

HOUSE No. 2634

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to reduce childhood obesity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Ellen Story</i>	<i>3rd Hampshire</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>

HOUSE No. 2634

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 2634) of Kay Khan and others for legislation to create a program to reduce childhood obesity by assessing a tax on candies, confectionaries and soft drinks. Revenue.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act to reduce childhood obesity.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6 of Chapter 64H of the Massachusetts General Laws, as appearing
2 in the 2008 official Edition, is hereby amended in paragraph (h) by deleting the following: “soft
3 drinks” and further amended inserting after the second sentence the following new sentence;
4 "Food products" does not include candy, confectionary, or soft drinks.”

5 SECTION 2. Section 2G(a) of chapter 111 of the General Laws, as so appearing, is
6 hereby amended by deleting the following:

7 “The fund shall consist of revenues collected by the commonwealth including: (1) any
8 revenue from appropriations or other monies authorized by the general court and specifically
9 designated to be credited to the fund; (2) any fines and penalties allocated to the fund under the
10 General Laws; (3) any funds from public and private sources such as gifts, grants and donations
11 to further community-based prevention activities; (4) any interest earned on such revenues; and
12 (5) any funds provided from other sources.”

13 and further amended by inserting in its place the following:

14 “The fund shall consist of revenues collected by the commonwealth including: (1) any
15 revenue from appropriations or other monies authorized by the general court and specifically
16 designated to be credited to the fund; (2) all monies received by the commonwealth as excises
17 upon the sale of candy, confectionary, or soft drinks as defined by the provisions of chapter 64H;
18 (3) any fines and penalties allocated to the fund under the General Laws; (4) any funds from
19 public and private sources such as gifts, grants and donations to further community-based

20 prevention activities; (5) any interest earned on such revenues; and (6) any funds provided from
21 other sources.

22 SECTION 3. Section 2G(c) of chapter 111 of the General Laws, as so appearing, is
23 hereby amended by deleting the following:

24 “or (5) develop a stronger evidence-base of effective prevention programming.”

25 and replacing it with the following:

26 “(5) reimburse school districts for the costs associated with establishing physical activity
27 within the classroom curriculum; or (6) develop a stronger evidence-base of effective prevention
28 programming.”

29 SECTION 4. Section 2G(d) of chapter 111 of the General Laws, as so appearing, is
30 hereby amended by deleting the following:

31 “or (4) a regional planning agency.”

32 and replacing it with the following:

33 “(4) school districts or (5) a regional planning agency.”

34 SECTION 5. Section 57 of chapter 71 of the General Laws, as so appearing, is hereby
35 amended by inserting after the words “adult years,” in line 16, the following words:-

36 “and to ascertain the child’s body mass index,”

37 SECTION 6. Section 57 of said chapter 71 of the General Laws, as so appearing, is
38 hereby further amended by inserting after the third sentence the following sentence:-

39 “Tests ascertaining body mass index and corresponding percentile of each student shall
40 be administered by trained school personnel or others approved by the Department for this
41 purpose, and in accordance with guidelines of the Department in grades one, four, seven, and ten,
42 or, in the case of ungraded classrooms, by a student’s seventh, tenth, thirteenth and sixteenth
43 birthday.”

44 SECTION 7. Section 3 of Chapter 71 of the General Laws, as so appearing, is hereby
45 amended by adding the following sentence:-

46 “In the event that physical education classes are not taught daily, all students shall have at
47 least 30 minutes of physical activity daily. Physical activity is any bodily movement produced
48 by large muscle groups that result in an expenditure of energy, and may be performed in the
49 classroom or during recess.”