



2023 SENATE BILL 953

January 26, 2024 - Introduced by Senators TOMCZYK and SPREITZER, cosponsored by Representatives HURD, VINING, BEHNKE, PENTERMAN, ROZAR, SCHMIDT, JOERS, RATCLIFF, BALDEH, BARE, C. ANDERSON, CONLEY, CONSIDINE, DRAKE, EMERSON, J. ANDERSON, S. JOHNSON, MADISON, MURSAU, O'CONNOR, OHNSTAD, PALMERI, SHANKLAND, SHELTON, SINICKI, STUBBS, SUBECK and SUMMERFIELD. Referred to Committee on Health.

1 **AN ACT to create** 71.05 (6) (b) 57., 71.26 (1) (j), 71.45 (1) (e) and 253.17 of the
2 **statutes; relating to:** childhood obesity prevention and management grants.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Health Services, in coordination with relevant state agencies, to award two-year grants to organizations, cities, villages, towns, counties, school districts, or Indian tribes for childhood obesity prevention and management programs. Under the bill, “childhood obesity prevention and management program” means any of the following designed to assist a person who is 22 years of age or younger or an unborn child (collectively, “child”):

1. Early interventions and screenings to better identify and promote healthy growth and development and to prevent and manage childhood obesity.
2. Parental support for and education on childhood weight management, including support for guardians, caregivers, or others who have or will have responsibility for the child other than the parent.
3. Removal of barriers and promotion of better access to proper nutrition and spaces for play and other physical activities.
4. School-based efforts to impact circumstances contributing to childhood weight management.
5. Early childhood care and education, including both school-based and out-of-school care efforts to impact circumstances contributing to healthy growth and development and reduce childhood obesity.
6. Any other type of program, approach, or innovative practice that addresses the factors that prevent childhood obesity and mitigate its impact.

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The bill prohibits DHS from awarding a grant unless the applicant demonstrates that its program includes or will include participation of both a child and the child's parent or guardian (unless the child is not born or the child is 18 years of age or older), the applicant agrees to provide nonidentifying data on program results and effectiveness, and the applicant contributes matching funds or in-kind services with a value equal to at least 25 percent of the grant amount. The bill requires DHS to prioritize applications in which all of the applicant's matching funds or in-kind services are provided by nongovernmental entities and then, if sufficient funds are available, applications with the most matching funds or in-kind services provided by nongovernmental entities.

The bill allows DHS to renew a grant at the end of the two-year grant period. If sufficient funds are available, the bill requires DHS to renew a grant at the same amount previously awarded if all of the grant recipient's matching funds or in-kind services are provided by nongovernmental entities and the recipient has shown to DHS's satisfaction that the program is effective. The bill allows DHS to renew a grant at a higher amount than previously awarded if the recipient has increased the amount of matching funds or in-kind services provided by nongovernmental entities.

Under the bill, DHS must submit an annual report on the childhood obesity prevention and management program grants to the legislature.

The bill also provides an individual income tax subtraction and a corporate income and franchise tax exemption for any amount of money or in-kind services provided to a grant recipient that is used to satisfy the matching requirement under the bill.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

- 1 **SECTION 1.** 71.05 (6) (b) 57. of the statutes is created to read:
- 2 71.05 **(6)** (b) 57. For taxable years beginning after December 31, 2023, any
- 3 amount of money or in-kind services provided to a recipient of a grant under s. 253.17
- 4 that is used by the grant recipient to satisfy the matching requirement under s.
- 5 253.17 (3) (c).
- 6 **SECTION 2.** 71.26 (1) (j) of the statutes is created to read:

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1 71.26 (1) (j) *Money or services used for satisfying childhood obesity prevention*
2 *and management grant matching requirement.* For taxable years beginning after
3 December 31, 2023, any amount of money or in-kind services provided to a recipient
4 of a grant under s. 253.17 that is used by the grant recipient to satisfy the matching
5 requirement under s. 253.17 (3) (c).

6 **SECTION 3.** 71.45 (1) (e) of the statutes is created to read:

7 71.45 (1) (e) *Money or services used for satisfying childhood obesity prevention*
8 *and management grant matching requirement.* For taxable years beginning after
9 December 31, 2023, any amount of money or in-kind services provided to a recipient
10 of a grant under s. 253.17 that is used by the grant recipient to satisfy the matching
11 requirement under s. 253.17 (3) (c).

12 **SECTION 4.** 253.17 of the statutes is created to read:

13 **253.17 Childhood obesity prevention and management grants. (1)** In
14 this section:

15 (a) “Child” means an individual who is 22 years of age or younger or an unborn
16 child.

17 (b) “Childhood obesity prevention and management program” means any of the
18 following designed to assist a child:

19 1. Early interventions and screenings to better identify and promote healthy
20 growth and development and to prevent and manage childhood obesity.

21 2. Parental support for and education on childhood weight management,
22 including support for guardians, caregivers, or others who have or will have
23 responsibility for the child other than the parent.

24 3. Removal of barriers and promotion of better access to proper nutrition and
25 spaces for play and other physical activities.

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1 4. School-based efforts to impact circumstances contributing to childhood
2 weight management.

3 5. Early childhood care and education, including both school-based and
4 out-of-school care efforts to impact circumstances contributing to healthy growth
5 and development and reduce childhood obesity.

6 6. Any other type of program, approach, or innovative practice that addresses
7 the factors that prevent childhood obesity and mitigate its impact.

8 **(2)** The department, in coordination with relevant state agencies, shall award
9 grants to organizations, coalitions of organizations, cities, villages, towns, counties,
10 school districts, or Indian tribes in this state for childhood obesity prevention and
11 management programs. The department shall award a grant under this section for
12 a 2-year period.

13 **(3)** The department may not award a grant under this section unless the
14 applicant demonstrates all of the following:

15 (a) The applicant's childhood obesity prevention and management program
16 includes or will include participation of both a child and the child's parent or
17 guardian, except for all of the following:

18 1. If the child is 18 years of age or older, the child's parent or guardian need not
19 participate.

20 2. If the child is not born, only the parent's participation is required.

21 (b) The applicant agrees to provide the department with nonidentifying data
22 on program results and effectiveness.

23 (c) The applicant contributes matching funds or in-kind services with a value
24 equal to at least 25 percent of the grant amount requested.

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1 (4) In awarding a grant under this section, the department shall give first
2 priority to applications in which all of the applicant's matching funds or in-kind
3 services are provided by nongovernmental entities. If sufficient funds are available,
4 the department shall then give priority to applications with the most matching funds
5 or in-kind services provided by nongovernmental entities.

6 (5) (a) Subject to pars. (b) and (c), the department may renew a grant at the end
7 of the 2-year grant period.

8 (b) If sufficient funds are available, the department shall renew a grant at the
9 same amount previously awarded if all of the following are true:

10 1. The renewal request is from a grant recipient for which all matching funds
11 or in-kind services will be provided by nongovernmental entities or a grant recipient,
12 regardless of whether the grant recipient met this standard for the previous grant.

13 2. The grant recipient has provided evidence satisfactory to the department
14 showing that its childhood obesity prevention and management program is effective.

15 (c) The department may renew a grant at a higher amount than previously
16 awarded if the grant recipient has increased the amount of matching funds or
17 in-kind services provided by nongovernmental entities.

18 (6) On an annual basis, the department shall submit a report to the legislature
19 under s. 13.172 (2) on the grant program under this section. The report shall include
20 all of the following:

21 (a) A description of each type of program funded.

22 (b) The percentages of nongovernmental matching funds and in-kind services
23 offered by each grant recipient.

24 (c) The number of participants enrolled in or reached by each funded childhood
25 obesity prevention and management program.

