools to include in their curriculum at least 200 minutes of physical activities every 10 school days. Makes an appropriation.	01/27/2006--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS SENATE WAYS AND MEANS.
HI	SB	2168	Requires the course of study for all elementary and middle schools include instruction in physical education for not less than 200 minutes every 10 school days; makes an appropriation to support the curriculum changes.	01/27/2006--(S) REFERRED TO SENATE EDUCATION AND MILITARY AFFAIRS SENATE WAYS AND MEANS.
HI	SB	2859	Establishes interscholastic athletic program at public Intermediate schools. Appropriates funds for program.	02/13/2006--(S) THE COMMITTEE ON SENATE EDUCATION AND MILITARY AFFAIRS DEFERRED THE MEASURE.
IL	HB	4533	Amends the School Code. Provides that a school board may excuse pupils in grades 4 (instead of 9) through 12 from the requirement that they engage daily in physical education if they must utilize the time set aside for physical education to receive special education support and services. Effective July 1 2006.	02/01/2006--(H) Tabled BY SPONSOR REP. ROBERT RITA
IL	SB	2600	Amends the School Code. Provides that a school board may excuse pupils in grades 9 through 12 from engaging in physical education courses if the pupil is getting substantial physical activity from participating in athletic training and competition in a sport under the auspices of a national governing board that is recognized by and affiliated with an international sports federation and the parent or guardian has provided documentation of such training and recognition. Effective July 1 2006.	01/20/2006--(S) REFERRED TO RULES
IL	SB	2762	Amends the School Code. With respect to a pupil whom a school board has exempted from the requirement that the pupil engage daily in physical education because he or she must utilize the time set aside for physical education to receive special education support and services provides that the pupil's individualized education program team makes the determination that the pupil must utilize the time set aside for physical education to receive special education support and services. Effective immediately.	06/04/2006--(S) PURSUANT TO SENATE RULE 3-9(B) / REFERRED TO RULES
IN	HB	1167	Requires school boards to establish a coordinated school health advisory council to develop a local wellness policy that complies with certain federal requirements. Requires the department of education to provide information concerning health nutrition and physical activity. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill. (The introduced version of this bill was prepared by the health finance commission.)	01/09/2006--(H) FIRST READING: REFERRED TO COMMITTEE ON PUBLIC HEALTH



2006 Legislative Activity: Health and Physical Education Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
IN	SB	111	Lowers the percentage in the definition of "qualifying school building" from 25% to 15% beginning July 1, 2007 for purposes of the school breakfast and lunch programs. Requires school boards to establish a coordinated school health advisory council to develop a local wellness policy that complies with certain federal requirements. Requires the department of education to provide information concerning health nutrition and physical activity. Establishes requirements applying to food and beverage items that are available for sale to students outside the federal school meal programs including a requirement that a certain percentage of the food and beverage items qualify as better choices. Provides that the requirements do not apply after school hours or to fundraisers. Requires daily physical activity for elementary school students in public schools with certain exceptions. Allows a school to continue a vending machine contract in existence before the passage of this bill. (The introduced version of this bill was prepared by the health finance commission.)	03/15/2006--(S) SIGNED BY THE GOVERNOR
IA	HB	2321	This bill establishes a nutrition and physical activity community obesity prevention grant program in the event that a sufficient amount of funding for the program is received by the Iowa department of public health. The bill specifies that the goal of the program shall be to expand an existing community intervention plan for preventing obesity with nutrition and physical activity approved by the centers for disease control and prevention of the United States department of health and human services. The bill states that the program's purpose shall be to increase the physical activity and fruit and vegetable consumption of targeted youth of elementary school age with a long-term objective of developing a model program that will support and sustain such healthy behavior and incorporate 60 minutes of physical activity per day for replication by other communities. The bill provides that the department shall distribute the grants on a competitive basis to six communities on a regional basis who are not currently participating in the existing intervention plan and shall provide technical assistance regarding program administration to successful applicants. The bill states that ap	03/14/2006--(H) EXPLANATION OF VOTE. H.J. 668.
IA	SB	2124	AN ACT PROVIDING FOR THE ESTABLISHMENT OF A NUTRITION AND PHYSICAL ACTIVITY COMMUNITY OBESITY PREVENTION GRANT PROGRAM AND PROVIDING A CONTINGENT EFFECTIVE DATE.	03/21/2006--(S) SIGNED BY GOVERNOR. S.J. 620.
IA	SB	2190	This bill directs the department of education in cooperation with the Iowa department of public health to convene a healthy kids task force to study and recommend measures to reduce the level of obesity in Iowa's student population. The department of education in cooperation with the Iowa department of public health is to provide staffing and administrative support to the task force. The task force is directed to study Iowa's physical education standards and requirements practitioner preparation programs for physical education instructors and the licensure standards for physical education practitioners; to consider the benefits and disadvantages of establishing a statewide physical education curriculum; and to investigate current literature and recommendations for best practices in physical education instruction. The task force is also directed to study the current level of health nutrition and physical fitness prevalent among students and to develop a model policy regarding access to nutritious foods opportunities for physical activity and accurate education related to these topics. The task force must submit the model policy and its findings and recommendations to the govern	02/15/2006--(S) AMENDMENT S-5006 FILED. S.J. 281.
IA	SB	2251	AN ACT DIRECTING THE DEPARTMENT OF EDUCATION AND THE IOWA DEPARTMENT OF PUBLIC HEALTH TO CONVENE A HEALTHY CHILDREN TASK FORCE AND PROVIDING AN EFFECTIVE DATE.	04/26/2006--(S) SIGNED BY GOVERNOR. S.J. 991.
KS	HR	6011-6	a resolution concerning physical education instruction in public schools	03/10/2006--(H) ENROLLED -HJ 1378



2006 Legislative Activity: Health and Physical Education Legislation

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State	Bill Type	Bill Number	Summary	Status
KY	HB	610	Amend KRS 156.160 to require 30 minutes physical activity per day or 150 minutes per week for all students in kindergarten through twelfth grade; require the time be included as instructional time; amend KRS 160.345 to conform; include noncodified language that the provisions of this Act shall not be interpreted to mean that additional physical education teachers are required nor that new classrooms buildings or other facilities are required.	02/21/2006--(H) TO EDUCATION (H)
MD	SB	436	Establishing the Maryland Obesity Awareness and Prevention Task Force in the Department of Health and Mental Hygiene; providing for the purpose of the Task Force; providing for the membership chair and staff of the Task Force; providing that a member of the Task Force may receive specified reimbursement as provided in the State budget; providing for the duties of the Task Force; requiring the Task Force to submit specified reports to the Governor and the General Assembly on or before specified dates; etc.	03/27/2006--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MD	SB	457	Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc.	04/10/2006--(H) FAVORABLE WITH AMENDMENTS REPORT BY WAYS AND MEANS
MD	SB	611	Requiring that public school students in kindergarten through grade 5 be provided a specified minimum level of a program of physical education each week; requiring an increasing minimum level of a program of physical education over a period of 4 school years; requiring that the program of physical education be consistent with a student's Individualized Education Plan if applicable; requiring that students be regularly assessed for the attainment of specified objectives; etc.	04/08/2006--(H) UNFAVORABLE REPORT BY WAYS AND MEANS
MA	HB	4636	Relative to requiring school districts to convene child nutrition and physical activity advisory committees.	04/04/2006--(S) SENATE CONCURRED IN COMMITTEE REFERRAL
MA	HB	4737	Relative to improving quality physical education.	05/30/2006--(H) ACCOMPANIED STUDY ORDER SEE HB4994
MA	SB	107	AN ACT PROMOTING HEALTHY ALTERNATIVES IN PUBLIC SCHOOL FOOD PROGRAMS	04/03/2006--(H) HOUSE CONCURRED IN COMMITTEE REFERRAL
MA	SB	2373	Directs the department of public health in consultation with the department of education to establish regulations and guidelines relative to the training of school nurses in behavioral health and treatment for eating disorders continuing professional education guidelines for said nurses and guidelines for referral programs for children in need of outside medical services; directs the board of education in consultation with the department of public health to establish certification requirements and criteria for food service directors and managers in public schools; regulates the sale of food and beverages in public schools; excludes meals provided through the national school lunch and breakfast programs from said provisions; mandates the sale of fruit and non-fried vegetables; mandates the availability of nutritional information; directs said departments to review reported cases of obesity and eating disorders; directs the department of public health to establish an annual public service campaign regarding pediatric overweight; establishes a special commission charged with analyzing childhood obesity nutrition physical activity education and wellness.	06/01/2006--(S) POSTPONED UNTIL JUNE 29 2006
MI	SB	981	A bill to amend 1976 PA 451 entitled "The revised school code" by amending section 1502 (MCL 380.1502) as amended by 1993 PA 335.	01/24/2006--(S) REFERRED TO COMMITTEE ON HEALTH POLICY



2006 Legislative Activity: Health and Physical Education Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
MN	HB	3016	A bill for an act relating to education; clarifying elements of the kindergarten through grade 12 physical education standard	03/01/2006--(H) INTRODUCTION AND FIRST READING REFERRED TO EDUCATION POLICY AND REFORM
MN	HB	3260	A bill for an act relating to education; providing for health and physical education requirements:	04/05/2006--(H) AUTHOR ADDED --- FRITZ
MN	SB	2585	A bill for an act relating to education; providing for health and physical education requirements	03/20/2006--(S) SEE ALSO --- SF2994 ART. 2
MS	HB	18	AN ACT MAKING AN APPROPRIATION TO THE STATE DEPARTMENT OF EDUCATION FOR THE PURPOSE OF REINSTATING PHYSICAL EDUCATION PROGRAMS STATEWIDE FOR THE FISCAL YEAR 2007.	02/22/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	101	AN ACT TO REQUIRE ALL PUBLIC HIGH SCHOOLS TO TEACH PHYSICAL EDUCATION DAILY; AND FOR RELATED PURPOSES.	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	319	AN ACT TO DIRECT LOCAL SCHOOL DISTRICTS TO ESTABLISH LOCAL SCHOOL HEALTH COUNCILS BY NOVEMBER 1 2006 IN CONFORMITY WITH FEDERAL REQUIREMENTS; TO PROVIDE THAT THIS SECTION DOES NOT PROHIBIT SALES OF FOOD THROUGH SCHOOL FUND-RAISERS HELD OFF THE SCHOOL CAMPUS; AND FOR RELATED PURPOSES.	03/15/2006--APPROVED BY GOVERNOR
MS	HB	444	AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR TAXPAYERS WHO CONTRIBUTE FUNDS TO PUBLIC SCHOOLS OR PUBLIC SCHOOL DISTRICTS TO ASSIST THE SCHOOLS OR SCHOOL DISTRICTS IN PROVIDING PHYSICAL FITNESS PROGRAMS OR OTHER HEALTH IMPROVEMENT PROGRAMS FOR STUDENTS; IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.	02/22/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	461	AN ACT TO REQUIRE ALL SECONDARY PUBLIC SCHOOLS TO TEACH PHYSICAL EDUCATION; AND FOR RELATED PURPOSES.	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	862	AN ACT TO REQUIRE EACH PUBLIC SCHOOL TO INCLUDE WITHIN ITS PHYSICAL EDUCATION CLASSES NOT LESS THAN TWELVE WEEKS EACH SCHOOL YEAR OF HEALTH INSTRUCTION WHICH MUST INCLUDE INSTRUCTION ON SIGNIFICANT ASPECTS OF BIOTERRORISM; AND FOR RELATED PURPOSES.	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	867	AN ACT TO BE KNOWN AS THE "MISSISSIPPI SAVE OUR CHILDREN ACT;" TO REQUIRE FAILING SCHOOL DISTRICTS TO IMPLEMENT CERTAIN PROGRAMS IN ORDER TO IMPROVE STUDENT PERFORMANCE; AND FOR RELATED PURPOSES.	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	HB	912	AN ACT TO REQUIRE EACH PUBLIC SCHOOL TO INCLUDE WITHIN ITS PHYSICAL EDUCATION CLASSES NOT LESS THAN TWELVE WEEKS EACH SCHOOL YEAR OF HEALTH INSTRUCTION WHICH MUST INCLUDE INSTRUCTION ON SIGNIFICANT ASPECTS OF BIOTERRORISM; AND FOR RELATED PURPOSES.	01/31/2006--(H) DIED INSURANCE COMMITTEE
MS	SB	2008	AN ACT TO DIRECT LOCAL SCHOOL DISTRICTS TO ESTABLISH LOCAL SCHOOL HEALTH COUNCILS BY NOVEMBER 1 2006 IN CONFORMITY WITH FEDERAL REQUIREMENTS; AND FOR RELATED PURPOSES.	03/08/2006--(H) DIED ON CALENDAR
MO	HB	1852	To repeal section 161.102 RSMo and to enact in lieu thereof one new section relating to the coordination of school health programs.	03/29/2006--(H) REFERRED: ELEMENTARY AND SECONDARY EDUCATION
MO	HB	1856	To amend chapter 192 RSMo by adding thereto one new section relating to obesity with an emergency clause	03/29/2006--(H) REFERRED: HEALTH CARE POLICY
MO	HB	2099	To amend chapter 170 RSMo by adding thereto one new section relating to physical education classes.	05/12/2006--(H) REFERRED: PROFESSIONAL REGISTRATION & LICENSING



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Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
NH	SB	290	This bill establishes a wellness program in New Hampshire schools that combines education about nutrition with physical exercise.	02/23/2006--(S) INEXPEDIENT TO LEGISLATE MOTION ADOPTED VOICE VOTE === BILL KILLED ===; SENATE JOURNAL 6 PG. 117
NJ	HB	2732	An Act concerning obesity education in public school districts and supplementing chapter 35 of Title 18A of the New Jersey Statutes.	03/02/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NJ	HB	3020	An Act concerning physical education instruction in the public high schools and supplementing chapter 35 of Title 18A of the New Jersey Statutes.	05/15/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NM	HB	330	AN ACT MAKING AN APPROPRIATION FOR AN ANTI-OBESITY NUTRITION EDUCATION SELF-ESTEEM AND FITNESS DANCE PROGRAM FOR LOW-INCOME AT-RISK CHILDREN IN PUBLIC SCHOOLS.	02/08/2006--(16) DO PASS COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	HB	349	AN ACT MAKING AN APPROPRIATION TO PROVIDE AND STIMULATE SPORTS ACTIVITIES FOR THE CITY OF LAS VEGAS AND THE LAS VEGAS PUBLIC SCHOOL DISTRICTS.	02/08/2006--(16) DO PASS COMMITTEE REPORT ADOPTED-HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
NM	SB	248	AN ACT MAKING AN APPROPRIATION TO FIGHT OBESITY AND PROMOTE PHYSICAL FITNESS IN SCHOOLCHILDREN.	01/19/2006--(2) SENATE FINANCE COMMITTEE-SENATE COMMITTEES COMMITTEE-GERMANE-SENATE FINANCE COMMITTEE
NY	SB	3708	Provides for required instruction in physical education in elementary and secondary schools; requires that the regents shall include in its rules that students in elementary schools shall participate in physical education for a minimum of one hundred fifty minutes during each school week and that students in secondary schools shall participate for at least two hundred twenty-five minutes per week.	06/17/2006--(S) PRINT NUMBER S 3708 A
OK	HJR	1037	A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study ; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency.	02/07/2006--(H) SECOND READING REFERRED TO HEALTH AND HUMAN SERVICES
OK	HJR	1039	A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study ; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency.	02/07/2006--(H) SECOND READING REFERRED TO RULES
OK	SB	1387	Schools; physical education; effective date	03/28/2006--(H) COMMITTEE REPORT; DO PASS AMENDED BY COMMITTEE SUBSTITUTE COMMON EDUCATION COMMITTEE
OK	SB	1459	An Act relating to schools; directing State Department of Education in consultation with State Department of Health to make certain information and assistance available to schools; encouraging use of certain program assessment instruments; directing involvement of certain committee in implementation of certain requirement; providing for codification; and providing an effective date.	04/24/2006--(S) APPROVED BY GOVERNOR 04/24/2006



2006 Legislative Activity: Health and Physical Education Legislation

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State	Bill Type	Bill Number	Summary	Status
OK	SB	1461	An Act relating to schools; amending Section 1 Chapter 45 O.S.L. 2005 (70 O.S. Supp. 2005 Section 5-147) which relates to access to foods of minimal nutritional value; providing an exception for the sale of food for the purposes of a fund-raiser; directing the State Board of Education to facilitate development of a physical fitness assessment software program; specifying capabilities of program; directing Board to select certain pilot sites to test program during certain school year; directing each school district to annually administer physical fitness assessment to certain students beginning in certain school year; providing for codification; and providing an effective date.	04/19/2006--(H) TITLE RESTORED
PA	HB	185	Amending the act of March 10 1949 (P.L.30 No.14) entitled "An act relating to the public school system including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto" providing for school district notification of residential development and for contracts for competitive food or beverage contracts; further providing for funding for charter schools for cyber charter school requirements and prohibitions and for enrollment and notification; and providing for free and reduced-price school lunches for certain students. COMPETITIVE FOOD OR BEVERAGE CONTRACTS AND FOR NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE SALES IN SCHOOLS; FURTHER PROVIDING FOR CERTAIN HEALTH SERVICES AND FOR ADVISORY HEALTH COUNCILS; PROVIDING FOR LOCAL WELLNESS POLICIES FOR AN INTERAGENCY COORDINATING COUNCIL FOR CHILD HEALTH AND NUTRITION FOR DUTIES OF THE DEPARTMENT OF EDUCATION AND FOR PHYSICAL EDUCATION; AND FURTHER PROVIDING FOR PHYSIOLOGY AND HYGIENE.	07/11/2006 - SIGNED BY GOVERNOR
RI	HB	7065	This act would establish a pilot program to encourage physical exercise and promote healthy weight levels in children. This act would take effect upon passage.	04/26/2006--CONTINUED
RI	HB	7561	This act would expand municipal school health programs by requiring such programs to include policies dealing with physical education. This act would take effect upon passage.	02/16/2006--INTRODUCED REFERRED TO HOUSE H.E.W.
RI	HB	7747	This act would increase the minimum amount of physical education instruction at the elementary level to 150 minutes per week and at the middle and high school levels to 225 minutes per week. This act would take effect upon passage.	02/28/2006--INTRODUCED REFERRED TO HOUSE H.E.W.
RI	SB	2492	This act would increase the minimum amount of physical education instruction at the elementary level to 150 minutes per week and at the middle and high school levels to 225 minutes per week. This act would take effect upon passage.	03/15/2006--CONTINUED
TN	HB	2522	An act to amend Tennessee code annotated title 49 chapter 50 to enact the Tennessee student health act.	03/01/2006--TAKEN OFF NOTICE FOR CALENDAR IN: GOVERNMENT OPERATIONS COMMITTEE
TN	HB	2910	An act to amend Tennessee code annotated title 4 chapter 29 and title 68 chapter 1 relative to child nutrition and wellness.	03/30/2006--WITHDRAWN.
TN	HB	3750	An act to amend Tennessee code annotated title 49 chapter 6 relative to elementary and secondary school pupils.	06/27/2006--SIGNED BY GOVERNOR.
TN	HB	4042	An act to amend Tennessee code annotated title 49 chapter 6 relative to health and physical education curriculum and instructional programs.	03/08/2006--ASSIGNED TO SUBCOMMITTEE K-12 OF EDUCATION
TN	SB	2494	An act to amend Tennessee code annotated title 49 chapter 50 to enact the Tennessee student health act.	02/27/2006--WITHDRAWN.
TN	SB	2839	An act to amend Tennessee code annotated title 4 chapter 29 and title 68 chapter 1 relative to child nutrition and wellness.	03/23/2006--WITHDRAWN.



2006 Legislative Activity: Health and Physical Education Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
TN	SB	3143	An act to amend Tennessee code annotated title 49 relative to education.	03/23/2006--RECEIVED FROM SENATE HELD ON HOUSE DESK.
TN	SB	3921	An act to amend Tennessee code annotated title 49 chapter 6 relative to health and physical education curriculum and instructional programs.	03/27/2006--ASSIGNED TO GEN. SUB OF EDUCATION COMMITTEE
TN	SB	3991	An act to amend Tennessee code annotated title 49 chapter 6 relative to elementary and secondary school pupils.	05/26/2006--AM. WITHDRAWN. (AMENDMENT 1 - SA1246)
VT	HB	862	Education; home study programs - This bill proposes to direct that the commissioner of education specify the content of a report by a licensed teacher of progress made by a student enrolled in a home study program; to specify and authorize use of certain standardized achievement tests to evaluate the progress of a home study student; to exempt a home study student who is 13 years of age or older from the requirements to study physical education comprehensive health education and the fine arts; and to stipulate that a home study program which has successfully completed two consecutive years of home study is not required to submit an annual curriculum narrative.	04/12/2006--GOVERNOR'S ACTION: SIGNED -- ACT NO: 0107 -- EFFECTIVE DATE:
VA	HB	1593	Childhood obesity. Prevention and reduction in public schools	01/30/2006--(H) CONTINUED TO 2007 IN EDUCATION
VA	SB	206	Childhood obesity. Requires the Board of Education to promulgate in cooperation with the State Health Department regulations establishing standards to facilitate the prevention and reduction of childhood obesity in the public schools. This bill also requires division superintendents to complete instruction concerning the causes and consequences of overweight and obese students and the relationship between nutrition health and learning by July 1 2008. The requirement for instruction may be satisfied by attendance at conferences seminars or in-service training.	01/26/2006--(S) CONTINUED TO 2007 IN EDUCATION AND HEALTH (12-Y 2-N)
VA	SB	599	Physical education. Requires school boards to implement a requirement for physical education to be taught in grades kindergarten through 12.	02/09/2006--(S) CONTINUED TO 2007 IN EDUCATION AND HEALTH (15-Y 0-N)
WV	HB	4848	A BILL to amend and reenact Bill Title§18-2-7a of the code of West Virginia 1931 as amended relating to Title Language requirements for physical education in the public schools; grouping requirements by programmatic rather than grade levels; and requiring state board rule on collection use and reporting body mass index data.	03/02/2006--TO EDUCATION
WV	SB	785	AN ACT to amend and reenact &#167;18-2-7a of the Code of West Virginia 1931 as amended relating to requirements for physical education in public schools; additional condition authorizing development of alternative programs to meet requirements; grouping requirements by programmatic rather than grade levels; and requiring state board rule on collection use and reporting body mass index data.	04/04/2006--APPROVED BY GOVERNOR 4/4/06
WI	HB	1080	An Act to create 118.33 (1) (e) of the statutes; relating to: granting high school credit for extracurricular sports	05/11/2006--(H) FAILED TO PASS PURSUANT TO SENATE JOINT RESOLUTION 1
WY	HB	72	AN ACT relating to education; creating the healthy living- healthy learning program account as specified; providing for grants to school districts from the account; providing criteria for healthy living-healthy learning grants; establishing a maximum grant level; establishing a healthy living-healthy learning panel as specified; granting rulemaking authority; and providing for an effective date.	02/14/2006--(H) FAILED INTRODUCTION



2006 Legislative Activity: Body Mass Index Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
AK	SB	162	An Act relating to monitoring and reporting of student discipline and safety of student health pertaining to height nutrition and physical activity of the percentage of the legislative body with a body mass index that exceeds 25.0 and of state capitol vending machine profits; requiring schools to report school health status and policy the percentage of students that are overweight and at risk of being overweight and profits from vending machines; and requiring the evaluation of health education programs on the basis of health reports and screening.	03/01/2006--(S) BILL HEARING CANCELED
CA	HB	864	An act to add Chapter 2.5 (commencing with Section 104700) to Part 3 of Division 103 of the Health and Safety Code relating to physical fitness. - California Council on Physical Fitness and Sports.	01/31/2006--(H) FROM COMMITTEE: FILED WITH THE CHIEF CLERK PURSUANT TO JOINT RULE 56. DIED PURSUANT TO ART. IV SEC. 10(C) OF THE CONSTITUTION.
FL	HB	7203	Wellness Programs; requires DOH to collaborate with other state agencies in developing policies & strategies to prevent & treat obesity which shall be incorporated into agency programs; requires dept. to advise health care practitioners re morbidity mortality & costs associated with condition of being overweight or obese; creates Fla. State Employee Wellness Council within DMS; provides purpose & duties of council etc. Amends 381.0054 110.123. EFFECTIVE DATE: 07/01/2006.	05/04/2006--(H) SUBSTITUTED COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 1324; LAID ON TABLE LINK/IDENTICAL/SIMILAR/COMPARE PASSED REFER TO COMMITTEE SUBSTITUTE/COMMITTEE SUBSTITUTE/SB 1324 (CH. 2006-269) - HOUSE JOURNAL 01245
MD	HB	1418	Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc.	04/08/2006--(H) DELEGATES BOZMAN HELLER AND GILLELAND
MD	SB	329	Requiring schools enrolling students in the first third fifth or eighth grade to complete a body mass index for age measurement on students within 90 days of the beginning of the school year except in specified circumstances; requiring schools to send the parents or guardians of students who were measured for body mass index for age by the school a confidential health report card including specified information in a specified mailing; etc.	03/27/2006--(S) UNFAVORABLE REPORT BY EDUCATION HEALTH AND ENVIRONMENTAL AFFAIRS
MD	SB	457	Requiring county boards of education to provide diabetes screening tests and body mass index calculations for each student in each public school at a specified time; requiring county boards of education to establish a food service program to prohibit the sale of specified foods and beverages during specified hours to make specified limitations on foods and beverages sold in elementary schools to adopt specified nutrition and wellness policies for high schools and to form nutrition integrity teams; etc.	04/10/2006--(H) FAVORABLE WITH AMENDMENTS REPORT BY WAYS AND MEANS
MA	SB	108	Authorizes schools to examine students with body mass indexes in the 95th percentile for diabetes; articulates reporting requirements relative to children found to be at risk for said disease.	04/13/2006--(S) ACCOMPANIED STUDY ORDER SEE SB2490
MI	HB	5265	A bill to amend 1976 PA 451 entitled "The revised school code" (MCL 380.1 to 380.1852) by adding section 1503.	10/06/2005--(H) REFERRED TO COMMITTEE ON EDUCATION
MO	HB	2099	To amend chapter 170 RSMo by adding thereto one new section relating to physical education classes.	05/12/2006--(H) REFERRED: PROFESSIONAL REGISTRATION & LICENSING



2006 Legislative Activity: Body Mass Index Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
NH	SB	290	This bill establishes a wellness program in New Hampshire schools that combines education about nutrition with physical exercise.	02/23/2006--(S) INEXPEDIENT TO LEGISLATE MOTION ADOPTED VOICE VOTE === BILL KILLED ===; SENATE JOURNAL 6 PG. 117
NJ	HB	446	An Act concerning pupil health and supplementing chapter 40 of Title 18A of the New Jersey Statutes.	01/10/2006--INTRODUCED REFERRED TO ASSEMBLY EDUCATION COMMITTEE
NY	SB	472	Requires body mass index percentile screenings as part of the school medical screenings for vision hearing and scoliosis within six months of initial entry to school and during the first third seventh and tenth grade years.	05/30/2006--(S) PRINT NUMBER S 472 A
OK	HJR	1037	A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study ; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency.	02/07/2006--(H) SECOND READING REFERRED TO HEALTH AND HUMAN SERVICES
OK	HJR	1039	A Joint Resolution establishing the Task Force on Childhood Obesity; specifying membership and duties of task force; specifying scope of study ; specifying reimbursement for expenses of members; requiring report; providing for noncodification; and declaring an emergency.	02/07/2006--(H) SECOND READING REFERRED TO RULES
OK	SB	1461	which relates to access to foods of minimal nutritional value; providing an exception for the sale of food for the purposes of a fund - raiser; directing the State Board of Education to facilitate development of a physical fitness assessment software program; specifying capabilities of program; directing Board to select certain pilot sites to test program during certain school year; directing each school district to annually administer physical fitness assessment to certain students beginning in certain school year; providing for codification; and providing an effective date.	04/19/2006--(H) TITLE RESTORED
OK	SB	1986	An Act relating to schools; requiring State Board of Education to develop fitness testing system; specifying certain component of system; providing for codification; providing an effective date; and declaring an emergency.	02/07/2006--(S) SECOND READING REFERRED TO APPROPRIATIONS
PA	HB	185	including certain provisions applicable as well to private and parochial schools; amending revising consolidating and changing the laws relating thereto " providing for school district notification of residential development and for contracts for competitive food or beverage contracts; further providing for funding for charter schools for cyber charter school requirements and prohibitions and for enrollment and notification; and providing for free and reduced-price school lunches for certain students. COMPETITIVE FOOD OR BEVERAGE CONTRACTS AND FOR NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGE SALES IN SCHOOLS; FURTHER PROVIDING FOR CERTAIN HEALTH SERVICES AND FOR ADVISORY HEALTH COUNCILS; PROVIDING FOR LOCAL WELLNESS POLICIES FOR AN INTERAGENCY COORDINATING COUNCIL FOR CHILD HEALTH AND NUTRITION FOR DUTIES OF THE DEPARTMENT OF EDUCATION AND FOR PHYSICAL EDUCATION; AND FURTHER PROVIDING FOR PHYSIOLOGY AND HYGIENE.	07/11/2006 - SIGNED BY GOVERNOR
TN	HB	3522	An act to amend Tennessee code annotated title 49 chapter 6 relative to completion of a health report card on all public school children in Tennessee.	04/25/2006--TAKEN OFF NOTICE FOR CALENDAR IN SUBCOMMITTEE K-12 OF EDUCATION OF EDUCATION COMMITTEE
TN	SB	3143	An act to amend Tennessee code annotated title 49 relative to education.	03/23/2006--RECEIVED FROM SENATE HELD ON HOUSE DESK.
TN	SB	3375	An act to amend Tennessee code annotated title 49 chapter 6 relative to completion of a health report card on all public school children in Tennessee.	04/05/2006--ASSIGNED TO GEN. SUB OF SENATE EDUCATION COMMITTEE



2006 Legislative Activity: Body Mass Index Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
VA	HB	338	Annual body mass index assessments required for public school students. Requires the principal of each school pursuant to regulations adopted by the Board of Education in consultation with the State Health Commissioner to (i) provide an annual assessment of the body mass index (BMI) of each student in the school; (ii) notify the parent or guardian in writing of the annual BMI percentile by age for the relevant student; and (iii) provide the parent or guardian of the relevant student with information explaining the use of BMI in identifying underweight and overweight in children and the potential health risks of various growth patterns.	01/18/2006--(H) PASSED BY INDEFINITELY IN EDUCATION
WV	HB	4848	A BILL to amend and reenact 18-2-7a of the code of West Virginia 1931 as amended relating to Title Language requirements for physical education in the public schools; grouping requirements by programmatic rather than grade levels; and requiring state board rule on collection use and reporting body mass index data.	03/02/2006--TO EDUCATION
WV	SB	785	AN ACT to amend and reenact 18-2-7a of the Code of West Virginia 1931 as amended relating to requirements for physical education in public schools; additional condition authorizing development of alternative programs to meet requirements; grouping requirements by programmatic rather than grade levels; and requiring state board rule on collection use and reporting body mass index data.	04/04/2006--APPROVED BY GOVERNOR 4/4/06



2006 Legislative Activity: Menu Labeling Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
NJ	HB	1693	"An Act concerning retail food establishments and supplementing Title 26 of the Revised Statutes."	01/10/2006--INTRODUCED REFERRED TO ASSEMBLY HEALTH AND SENIOR SERVICES COMMITTEE
NY	HB	5664	"Requires certain restaurants and food establishments to post the caloric value carbohydrate fat and sodium content per serving."	01/18/2006--(H) REPORTED AND REFERRED TO ASSEMBLY CODES
NY	SB	4551	"Requires certain restaurants and food establishments to post the caloric value carbohydrate fat and sodium content per serving."	01/04/2006--(S) REFERRED TO SENATE HEALTH
OH	HB	423	"To enact section 3717.53 of the Revised Code to require each chain restaurant to disclose the nutritional information for each food or beverage item prepared and offered for sale in the restaurant."	11/17/2005--(H) REFERRED TO HOUSE HEALTH
OK	SB	1309	"An Act relating to public health and safety ; creating the Oklahoma Nutrition Information Act; providing short title ; declar ing legislative intent; defining terms; requiring certain restaurants to provide certain nutrition information under certain circumstances; requiring certain nutrient analysis; requiring certain compliance; requiring certain determinations upon inspection ; authorizing the State Department of Health to promulgate certain rules ; authorizing the State Department of Health to assess certain penalties; providing for codification; and providing an effective date ."	02/07/2006--(S) SECOND READING REFERRED TO HEALTH AND HUMAN RESOURCES
PA	SB	1038	"Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes providing for nutrition labeling of fast foods."	01/03/2006--(S) REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE
VT	SB	301	"Health; nutrition; labeling; chain restaurants - This bill proposes to require chain restaurants to post nutritional information for all food sold."	02/01/2006--(S) IN HEALTH & WELFARE



2006 Legislative Activity: Industry Liability Lawsuit Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
AL	HB	63	"AN ACT To provide that no manufacturer distributor or seller of foods or nonalcoholic beverages shall be subject to civil liability for personal injury to the extent that such liability is premised upon a person's weight gain or obesity."	04/06/2006--JUDICIARY FIRST SUBSTITUTE OFFERED
CA	SB	937	"An act to add Section 1714.4 to the Civil Code relating to liability. - Liability: obesity."	02/01/2006--(S) RETURNED TO SECRETARY OF SENATE PURSUANT TO JOINT RULE 56.
IN	HB	1113	"Grants immunity from civil liability for certain persons in the food and beverage industry including advertisers marketers and advertising media as to a claim concerning weight gain obesity a health condition associated with weight gain or obesity or a generally known condition allegedly caused by or allegedly likely to result from the long term consumption of food or beverages. Provides that the immunity does not apply if the weight gain is related to a pregnancy or if it relates to certain types of misbranding adulteration or knowing and willful violations of state or federal law."	03/17/2006--(H) SIGNED BY THE GOVERNOR
IA	HD	SB683	"A study bill for limiting the liability of a manufacturer packer distributor carrier holder seller marketer or advertiser of a food product intended for human consumption."	02/15/2006--FILED
IA	SB	2153	"This bill limits the liability of a manufacturer packer distributor carrier holder seller marketer or advertiser of a food product intended for human consumption. The bill provides that a manufacturer packer distributor carrier holder seller marketer or advertiser of a food product intended for human consumption shall not be subject to civil liability whether based on breach of contract breach of warranty negligence strict liability or tort arising out of weight gain obesity a health condition associated with weight gain or obesity or any other condition allegedly caused by or allegedly likely to result from the consumption of the food product unless the plaintiff proves that at the time of sale the food product was not in compliance with applicable federal or state statutory and regulatory requirements."	02/07/2006--(S) SUBCOMMITTEE BRUNKHORST HORN FRAISE AND ZAUN. S.J. 209.
MD	HB	28	"Common Sense Food Consumption Act"	02/13/2006--(H) UNFAVORABLE REPORT BY JUDICIARY
MN	HB	118	"A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods"	04/24/2006--(S) SECOND READING
MN	HB	3810	"A bill for an act relating to appropriations; appropriating money and supplementing and reducing appropriations for agriculture; modifying certain programs; establishing the Minnesota Agricultural Fertilizer Research and Education Council and grant program; providing for apiary inspections; modifying State Fair camping provisions; creating the Personal Responsibility in Food Consumption Act; requiring studies; repealing regulation of beekeeping"	04/25/2006--(H) RE-REFERRED TO AGRICULTURE ENVIRONMENT AND NATURAL RESOURCES FINANCE
MN	SB	631	"A bill for an act relating to civil actions; prohibiting actions against certain persons for weight gain as a result of consuming certain foods"	04/24/2006--(S) HF SUBSTITUTED --- HF118



2006 Legislative Activity: Industry Liability Lawsuit Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
MN	SB	3480	"A bill for an act relating to commerce; regulating license education; regulating certain insurers insurance forms rates minimum loss ratio guarantees coverages purchases disclosures filings utilization reviews and claims; enacting an interstate insurance product regulation compact; regulating the Minnesota uniform health care identification card; requiring health care provider pricing transparency; regulating charity care; requiring certain reports; amending Minnesota Statutes 2004 sections 61A.02 subdivision 3; 61A.092 subdivision 3; 62A.02 subdivision 3 by adding a subdivision; 62A.021 subdivision 1; 62A.095 subdivision 1; 62A.27; 62A.3093; 62A.65 subdivision 3; 62C.14 subdivisions 9 10; 62E.13 subdivision 3; 62E.14 subdivision 5; 62J.60 subdivisions 2 3; 62J.81 subdivision 1; 62L.02 subdivision 24; 62L.03 subdivision 3; 62L.08 subdivision 4; 62M.01 subdivision 2; 62M.09 subdivision 9; 62S.05 by adding a subdivision; 62S.08 subdivision 3; 62S.081 subdivision 4; 62S.10 subdivision 2; 62S.13 by adding a subdivision; 62S.14 subdivision 2; 62S.15; 62S.20 subdivision 1; 62S.24 subdivisions 1 3 4 by adding subdivisions; 62S.25 subdivision 6 by adding a sub	06/01/2006--EFFECTIVE DATE VARIOUS
MS	HB	764	"AN ACT TO PROVIDE CIVIL IMMUNITY FOR FOOD MANUFACTURERS AND SELLERS FOR ACTIONS FOR LIABILITY FOR WEIGHT GAIN OR OBESITY; AND FOR RELATED PURPOSES."	01/31/2006--(H) DIED INSURANCE COMMITTEE
NE	LB	455	"A BILL FOR AN ACT relating to civil procedure; to prohibit civil actions based on weight gain or obesity in certain circumstances; to define terms; to provide applicability; and to provide a duty for the Revisor of Statutes. <P>"	04/13/2006--INDEFINITELY POSTPONED
NJ	HB	2902	"Limits liability of food producers manufacturers packers distributors carriers holders sellers marketers and advertisers for claims arising out of weight gain or obesity."	03/21/2006--INTRODUCED REFERRED TO ASSEMBLY JUDICIARY COMMITTEE
NJ	HB	3514	"An Act concerning the limited liability of food producers manufacturers packers distributors and others for claims relating to weight gain and obesity and supplementing Title 2A of the New Jersey Statutes."	01/05/2006--REPORTED OUT OF ASSEMBLY COMMITTEE 2ND READING
NJ	SB	1088	"An Act concerning the limited liability of food producers manufacturers packers distributors and others for claims relating to weight gain and obesity and supplementing Title 2A of the New Jersey Statutes."	01/26/2006--INTRODUCED IN THE SENATE REFERRED TO SENATE JUDICIARY COMMITTEE
NY	HB	5076	"AN ACT to amend the civil practice law and rules in relation to provid- ing that certain lawsuits against the food industry are frivolous"	01/04/2006--(H) REFERRED TO ASSEMBLY CODES
NY	SB	2482	"AN ACT to amend the civil practice law and rules in relation to provid- ing that certain lawsuits against the food industry are frivolous"	01/04/2006--(S) REFERRED TO SENATE CODES
NC	HB	1245	"AN ACT to prevent frivolous lawsuits against manufacturers packers distributors carriers holders sellers marketers or advertisers of food products that comply with applicable statutory and regulatory requirements.</p> <p class=aBase>"	04/18/2005--(H) REFERRED TO COMMITTEE ON JUDICIARY I
OK	HB	3082	"An Act relating to torts; creating the Commonsense Consumption Act; providing short title; stating legislative intent; defining terms; providing immunity from civil liability for certain claims; providing exception; providing pleading requirements; providing for stay of discovery and other proceedings in certain circumstances; providing scope of claims covered; providing for codification; and providing an effective date."	03/08/2006--(S) SECOND READING REFERRED TO JUDICIARY



2006 Legislative Activity: Industry Liability Lawsuit Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
OK	HB	3120	"An Act relating to tort reform; creating the Common Sense in the Courtroom Act of 2006; providing short title; amending 5 O.S. 2001 Sections 7 and 9 which relate to attorney fees; modifying maximum percentage of allowable attorney fees; providing exception; prohibiting attorney fees for punitive damages; providing for determination of attorney fees in class actions; requiring plaintiffs to sign representation agreements; providing method of calculating attorney fees for class action cases; providing for judicial discretion to modify the fee award; requiring attorney fees to include noncash benefits in certain circumstances; defining terms; establishing a statute of repose for product liability actions; amending Section 2 Chapter 368 O.S.L. 2004 (12 O.S. Supp. 2005 Section 130) and 12 O.S. 2001 Sections 134 and 137 which relate to venue; modifying venue for certain actions; authorizing the court to decline to exercise jurisdiction under the doctrine of forum non conveniens; providing factors that the court may consider; providing that improper venue does not toll statute of limitations; requiring each plaintiff to establish venue in cases in which there are multiple plaintiffs; p	03/27/2006--(S) SECOND READING REFERRED TO JUDICIARY
OK	SB	1323	"An Act relating to torts; creating the Common Sense Consumption Act; providing short title; stating legislative intent; defining terms; providing immunity from civil liability for certain claims; providing exception; providing pleading requirements; providing for stay of discovery and other proceedings in certain circumstances; providing scope of claims covered; providing for codification; and providing an effective date."	02/07/2006--(S) PENDING AUTHORSHIP REPRESENTATIVE(S) DEWITT
OK	SB	1657	"An Act relating to civil procedure; amending 12 O.S. 2001 Section 2004 as amended by Section 7 Chapter 402 O.S.L. 2002 (12 O.S. Supp. 2005 Section 2004) which relates to process; defining term; amending 12 O.S. 2001 Section 2011 as amended by Section 10 Chapter 368 O.S.L. 2004 (12 O.S. Supp. 2005 Section 2011) which relates to the Oklahoma Pleading Code; modifying definition; amending Section 1 Chapter 370 O.S.L. 2004 (12 O.S. Supp. 2005 Section 2011.1) which relates to frivolous claims or defenses; modifying definition; providing procedure for summary judgment; amending Section 18 Chapter 368 O.S.L. 2004 (23 O.S. Supp. 2005 Section 15) which relates to joint and several liability; modifying exceptions to severability; providing limits of liability for noneconomic damages for certain actions; defining term; amending 47 O.S. 2001 Section 11-1112 as last amended by Section 1 Chapter 361 O.S.L. 2005 (47 O.S. Supp. 2005 Section 11-1112) which relates to child passenger restraint systems; eliminating prohibitions against admissibility of certain evidence in civil actions; limiting liability for certain entities; amending 63 O.S. 2001 Section 1-1709.1 a	05/26/2006--(S) DIED IN CONFERENCE
OK	SB	1874	"An Act relating to civil procedure; creating the Lawsuit Responsibility Act of 2006; providing short title; requiring scheduling of trial within specified time period; providing exceptions; requiring certain conferences; requiring certain signatures on specified requests; authorizing court to require participation in certain programs; defining term; authorizing certain sanctions; establishing procedures for summary judgment; requiring court to prepare certain plan; authorizing certain sanctions; urging Supreme Court to promulgate certain rules; exempting certain persons from personal liability under specified circumstances; providing exception; limiting liability of physicians under specified circumstances; providing exception; defining terms; providing immunity from civil liability for certain claims; providing exceptions; providing pleading requirements; providing for stay of discovery and other proceedings in certain circumstances; amending 28 O.S. 2001 Section 152.1 as last amended by Section 21 Chapter 5 O.S.L. 2004 (28 O.S. Supp. 2005 Section 152.1) which relates to civil actions; prohibiting court from requiring payment of certain fee at specified time; providing	03/07/2006--(S) MOTION TO RECONSIDER VOTE TABLED
PA	HB	670	"Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes providing for food purveyor immunity."	06/22/2005--(S) REFERRED TO JUDICIARY
PA	HB	1772	"Providing for food purveyor immunity."	06/21/2005--(H) REFERRED TO STATE GOVERNMENT



2006 Legislative Activity: Industry Liability Lawsuit Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
PA	SB	375	"Providing for civil immunity for food purveyors under certain circumstances."	06/08/2005--CORRECTIVE REPRINT ISSUED
RI	HB	5630	"<P>This act would establish the Commonsense Food Consumption Act that would prevent frivolous lawsuits against manufacturers distributors or sellers of food products that comply with statutory and regulatory requirements.<P>This act would take effect upon passage and would apply to actions filed on or after that date."	03/15/2005--CONTINUED
SC	HB	3118	"TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA 1976 BY ADDING ARTICLE 7 TO CHAPTER 3 TITLE 15 SO AS TO PROVIDE DEFINITIONS FOR THE TERMS "CLAIM" "FEDERAL ACT" "GENERALLY-KNOWN CONDITION ALLEGEDLY CAUSED BY OR ALLEGEDLY LIKELY TO RESULT FROM LONG-TERM CONSUMPTION" "KNOWING AND WILFUL" AND "ANOTHER PERSON"; TO PROVIDE THAT MANUFACTURERS PACKERS DISTRIBUTORS CARRIERS HOLDERS SELLERS MARKETERS AND ADVERTISERS OF FOOD ARE NOT LIABLE FOR CLAIMS RELATING TO WEIGHT GAIN OR OBESITY TO PROVIDE FOR EXCEPTIONS FOR CLAIMS BASED ON ADULTERATION OR MISBRANDING OF FOOD LABELS AND TO PROVIDE PROCEDURES FOR THOSE CLAIMS."	01/12/2005--HOUSE MEMBER(S) REQUEST NAME ADDED AS SPONSOR: M.A.PITTS DUNCAN
SC	HB	3613	"TO AMEND CHAPTER 3 TITLE 15 CODE OF LAWS OF SOUTH CAROLINA 1976 BY ADDING ARTICLE 9 SO AS TO ENACT THE "COMMON SENSE CONSUMPTION ACT" TO DEFINE THE TERMS "PARTY" AND "LONG-TERM CONSUMPTION" AND TO PROVIDE THAT A MANUFACTURER PACKER DISTRIBUTOR CARRIER HOLDER MARKETER SELLER OR AN ASSOCIATION OF ONE OR MORE OF THESE ENTITIES IS NOT SUBJECT TO CIVIL LIABILITY IN AN ACTION BASED ON A PERSON'S PURCHASE OR CONSUMPTION OF FOOD OR NONALCOHOLIC BEVERAGES WHEN LIABILITY IS BASED ON WEIGHT GAIN OBESITY OR A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY RESULTING FROM THE PERSON'S LONG-TERM CONSUMPTION OF FOOD OR NONALCOHOLIC BEVERAGES."	05/09/2005--SENATE REFERRED TO SUBCOMMITTEE: MARTIN (CH) GREGORY ELLIOTT HAWKINS
WI	HB	338	"An Act to amend 814.04 (intro.); and to create 895.506 of the statutes; relating to: civil liability exemption for claims resulting from weight gain and obesity"	05/11/2006--(S) FAILED TO CONCUR IN PURSUANT TO SENATE JOINT RESOLUTION 1
WI	SB	161	"An Act to amend 814.04 (intro.); and to create 895.506 of the statutes; relating to: civil liability exemption for claims resulting from weight gain and obesity"	04/19/2006--(S) PUBLISHED



2006 Legislative Activity: Snack and Soda Tax Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
CA	SB	1118	"An act to add Section 130500 to the Health and Safety Code and to add Sections 6051.9 6051.11 6201.9 and 6201.11 to the Revenue and Taxation Code relating to taxation making an appropriate therefor and declaring the urgency thereof to take effect immediately."	05/08/2006--(S) HEARING POSTPONED BY COMMITTEE.
IN	HB	1170	"Imposes an 11.5% tax in addition to other applicable taxes on the retail sale of minimally nutritious foods or beverages. Establishes the physical fitness grant account (account) and deposits revenues from the tax in the account. Establishes the physical fitness grant program. Provides that the department of education shall award grants to public high schools including charter high schools for salaries and other costs related to physical activity and fitness education from money appropriated from the account. Provides that the surplus of the account reverts to the state general fund to be used for Medicaid expenditures."	01/09/2006--(H) FIRST READING: REFERRED TO COMMITTEE ON PUBLIC HEALTH
KS	HB	3016	"an act concerning taxation; relating to imposition of tax upon the privilege of engaging in business of distributing manufacturing or whole- sale dealing of soft drinks."	03/17/2006--(H) REFERRED TO TAXATION - HJ 1450
MD	HB	640	"Authorizing a municipal corporation to impose an admissions and amusement tax on the sale of specified food and beverages; establishing limits on a county's or municipal corporation's authority to impose an admissions and amusement tax; establishing a maximum tax rate on specified gross receipts that are subject to the admissions and amusement tax; etc."	02/22/2006--(H) HEARING 3/10 AT 1:30 P.M.
NE	LB	628	"A BILL FOR AN ACT relating to schools; to amend sections 77-2704.10 77-2704.24 77-27 132 and 79-1018.01 Reissue Revised Statutes of Nebraska; to create a fund for school facilities; to impose sales tax on snack food; to harmonize provisions; to provide an operative date; and to repeal the original sections. <P>"	03/09/2005--INDEFINITELY POSTPONED
NM	SB	228	"AN ACT RELATING TO TAXATION; ENACTING THE SOFT DRINK TAX ACT; MAKING DISTRIBUTIONS; MAKING APPROPRIATIONS."	01/19/2006--(2) SENATE FINANCE COMMITTEE-SENATE COMMITTEES COMMITTEE-GERMANE-SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE
NM	SB	724	"AN ACT RELATING TO TAXATION; ELIMINATING A DEDUCTION FROM GROSS RECEIPTS FOR RECEIPTS FROM THE SALE OF SOFT DRINKS."	02/01/2006--(9) SENATE FINANCE COMMITTEE-SENATE COMMITTEES COMMITTEE-GERMANE-SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE
NY	HB	5665	"Imposes additional tax on certain food and drink items and imposes a tax on video games commercials and movies."	01/04/2006--(H) REFERRED TO ASSEMBLY WAYS AND MEANS
NY	HB	9747	"Increases the amount of the exemption from sales tax for food and beverages sold through a vending machine from seventy-five cents to one dollar and fifty cents."	01/31/2006--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY WAYS AND MEANS
NY	HB	9978	"Exempts food and beverages sold for any price from vending machines from the sales and compensating use tax rather than only when such items are sold for seventy-five cents or less."	04/19/2006--(H) PRINT NUMBER A9978 A
NY	SB	6756	"Exempts food and beverages sold for any price from vending machines from the sales and compensating use tax rather than only when such items are sold for seventy-five cents or less."	05/03/2006--(S) PRINT NUMBER S6756 A
WA	HB	2758	"AN ACT Relating to syrup taxes; adding a new section to chapter 82.04 RCW; and providing an effective date.</p><p>"	02/14/2006--(H) REFERRED TO RULES 2 CONSIDERATION.



2006 Legislative Activity: Snack and Soda Tax Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
WA	SB	5778	"AN ACT Relating to the taxation of sales of food and food ingredients sold through vending machines; and amending RCW 82.08.0293.</p><p>"	01/09/2006--(S) BY RESOLUTION REINTRODUCED AND RETAINED IN PRESENT STATUS.
WA	SB	5973	"AN ACT Relating to the sales and use taxation of candy; amending RCW 82.08.0293 and 82.12.0293; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.</p><p>"	01/09/2006--(S) BY RESOLUTION REINTRODUCED AND RETAINED IN PRESENT STATUS.
WA	SB	6533	"AN ACT Relating to syrup taxes; adding a new section to chapter 82.04 RCW; and providing an effective date."	03/27/2006--GOVERNOR SIGNED.
WI	HB	1168	"An Act to amend 20.435 (4) (o) and chapter 77 (title); and to create 20.435 (4) (xm) 20.435 (4) (xn) 25.17 (1) (cm) 25.771 49.45 (3) (n) subchapter XIV of chapter 77 [precedes 77.9981] and 250.16 of the statutes; relating to: imposing a tax on the sale of soft drinks creating a dental access trust fund creating grants for dental public health and dental education projects and making appropriations."	05/16/2006--(H) FISCAL ESTIMATE RECEIVED.



2006 Legislative Activity: Medicaid Benefits Legislation

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
MN	HB	2474	"A bill for an act relating to human services; covering a certain class of drugs for treatment of specific diagnoses"	04/29/2005--(H) AUTHOR ADDED --- ATKINS
MN	SB	2275	"A bill for an act relating to human services; covering a certain class of drugs for treatment of specific diagnoses"	04/28/2005--(S) REFERRED TO HEALTH AND FAMILY SECURITY
NY	HB	10712	"AN ACT to amend the social services law in relation to including medical nutrition therapy for obesity in children under medical care services and supplies provided for the purposes of medical assistance"	04/12/2006--(H) INTRODUCED AND REFERRED TO COMMITTEE ON ASSEMBLY SOCIAL SERVICES
VA	HB	229	"Medical Assistance; prevention of chronic conditions. Requires the Department of Medical Assistance Services to include in the state plan a provision for payment of medical assistance for prevention of chronic conditions that if not prevented result in long-term treatment and associated costs. "Chronic conditions" includes obesity diabetes and high blood pressure."	01/26/2006--(H) TABLED IN HEALTH WELFARE AND INSTITUTIONS (15-Y 7-N)



2006 Legislative Activity: Insurance Obesity and Wellness Benefits

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
AK	HB	10	Requires health insurers to provide coverage for gastric bypass surgery when the surgery is medically necessary for the treatment of obesity.	01/12/2005 (H) COSPONSOR(S): GRUENBERG, KERTTULA
CA	HB	2281	High deductible health care coverage- coverage of treatment of morbid obesity not subject to deductible.	05/31/2006--(H) READ THIRD TIME PASSAGE REFUSED. (AYES 37. NOES 36. PAGE 5953.)
CT	SB	552	"To require individual and group health insurance policies to provide coverage for medically necessary expenses associated with the diagnosis and treatment of morbid obesity including bariatric surgery and associated physician office visits health and behavior assessments nutrition education patient self-management education and training and therapeutic exercises."	04/28/2006--HOUSE CALENDAR NUMBER 488
CT	SB	579	"To require individual and group health insurance policies to provide coverage for medically necessary expenses associated with the diagnosis and treatment of morbid obesity including bariatric surgery and associated physician office visits.	04/18/2006--INSURANCE AND REAL ESTATE COMMITTEE VOTE TO HOLD UNTIL NEXT MEETING
GA	HB	43	"To amend Code Section 33-24-59.7 of the Official Code of Georgia Annotated relating to coverage of morbidly obese patients.	01/31/2005--(H) SECOND READERS
GA	HR	1159	"Urging and requesting the Department of Community Health the Department of Human Resources and the Insurance Department to jointly undertake a study of health insurance coverage for the treatment of obesity including the compilation of data on the treatment of severe or morbid obesity through bariatric surgery."	02/21/2006--(H) COMMITTEE FAVORABLY REPORTED
ID	HB	667	"RELATING TO INSURANCE; AMENDING SECTION 41-2140 IDAHO CODE TO REQUIRE CERTAIN DISABILITY INSURANCE CONTRACTS TO PROVIDE COVERAGE FOR SPECIAL MEDICAL FORMULAS.	02/14/2006--(H) REPORTED PRINTED - TO HEALTH AND WELFARE
LA	HCR	244	"A CONCURRENT RESOLUTION To commend the Office of Group Benefits for its study of the effects of obesity on health insurance."	06/02/2006--(H) TAKEN BY THE CLERK OF THE HOUSE AND PRESENTED TO THE SECRETARY OF STATE IN ACCORDANCE WITH THE RULES OF THE HOUSE.
LA	SR	120	"A RESOLUTION To urge and request the Senate Committee on Insurance to meet and to study the feasibility of requiring insurance companies to cover surgical treatment for morbid obesity and to report its findings to the legislature prior to the beginning	06/19/2006--(S) ENROLLED SIGNED BY THE PRESIDENT OF THE SENATE AND SENT TO THE SECRETARY OF STATE ON 06/20.
LA	SCR	101	"A CONCURRENT RESOLUTION To urge and request the office of group benefits to conduct a second phase of study for gastric bypass surgery."	06/05/2006--(S) SENT TO THE SECRETARY OF STATE ON 6/2.
MA	HD	4367	A carrier may apply a wellness program rate discount that applies to both eligible individuals and eligible small groups who follow those wellness programs that have been approved by the commissioner. The value of the wellness program rate discount shall be up to 5 percent. If a carrier establishes a wellness program rate discount every eligible insured following the wellness program shall be subject to the applicable wellness program rate discount.	04/06/2005--(H) FILED



2006 Legislative Activity: Insurance Obesity and Wellness Benefits

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
MA	HB	4279	A carrier may apply a wellness program rate discount that applies to both eligible individuals and eligible small groups who follow those wellness programs that have been approved by the commissioner. The value of the wellness program rate discount shall be up to 5 percent. If a carrier establishes a wellness program rate discount every eligible insured following the wellness program shall be subject to the applicable wellness program rate discount.	10/31/2005--(H) NEW DRAFT SUBSTITUTED SEE HB4463
MA	HB	4463	A carrier may apply a wellness program rate discount that applies to both eligible individuals and eligible small groups who follow those wellness programs that have been approved by the commissioner. The value of the wellness program rate discount shall be up to 5 percent. If a carrier establishes a wellness program rate discount every eligible insured following the wellness program shall be subject to the applicable wellness program rate discount.	11/03/2005--(H) PRINTED-AS-AMENDED VERSION OF BILL SEE HB4479
MA	HB	4479	A carrier may apply a wellness program rate discount that applies to both eligible individuals and eligible small groups who follow those wellness programs that have been approved by the commissioner. The value of the wellness program rate discount shall be up to 5 percent. If a carrier establishes a wellness program rate discount every eligible insured following the wellness program shall be subject to the applicable wellness program rate discount.	04/03/2006--(H) CONFERENCE COMMITTEE REPORTED IN PART NEW BILL SEE HB4850
MA	HB	4850	A carrier may apply a wellness program rate discount that applies to both eligible individuals and eligible small groups who follow those wellness programs that have been approved by the commissioner. If a carrier establishes a wellness program rate discount every eligible insured following the wellness program shall be subject to the applicable wellness program rate discount.	06/15/2006--(S) SENATE OVERRODE GOVERNOR'S VETO OF SECTION 112 (37/0)
MI	HB	5409	Each carrier may offer a wellness health benefit plan that provides for an appropriate rebate of premiums paid in the last calendar year for the wellness coverage if the majority of covered employees in the wellness health benefit plan have enrolled and maintained participation in any health wellness, maintenance, or improvement program offered by the employer.	11/08/2005--(H) REFERRED TO COMMITTEE ON INSURANCE
MI	SB	848	EACH INSURER PROVIDING AN INDIVIDUAL , GROUP OR FAMILY EXPENSE- INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE AND EACH HEALTH MAINTENANCE ORGANIZATION MAY OFFER INDIVIDUAL AND FAMILY WELLNESS COVERAGE. WELLNESS COVERAGE MAY PROVIDE FOR AN APPROPRIATE REBATE OR REDUCTION IN PREMIUMS OR FOR REDUCED COPAYMENTS, COINSURANCE, OR DEDUCTIBLES, OR A COMBINATION OF THESE INCENTIVES, FOR PARTICIPATION IN ANY HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR IMPROVEMENT PROGRAM APPROVED BY THE INSURER OR HEALTH MAINTENANCE ORGANIZATION.	09/29/2006 - Adopted
MI	SB	849	A HEALTH CARE CORPORATION MAY OFFER GROUP OR NON-GROUP WELLNESS COVERAGE. WELLNESS COVERAGE MAY PROVIDE FOR AN APPROPRIATE REBATE OR REDUCTION IN PREMIUMS OR FOR REDUCED COPAYMENTS, COINSURANCE, OR DEDUCTIBLES, OR A COMBINATION OF THESE INCENTIVES, FOR PARTICIPATION IN ANY HEALTH BEHAVIOR WELLNESS, MAINTENANCE, OR IMPROVEMENT PROGRAM OFFERED BY THE EMPLOYER.	09/29/2006 - Adopted



2006 Legislative Activity: Insurance Obesity and Wellness Benefits

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
MI	SB	862	Income tax; credit; credit for individual who purchases health coverage insurance or health coverage that includes a wellness component.	11/03/2005--(S) REFERRED TO COMMITTEE ON FINANCE
MO	HB	1990	"To amend chapter 376 RSMo by adding thereto one new section relating to insurance coverage for obesity."	03/29/2006--(H) REFERRED: HEALTH CARE POLICY
MO	SB	597	"This act requires health insurance companies to provide coverage for the treatment of morbid obesity."	03/15/2006--(S) HEARING CONDUCTED SMALL BUSINESS INSURANCE & INDUSTRIAL RELATIONS COMMITTEE
NJ	HB	151	"An Act concerning health wellness insurance benefits and amending P.L.1993 c.327."- revises wellness component to include prevention examinations/	06/19/2006--REPORTED OUT OF ASSEMBLY COMMITTEE WITH AMENDMENTS 2ND READING
NJ	SB	1055	"Revises health wellness insurance benefits."- revises wellness component to include prevention examinations.	01/26/2006--INTRODUCED IN THE SENATE REFERRED TO SENATE HEALTH HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE
NJ	HB	1613	"An Act concerning health care coverage for treatment of overweight and obesity supplementing P.L.1997 c.192 (C.26:2S-1 et seq.) and revising parts of the statutory law."	01/10/2006--INTRODUCED REFERRED TO ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE COMMITTEE
NY	HB	2124	"AN ACT to amend the insurance law in relation to making coverage for medical nutrition therapy applicable to insurance policies and contracts"	01/04/2006--(H) REFERRED TO ASSEMBLY INSURANCE
NY	SB	2560	"Requires every health insurance policy which provides hospital surgical or medical coverage to provide coverage for expenses incurred in a health promotion program through health wellness examinations and counseling.	01/04/2006--(S) REFERRED TO SENATE INSURANCE
NY	SB	3175	"Requires all accident and health insurance policies to provide coverage of medical nutrition therapy.	01/04/2006--(S) REFERRED TO SENATE INSURANCE
NY	SB	5988	"AN ACT to amend the insurance law in relation to health insurance coverage for services by nutritionists"	01/04/2006--(S) REFERRED TO SENATE RULES
NY	SB	6987	"269-a Pub Health L - Establishes an alternative benefits demonstration programs and creates health opportunity accounts to enable individuals to take responsibility for the outcomes of health care provided them	03/14/2006--(S) REPORTED AND COMMITTED TO SENATE FINANCE
NY	SB	7676	"AN ACT to amend the public health law the state finance law and the social services law in relation to mandating health insurance for all residents of the state of New York"- contains wellness component.	04/25/2006--(S) INTRODUCED AND REFERRED TO COMMITTEE ON SENATE HEALTH
OH	SB	113	Insurance coverage for medically prescribed foods.	04/05/2005--(S) REFERRED TO SENATE INSURANCE COMMERCE/LABOR
OK	SB	1051	"An Act relating to state government; requiring health benefit plans offered by the State and Education Employees Group Insurance Board and the Oklahoma State Employees Benefits Council to provide certain coverage for the treatment of morbid obesity; defining term; providing for codification; providing an effective date; and declaring an emergency ."	02/07/2006--(S) SECOND READING REFERRED TO RETIREMENT AND GROUP HEALTH



2006 Legislative Activity: Insurance Obesity and Wellness Benefits

Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

Color Key: Yellow=Adopted; Blue=Pending; Red=Vetoed

State	Bill Type	Bill Number	Summary	Status
PA	HB	360	Directs that health insurers shall provide coverage for medical nutrition therapy to aid in the treatment of cardiovascular disease. The minimum coverage provided shall include all costs associated with medical nutrition therapy for the length of time that such therapy is determined necessary. The benefits specified in this section may be provided through a combination of policies, contracts, certificates or riders, including major medical contracts.	02/08/2005--(H) REFERRED TO INSURANCE
PA	SB	420	Providing for medical nutrition therapy coverage requirements for health insurance policies.	03/21/2005--(S) REFERRED TO BANKING AND INSURANCE
SC	SCR	1379	"URGING AND REQUESTING THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE SOUTH CAROLINA DEPARTMENT OF INSURANCE TO JOINTLY UNDERTAKE A STUDY OF THE TREATMENT OF OBESITY INCLUDING THE COMPILATION OF DATA ON THE TREATMENT OF OBESITY.	05/18/2006--SCRIVENER'S ERROR CORRECTED
TN	HB	90	"an act to amend tennessee code annotated title 56 chapter 7 part 26 relative to health insurance coverage of bariatric surgery for the treatment of morbid obesity."	02/02/2005--PASSED SECOND CONSIDERATION REFERRED TO COMMERCE
TN	SB	786	"an act to amend tennessee code annotated title 56 chapter 7 part 26 relative to health insurance coverage of bariatric surgery for the treatment of morbid obesity."	03/01/2005--ASSIGNED TO GEN. SUB OF: SENATE COMMERCE LABOR AND AGRICULTURE COMMITTEE
VT	HB	34	"Health; insurance; healthy behavior; discount - This bill proposes to permit health insurers to offer financial rewards to individuals in return for their adherence to programs of health promotion and disease prevention."	01/13/2005--(H) IN HEALTH CARE
VT	HB	102	The commissioner's rules may permit a carrier, including a hospital or medical service corporation, to establish premium discounts, rebates, or otherwise modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention, not inconsistent with federal regulations relating to bona fide wellness, approved by the commissioner.	01/26/2005--(H) IN HEALTH CARE
VT	HB	524	The department may also include financial or other incentives applicable to Green Mountain Health to encourage healthy lifestyles and patient self-management. In particular, the department may establish discounts, rebates, or modifications of applicable cost-sharing amounts in return for an individual's adherence to programs of health promotion and disease prevention consistent with federal regulations relating to wellness.	01/04/2006--(H) VETO SUSTAINED
VT	HB	692	The commissioner's rules shall permit a carrier, including a hospital or medical service corporation, to establish premium discounts or rebates or otherwise modify applicable co-payments or deductibles in return for adherence to programs of health promotion and disease prevention, in accordance with proposed federal regulations relating to bona fide wellness programs	01/24/2006--(H) IN HEALTH CARE
VT	HB	861	The commissioner's regulations shall permit a carrier, including a hospital or medical service corporation and a health maintenance organization, to establish rewards, premium discounts, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention.	05/25/2006--GOVERNOR'S ACTION: SIGNED -- ACT NO: 0191 -- EFFECTIVE DATE:



2006 Legislative Activity: Insurance Obesity and Wellness Benefits Health Policy Tracking Service, a Thomson West Business, Dec. 12, 2006

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State	Bill Type	Bill Number	Summary	Status
VT	SB	108	The commissioner's rules may permit a carrier, including a hospital or medical service corporation, to establish premium discounts, rebates, or otherwise modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention, not inconsistent with federal regulations relating to bona fide wellness, approved by the commissioner.	02/18/2005--(S) IN HEALTH & WELFARE
VT	SB	310	The commissioner's regulations shall permit a carrier, including a hospital or medical service corporation and a health maintenance organization, to establish rewards, premium discounts, rebates, or otherwise waive or modify applicable co-payments, deductibles, or other cost-sharing amounts in return for adherence by a member or subscriber to programs of health promotion and disease prevention.	04/26/2006--(H) IN COMM OF CONF
VA	HB	624	"Health insurance; mandated coverage for treatment of morbid obesity. Requires health insurers health maintenance organizations and corporations providing healthcare coverage subscription contracts to provide coverage for the treatment of morbid obesity	01/26/2006--(H) TABLED IN COMMERCE AND LABOR (14-Y 7-N)