

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: H3/3/03 H3/10/03 H3/12/03*

# A Bill

HOUSE BILL 1583

5 By: Representatives Bradford, Biggs, Cleveland, Milligan  
6  
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## For An Act To Be Entitled

9 AN ACT TO CREATE A CHILD HEALTH ADVISORY  
10 COMMITTEE; TO COORDINATE STATEWIDE EFFORTS TO  
11 COMBAT CHILDHOOD OBESITY AND RELATED ILLNESSES;  
12 TO IMPROVE THE HEALTH OF THE NEXT GENERATION OF  
13 ARKANSANS; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO CREATE A CHILD HEALTH ADVISORY  
16 COMMITTEE.  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code Title 20, Chapter 7, Subchapter 1 is amended  
23 to add three (3) additional sections to read as follows:

24 6-7-117. Committee - Creation.

25 (a) There is created a Child Health Advisory Committee to consist of  
26 fifteen (15) members.

27 (b)(1) The Director of the Department of Health shall appoint:

28 (A) One (1) member to represent the Department of Health;

29 (B) One (1) member to represent the Arkansas Dietetic  
30 Association;

31 (C) One (1) member to represent the Arkansas Academy of  
32 Pediatrics;

33 (D) One (1) member to represent the Arkansas Academy of  
34 Family Practice;

35 (E) One (1) member to represent the Arkansas Association  
36 for Health, Physical Education, Recreation, and Dance;



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1                   (F) One (1) member to represent jointly the Arkansas Heart  
2 Association, the American Cancer Society, and the American Lung Association;

3                   (G) One (1) member to represent the Arkansas School of  
4 Public Health of the University of Arkansas for Medical Sciences;

5                   (H) One (1) member to represent the Arkansas Center for  
6 Health Improvement;

7                   (I) One (1) member to represent the Arkansas Advocates for  
8 Children and Family; and

9                   (J) One (1) member to represent the University of Arkansas  
10 Cooperative Extension Service.

11                   (2) The Director of the Department of Education shall appoint:

12                   (A) One (1) member to represent the Department of  
13 Education;

14                   (B) One (1) member to represent the Arkansas School Food  
15 Service Association;

16                   (C) One (1) member to represent the Arkansas School Nurses  
17 Association;

18                   (D) One (1) member to represent the Arkansas Association  
19 of Education Administrators; and

20                   (E) One (1) member to represent the Arkansas Parent  
21 Teacher Association.

22                   (c) Terms of committee members shall be three (3) years except for the  
23 initial members whose terms shall be determined by lot so as to stagger terms  
24 to equalize as nearly as possible the number of members to be appointed each  
25 year.

26                   (d) If a vacancy occurs, the officer who made the original appointment  
27 shall appoint a person who represents the same constituency as the member  
28 being replaced.

29                   (e) The committee shall elect one (1) of its members to act as chair  
30 for a term of one (1) year.

31                   (f) A majority of the members shall constitute a quorum for the  
32 transaction of business.

33                   (g) The committee shall meet at least monthly.

34                   (h) The Department of Health shall provide office space and staff for  
35 the committee.

36                   (i) Members of the committee shall serve without pay but may receive

1 expense reimbursement in accordance with § 25-16-902, if funds are available.

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3 6-7-118. Powers and duties.

4 (a) The Child Health Advisory Committee shall meet at least once per  
5 month and make recommendations to the State Board of Education and the State  
6 Board of Health consistent with the intent and purpose of §§ 6-7-117 through  
7 6-7-119.

8 (b) The Committee shall develop nutrition and physical activity  
9 standards and policy recommendations with consideration of the following:

10 (1) Foods sold individually in school cafeterias but outside the  
11 regulated National School Lunch Program;

12 (2) Competitive foods as defined by the United States Department  
13 of Agriculture, as in existence on January 1, 2003, and offered at schools  
14 typically through vending machines, student stores, school fundraisers, food  
15 carts, or food concessions;

16 (3) The continuing professional development of food service  
17 staff;

18 (4) The expenditure of funds derived from competitive food and  
19 beverage contracts;

20 (5) Physical education and activity;

21 (6) Systems to ensure the implementation of nutrition and  
22 physical activity standards; and

23 (7) The monitoring and evaluating or results and reporting of  
24 outcomes.

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26 6-17-119. Nutrition and physical activity standards - Implementation.

27 (a) The State Board of Education, after having consulted the committee  
28 and the State Board of Health, shall promulgate appropriate rules and  
29 regulations to ensure that nutrition and physical activity standards are  
30 implemented to provide students with the skills, opportunities, and  
31 encouragement to adopt healthy lifestyles.

32 (b) Beginning with the 2003-2004 school year, the Department of  
33 Health, in consultation with the Department of Education, shall:

34 (1) Employ one (1) qualified community health promotion  
35 professional, with training, experience, or both, in nutrition, chronic  
36 disease, or another related field to be housed within the Department of

1 Health to plan, develop, implement, and evaluate pilot or model programs to  
2 support schools and communities, if funds are available;

3 (2) Employ one (1) statewide health promotion consultant to be housed  
4 within the Department of Education, if funds are available;

5 (3) Employ one (1) person as a community health promotion  
6 specialist to support implementation of pilot or model programs in schools  
7 and communities in nutrition and physical activity in several distinct  
8 geographical areas of the state, if funds are available; and

9 (4) Not use more than five percent (5%) of the annual Department  
10 of Health Master Settlement Agreement funds for the salaries or programs  
11 created under this subsection (b).

12 (c) Beginning with the 2003-2004 school year, every school district  
13 shall:

14 (1) Prohibit, for elementary school students, in-school access  
15 to vending machines offering food and beverages;

16  
17 (2) Require schools to include as part of the annual report to  
18 parents and the community the amounts and specific sources of funds received  
19 and expenditures made from competitive food and beverage contracts;

20 (3) Require school to include as part of the student report card to  
21 parents an annual body mass index percentile by age for each student; and

22 (4) Require schools to annually provide parents with an  
23 explanation of the possible health effects of body mass index, nutrition and  
24 physical activity.

25 (d) Beginning with the 2004-2005 school year, the Department of  
26 Education shall:

27 (1) Begin the implementation of standards developed by the  
28 committee and approved by the Department of Education; and

29 (2) Annually monitor and evaluate the implementation and  
30 effectiveness of the nutrition and physical education standards.

31 (e) Beginning with the 2004-2005 school year, every school district  
32 shall:

33 (1) Convene a school nutrition and physical activity advisory  
34 committee that shall include members from school district governing boards,  
35 school administrators, food service personnel, teacher organizations,  
36 parents, students, and professional groups such as nurses and community

1 members, to:

2 (A) Help raise awareness of the importance of nutrition  
3 and physical activity; and

4 (B) Assist in the development of local policies that  
5 address issues and goals, including, but not limited to, the following:

6 (i) Assisting with the implementation of nutrition  
7 and physical activity standards developed by the committee with the approval  
8 of the Department of Education and the State Board of Health;

9 (ii) Integrating nutrition and physical activity  
10 into the overall curriculum;

11 (iii) Ensuring that professional development for  
12 staff includes nutrition and physical activity issues;

13 (iv) Ensuring that students receive nutrition  
14 education and engage in healthful levels of vigorous physical activity;

15 (v) Improving the quality of physical education  
16 curricula and increasing training of physical education teachers;

17 (vi) Enforcing existing physical education  
18 requirements; and

19 (vii) Pursuing contracts that both encourage healthy  
20 eating by students and reduce school dependence on profits from the sale of  
21 foods of minimal nutritional value;

22 (2) Begin the implementation of standards developed by the  
23 committee with the approval of the Department of Education and the State  
24 Board of Health; and

25 (3) Require that goals and objectives for nutrition and physical  
26 activity be incorporated into the annual school planning and reporting  
27 process.

28 (f) The Department of Education and the Department of Health shall  
29 report annually on progress in implementing nutrition and physical education  
30 standards to the cochairs of the House and Senate Interim Committees on  
31 Public Health, Welfare, and Labor.

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33 */s/ Bradford, et al*  
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