

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 125**

Introduced by Avery, 28.

Read first time January 06, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to children; to create and provide duties for the  
2 Children's Health Advisory Committee; to provide duties  
3 for the chief executive officer of the Department of  
4 Health and Human Services and the Commissioner of  
5 Education; to provide for and require schools to  
6 implement nutrition and physical activity standards; and  
7 to provide for rules and regulations.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) The Children's Health Advisory Committee  
2 is created. The committee's purpose is to research, identify, and  
3 recommend policy standards aimed at reducing childhood obesity and  
4 increasing healthful choices and lifestyles in the Nebraska public  
5 school system. The committee shall consist of fourteen members  
6 appointed not later than three months after the effective date of  
7 this act, as provided in section 2 of this act.

8           Sec. 2. (1) The chief executive officer of the Department  
9 of Health and Human Services shall appoint the following members to  
10 the Children's Health Advisory Committee:

11                   (a) One member from the Nebraska Medical Association;

12                   (b) One member from the Nebraska chapter of the American  
13 Academy of Pediatrics;

14                   (c) One member from the Nebraska Dietetic Association;

15                   (d) One member from the Nebraska Academy of Family  
16 Physicians;

17                   (e) One member from the administration or staff of the  
18 University of Nebraska Medical Center;

19                   (f) One member from the Division of Public Health of the  
20 department; and

21                   (g) One member from a nonprofit health association,  
22 foundation, or other relevant organization or individual, as  
23 determined by the chief executive officer.

24                   (2) The Commissioner of Education shall appoint the  
25 following members to the Children's Health Advisory Committee:

1                   (a) One member from the Nebraska State Education  
2 Association;

3                   (b) One member from the Nebraska Council of School  
4 Administrators;

5                   (c) One member from the Nebraska Association of School  
6 Boards;

7                   (d) One member from the State Board of Education;

8                   (e) One member from the Nebraska School Nurses  
9 Association;

10                   (f) One member from the Nutrition Services division of  
11 the State Department of Education; and

12                   (g) One member from a nonprofit children's association,  
13 foundation, or other relevant organization or individual, as  
14 determined by the commissioner.

15                   (3) Members of the advisory committee shall each serve a  
16 term of three years, except that of the initial appointments: (a) Two  
17 members appointed pursuant to subsection (1) of this section, as  
18 determined by the chief executive officer, and two members appointed  
19 pursuant to subsection (2) of this section, as determined by the  
20 commissioner, shall serve for terms of one year; and (b) two members  
21 appointed pursuant to subsection (1) of this section, as determined  
22 by the chief executive officer, and two members appointed pursuant to  
23 subsection (2) of this section, as determined by the commissioner,  
24 shall serve for terms of two years. Thereafter, all members shall  
25 serve for terms of three years.

1           (4) If a vacancy occurs, the chief executive officer or  
2 commissioner who made the original appointment shall appoint a person  
3 who represents the same constituency as the member being replaced to  
4 serve for the remaining term.

5           (5) Members of the committee shall serve without per  
6 diems or expense reimbursement in 2011 and 2012 but may be reimbursed  
7 in 2013 and thereafter for their expenses as members of such  
8 committee as provided in sections 81-1174 to 81-1177 if funds are  
9 appropriated by the Legislature.

10           Sec. 3. The Children's Health Advisory Committee shall  
11 elect from among its members a chairperson, a vice-chairperson, and a  
12 secretary. Each of such officers shall serve for a term of one year  
13 and until his or her successor is elected and qualified.

14           The advisory committee shall meet at least quarterly or  
15 more often at the call of the chairperson. The Department of Health  
16 and Human Services and State Department of Education shall provide or  
17 identify office space and meeting space for the advisory committee. A  
18 majority of the members shall constitute a quorum for the transaction  
19 of business. If an appointed member is unable to attend a meeting, he  
20 or she may choose a designee to attend in his or her place but the  
21 designee shall have no voting privileges. The Open Meetings Act and  
22 sections 84-712 to 84-712.09 relating to public records apply to the  
23 actions of the advisory committee. Staff support shall be provided by  
24 the departments.

25           Sec. 4. (1) The Children's Health Advisory Committee

1 shall make recommendations to the State Department of Education and  
2 the Department of Health and Human Services relating to the purposes  
3 of decreasing childhood obesity and increasing healthful choices and  
4 lifestyles in the Nebraska public school system.

5 (2) The advisory committee shall develop nutrition and  
6 physical activity policy recommendations which shall relate to  
7 matters including, but not limited to, the following:

8 (a) Foods sold individually in school cafeterias but  
9 which are outside the regulated National School Lunch Program of the  
10 Food and Nutrition Service of the United States Department of  
11 Agriculture;

12 (b) Competitive foods. For purposes of this section,  
13 competitive foods means any foods sold in competition with the  
14 National School Lunch Program to children in any area on school  
15 premises where National School Lunch Program meals are served or  
16 eaten during lunch periods and offered at schools typically through  
17 vending machines, students stores, school fundraisers, food carts, or  
18 food concessions;

19 (c) Ongoing professional development of school food  
20 service staff;

21 (d) The expenditure of funds derived from competitive  
22 food and beverage contracts;

23 (e) Physical education, availability of school-sanctioned  
24 after-school activities or sports;

25 (f) Systems to ensure the implementation of nutrition and

1 physical activity standards; and

2 (g) Monitoring and evaluation of results and reporting of  
3 outcomes by individual school districts.

4 Sec. 5. The State Department of Education, in  
5 consultation with the Children's Health Advisory Committee and the  
6 Department of Health and Human Services, shall adopt and promulgate  
7 rules and regulations to ensure that nutrition and physical activity  
8 standards are implemented to provide students with skills,  
9 opportunities, and encouragement to adopt healthful lifestyles.

10 Sec. 6. Beginning with school year 2012-13, each school  
11 district shall:

12 (1) Implement the standards in the rules and regulations  
13 adopted by the State Department of Education pursuant to section 5 of  
14 this act;

15 (2) Annually provide parents with a written explanation  
16 of the possible health effects of body mass index, nutrition, and  
17 physical activity; and

18 (3) Annually monitor and evaluate the implementation and  
19 effectiveness of the nutrition and physical education standards.

20 Sec. 7. For school year 2012-13 and each school year  
21 thereafter, each school district shall convene a school nutrition and  
22 physical activity advisory committee which shall include members from  
23 the board of education, school administrators, school food service  
24 personnel, teacher organizations, parents, students, and local health  
25 professionals to:

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

3           (2) Assist in implementing department-approved policies  
4 that address the issues and goals of sections 1 to 6 of this act,  
5 including, but not limited to, the following:

6           (a) Assisting with the implementation of nutrition and  
7 physical activity standards of the department;

8           (b) Integrating nutrition and physical activity into the  
9 overall curriculum;

10          (c) Ensuring that professional development opportunities  
11 are available for food staff and handlers;

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

14          (e) Improving the quality of physical education  
15 curriculum and increasing training of physical education teachers;

16          (f) Enforcing physical education requirements; and

17          (g) Pursuing competitive-food contracts that promote  
18 healthful eating and reduce school dependence from sale of foods of  
19 minimal nutritional value.

20          Sec. 8. The Children's Health Advisory Committee shall  
21 provide a report to the Governor and Legislature no later than July 1  
22 of each year. The report shall include, but not be limited to,  
23 findings and recommendations relating to childhood obesity and  
24 increasing healthful choices and lifestyles in the Nebraska public  
25 school system.