

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021

# A Bill

HOUSE BILL 1848

4  
5 By: Representative Bentley

## For An Act To Be Entitled

8 AN ACT TO CREATE THE HEALTHY ACTIVE ARKANSAS SCHOOLS  
9 ACT; AND FOR OTHER PURPOSES.

### Subtitle

12 TO CREATE THE HEALTHY ACTIVE ARKANSAS  
14 SCHOOLS ACT.

16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18  
19 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended  
20 to add an additional section to read as follows:

21 6-18-717. Healthy Active Arkansas Schools Act.

22 (a) This section shall be known and may be cited as the "Healthy  
23 Active Arkansas Schools Act".

24 (b) By the 2022-2023 school year, each public school district and  
25 open-enrollment public charter school shall, in consultation with the  
26 Department of Health, develop a program within each of its public schools and  
27 open-enrollment public charter schools to address the following priorities,  
28 including without limitation:

29 (1)(A) Physical and built environment.

30 (B) The physical and built environment priority shall  
31 include without limitation:

32 (i) The increase in the number of opportunities for  
33 public school students to:

34 (a) Walk for more than five (5) minutes  
35 between classes; or

36 (b) Participate in activities that require the



1 public school students to be physically active during or between classes;

2 (ii)(a) The promotion of public school gardens.

3 (b) The promotion of public school gardens  
 4 shall include without limitation information regarding grant opportunities  
 5 for schools to start or maintain public school gardens;

6 (iii) Needs assessments for high-risk public  
 7 schools; and

8 (iv) A public school challenge with an award for the  
 9 public school having the most minutes of physical activity amongst its public  
 10 school students;

11 (2)(A) Nutritional standards and access to healthy foods.

12 (B) The nutritional standards priority shall address  
 13 without limitation the following:

14 (i)(a) Funding for selection of healthier food  
 15 options.

16 (b) The Department of Agriculture shall make  
 17 reimbursements to public school districts and open-enrollment public charter  
 18 schools in an amount not to exceed ten cents (10¢) for each school meal that:

19 (1) Uses local farm or food products, as  
 20 defined by § 6-18-2102; and

21 (2) Is served by a public school  
 22 district or open-enrollment public charter school that has implemented a  
 23 farm-to-school and early childhood education program as described under § 6-  
 24 18-2101 et seq.;

25 (ii) The development of marketing education to  
 26 address the effects of obesity and promote better nutrition;

27 (iii)(a) Virtual nutrition education for families.

28 (b) The virtual nutrition education for  
 29 families required under this subdivision (b)(2)(B)(iii)(a) shall include  
 30 without limitation:

31 (1) The encouragement of the  
 32 implementation of Arkansas Hunger Relief Alliance’s interactive virtual  
 33 Cooking Matters programming; and

34 (2) Evidence-based nutrition education  
 35 for public school district and open-enrollment public charter school  
 36 personnel.

1                   (c) The Arkansas Educational Television  
2 Network may support the delivery of the virtual nutrition education for  
3 families required under this subdivision (b)(2)(B)(iii);

4                   (iv) Information regarding the United States  
5 Department of Agriculture HealthierUS School Challenge criteria bonuses;

6                   (v) The importance for public schools to implement  
7 policies that promote healthy options, including without limitation access to  
8 drinking water;

9                   (vi) Information regarding barriers to accessing  
10 nutrition;

11                   (vii) Appropriate guidance with respect to access to  
12 water stations in public schools;

13                   (xiii) Means by which public schools may promote the  
14 reduction in the consumption of sugar-sweetened beverages;

15                   (ix) The requirement that public school districts  
16 and open-enrollment public charter schools implement the nutrition and  
17 physical activity standards that are required and developed by the Child  
18 Health Advisory Committee under § 20-7-135;

19                   (x) Information regarding the development and  
20 implementation of a farm-to-school and early childhood education program as  
21 described in § 6-18-2103; and

22                   (xi) Information regarding breastfeeding as healthy  
23 nutrition for all infants;

24                   (3)(A) Physical education and activity.

25                   (B) The physical education and activity priority shall  
26 include without limitation the following:

27                   (i) A statewide standard for the minimum activity  
28 per school day;

29                   (ii) The implementation of best practices to  
30 increase physical activity during the school day, which shall include without  
31 limitation studying the implementation of offering recess for elementary  
32 public school students before lunch during the school day;

33                   (iii) The promotion and advertisement of joint-use  
34 agreements for community resources; and

35                   (iv) The development of age-appropriate marketing  
36 education designed to promote better health and address the effects of

1 sedentary activity; and

2 (4)(A) Breastfeeding practices, as applicable.

3 (B) The breastfeeding practices priority shall include  
 4 without limitation:

5 (i) Initiatives and education for primary school  
 6 students on breastfeeding as healthy nutrition;

7 (ii) The development of support and space in public  
 8 schools for nursing mother public school employees and public school  
 9 students; and

10 (iii) The recognition that public schools should  
 11 adopt an early culture of breastfeeding and an acknowledgement of its  
 12 influence on healthy nutrition.

13 (c) The Division of Elementary and Secondary Education shall:

14 (1) Promulgate rules to implement this section; and

15 (2) Develop a system by which it shall recognize and reward  
 16 public schools and public school districts that are creatively implementing  
 17 this section.

18  
 19 SECTION 2. DO NOT CODIFY. Rules.

20 (a) When adopting the initial rules required under this act, the  
 21 Division of Elementary and Secondary Education shall file the final rules  
 22 with the Secretary of State for adoption under § 25-15-204(f):

23 (1) On or before January 1, 2022; or

24 (2) If approval under § 10-3-309 has not occurred by January 1,  
 25 2022, as soon as practicable after approval under § 10-3-309.

26 (b) The division shall file the proposed rules with the Legislative  
 27 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so  
 28 that the Legislative Council may consider the rules for approval before  
 29 January 1, 2022.