Chapter 733

S.B. No. 395

AN ACT
relating to creation of the Early Childhood Health and Nutrition Interagency Council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 115 to read as follows:

CHAPTER 115. EARLY CHILDHOOD HEALTH AND NUTRITION INTERAGENCY COUNCIL

Sec. 115.001. DEFINITION. In this chapter, "council" means the Early Childhood Health and Nutrition Interagency Council.

Sec. 115.002. APPLICATION OF SUNSET ACT. The Early Childhood Health and Nutrition Interagency Council is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the council is abolished and this chapter expires September 1, 2019.

Sec. 115.003. COMPOSITION OF COUNCIL; PRESIDING OFFICER. (a) The Department of Agriculture shall establish the Early Childhood Health and Nutrition Interagency Council. The council is composed of eight members as follows:

(1) a representative of the Health and Human Services Commission who is involved in the coordination of children's programs, appointed by the executive commissioner of the Health and Human Services Commission;

(2) a representative of the Department of State Health
Services' health promotion and chronic disease prevention programs, appointed by the commissioner of state health services;
(3) a representative of the Department of State Health Services' Special Supplemental Nutrition Program for Women, Infants and Children, appointed by the commissioner of state health services;
(4) a representative of the Texas Workforce Commission, appointed by the executive director of the Texas Workforce Commission;
(5) a representative of the Department of Agriculture, appointed by the commissioner of agriculture;
(6) a representative of the Texas Education Agency's school health programs, appointed by the commissioner of education;
(7) a representative of the Department of Family and Protective Services' Child Care Licensing Division, appointed by the commissioner of the Department of Family and Protective Services; and
(8) a representative of the Texas AgriLife Extension Service, appointed by the director of the Texas AgriLife Extension Service.

(b) The representative appointed under Subsection (a)(5) shall serve as the presiding officer of the council.

Sec. 115.004. DEPARTMENT DUTIES. The Department of Agriculture shall provide staff and resources as necessary for the operation of the council.

Sec. 115.005. TERMS; VACANCY. (a) Members of the council serve two-year terms, with the terms expiring February 1 of each
odd-numbered year.

(b) A member may be reappointed.

(c) A vacancy on the council shall be filled for the remainder of the unexpired term in the same manner as provided by Section 115.003(a).

Sec. 115.006. MEETINGS. (a) The council shall meet in person three times each year and may hold meetings by conference call as necessary. The council shall invite stakeholders to participate in at least two council meetings each year and provide an opportunity for submission of oral or written testimony. The council at a minimum shall invite:

(1) one individual with expertise in early childhood nutrition and physical activity, such as a registered dietician, physical therapist, or physical education specialist;

(2) one staff member or manager of a child-care facility;

(3) one staff member or manager of a child-care facility operated in a private residence;

(4) two individuals with medical experience in early childhood health, such as a family practice physician, registered nurse, nurse practitioner, pediatrician, or child health consultant;

(5) one representative from a nonprofit organization that provides family or wellness services; and

(6) one representative from an agency or organization with expertise in community health education and outreach, such as a local health department, public relations or marketing firm, or
university.

(b) Section 551.125, Government Code, applies to a meeting held by conference call under this section, except that Section 551.125(b), Government Code, does not apply.

(c) Not later than August 1, 2010, the council shall provide three or more opportunities for public input, including two or more public hearings, to receive stakeholder input. This subsection expires September 1, 2010.

Sec. 115.007. COUNCIL POWERS AND DUTIES. (a) The council shall review current research to assess:

(1) the health of children under the age of six in this state compared to the health of similar children in other states;

(2) the significance of nutrition and physical activity in the development of children under the age of six; and

(3) the existence of nutrition and physical activity requirements and practices in early childhood care settings.

(b) The council shall review the status of the programs administered by each agency represented on the council that promote healthy nutrition and physical activity in early childhood care settings.

(c) The council shall identify existing state and federal funding sources available for the promotion of health and nutrition in early childhood care settings.

(d) The council shall consult with key stakeholders to identify:

(1) barriers to improving nutrition and physical activity standards in early childhood care settings; and
(2) evidence-based best practices for improving early childhood health through nutrition and physical activity.

(e) The Department of Agriculture for the council may contract with a university to study and report on best practices and obstacles for addressing early childhood health through nutrition and physical activity.

Sec. 115.008. COMPENSATION; REIMBURSEMENT. (a) A member of the council may not receive compensation for service on the council.

(b) A member may be reimbursed for the member's actual and necessary expenses for meals, lodging, transportation, and incidental expenses incurred while performing council business, subject to any applicable limitation on reimbursement prescribed by the General Appropriations Act.

Sec. 115.009. EARLY CHILDHOOD NUTRITION AND PHYSICAL ACTIVITY PLAN. (a) The council shall develop an early childhood nutrition and physical activity plan with a recommended timeline for implementation over a six-year period.

(b) The six-year plan must account for stakeholder recommendations, address the financing, staffing, and training required to implement the plan, and include methods to:

(1) increase fruit and vegetable consumption among children under the age of six;

(2) increase daily structured and unstructured physical activity in early childhood care settings;

(3) increase awareness among parents of the benefits of breast-feeding, healthy eating, and appropriate activity in
children under the age of six;
(4) facilitate the consumption of breast milk in early
childhood care settings;
(5) decrease malnutrition and undernourishment among
children under the age of six; and
(6) engage existing community and state resources and
service providers to educate and increase the awareness of parents
and caretakers regarding the need for proper nutrition.

(c) The council, not later than November 1, 2010, shall
submit a written early childhood nutrition and physical activity
plan to the legislature and the governor. This subsection expires
December 1, 2010.

Sec. 115.010. GIFTS, GRANTS, AND DONATIONS. The Department
of Agriculture for the council may accept a gift, grant, or donation
from any source to carry out the purposes of this chapter.

Sec. 115.011. REPORT. The council shall submit to both
houses of the legislature and the governor on or before November 1
of each even-numbered year a written report on:
(1) the actions taken in furtherance of the six-year
plan;
(2) the areas that need improvement in implementing
the six-year plan;
(3) any change to the six-year plan; and
(4) the programs and practices that address nutrition
and physical activity in early childhood settings in this state.

Sec. 115.012. RULES. The commissioner of agriculture may
adopt rules necessary to implement this chapter.
SECTION 2. (a) The Early Childhood Health and Nutrition Interagency Council shall submit an initial report required under Section 115.011, Health and Safety Code, as added by this Act, not later than November 1, 2012.

(b) As soon as practicable after the effective date of this Act, the designated appointing officials shall appoint the members to the Early Childhood Health and Nutrition Interagency Council established under Chapter 115, Health and Safety Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.
S.B. No. 395

David Dewhurst  
President of the Senate

I hereby certify that S.B. No. 395 passed the Senate on March 19, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

Joe Straus  
Speaker of the House

I hereby certify that S.B. No. 395 passed the House, with amendment, on May 19, 2009, by the following vote: Yeas 81, Nays 61, two present not voting.

Patsy Sanford  
Secretary of the Senate

Robert Haney  
Chief Clerk of the House

Approved:

19 JUN ’09

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE:
SECRETARY OF STATE
2:00 O’CLOCK
JUN 19 2009

Colby Swanson III