

BILL ANALYSIS

C.S.H.B. 2664
By: Miller
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties have raised concerns regarding the prevalence of childhood obesity, the associated impact on a child's health, and the financial impact on the nation's health care system. The parties note that child-care centers are key partners in ensuring all children develop healthy habits, but that minimum standards for child-care licensure in Texas are not consistent with the nationally recognized guidelines for nutrition, active play, and screen time. C.S.H.B. 2664 seeks to improve these minimum standards to support healthy habits among children in child-care settings across Texas.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 2664 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission (HHSC) by rule to adopt minimum standards that apply to day-care centers, group day-care homes, and registered family homes for nutrition and daily dietary requirements, physical activity, and time spent using or viewing electronic devices. The bill requires the minimum standards to be consistent with the nutrition and meal pattern standards in the child and adult care food program administered by the Department of Agriculture and with American Academy of Pediatrics standards for physical activity and screen time as published in *Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs*, 3rd Edition. The bill requires the executive commissioner to review any subsequent amendments to the standards adopted by rule by the executive commissioner under the bill's provisions and determine whether those rules should be amended to incorporate the new standards. The bill expressly does not require a day-care center, group day-care home, or registered family home to participate in or comply with the reporting requirements of the child and adult care food program. The bill requires the executive commissioner by rule to require day-care centers, group day-care homes, and registered family homes to provide to parents, guardians, or caregivers of children enrolled at the facility information on sample healthy meals and snacks, food allergies, and choking hazards. The bill includes child nutrition and age-appropriate indoor and outdoor activities as one of the optional subject areas in which each employee and each director of a day-care center or group day-care home and each operator of a registered family home is required to complete at least six hours of training as part of the minimum annual training prescribed by the executive commissioner.

C.S.H.B. 2664 amends the Government Code to require the Texas Workforce Commission (TWC) to include in its rules regarding the administration of the Texas rising star program guidelines for rating a child-care provider on nutrition, lunch provision, and menu planning and on indoor and outdoor activities and a scoring methodology that credits a provider for participating in, and remaining in good standing with, the child and adult care food program. The bill requires the executive commissioner of HHSC and the TWC to adopt the rules necessary to implement the bill's provisions.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2664 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 42.042, Human Resources Code, is amended by adding Subsections (s), (t), and (u) to read as follows:

(s) The executive commissioner by rule shall adopt minimum standards that apply to day-care centers, group day-care homes, and family homes for nutrition and daily dietary requirements, physical activity, and time spent using or viewing electronic devices. The minimum standards under this subsection must be consistent with:

(1) the nutrition and meal pattern standards in the Child and Adult Care Food Program administered by the Texas Department of Agriculture; and

(2) American Academy of Pediatrics standards for physical activity and screen time as published in Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 3rd Edition.

(t) The executive commissioner shall review any subsequent amendments to the standards described by Subsection (s) and determine whether the rules adopted under that subsection should be amended to incorporate the new standards.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 42.042, Human Resources Code, is amended by adding Subsections (s), (t), (u), and (v) to read as follows:

(s) The executive commissioner by rule shall adopt minimum standards that apply to day-care centers, group day-care homes, and registered family homes for nutrition and daily dietary requirements, physical activity, and time spent using or viewing electronic devices. The minimum standards under this subsection must be consistent with:

(1) the nutrition and meal pattern standards in the Child and Adult Care Food Program administered by the Department of Agriculture; and

(2) American Academy of Pediatrics standards for physical activity and screen time as published in Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 3rd Edition.

(t) The executive commissioner shall review any subsequent amendments to the standards described by Subsection (s) and determine whether the rules adopted under that subsection should be amended to incorporate the new standards.

(u) A day-care center, group day-care home, or registered family home is not required to participate in or comply with the reporting requirements of the Child and Adult Care Food Program administered by

(u) The executive commissioner by rule shall require day-care centers, group day-care homes, and family homes to provide to parents, guardians, or caregivers of children enrolled at the facility information on:

- (1) sample healthy meals and snacks; and
- (2) food allergies and choking hazards.

SECTION 2. Section 42.0421(a), Human Resources Code, is amended.

SECTION 3. Section 2308.3155(b), Government Code, is amended to read as follows:

(b) The commission shall adopt rules to administer the Texas Rising Star Program, including:

(1) guidelines for rating a child-care provider who provides child care to a child younger than 13 years of age, including infants and toddlers, enrolled in the subsidized program; ~~and~~

(2) guidelines for rating a child-care provider on:

(A) nutrition, lunch provision, and menu planning; and

(B) indoor and outdoor activities;

(3) a scoring methodology that credits a provider for participating in, and remaining in good standing with, the Child and Adult Care Food Program administered by the Texas Department of Agriculture; and

(4) a timeline and process for regularly reviewing and updating the quality standards used to determine the rating system that includes the commission's consideration of input from interested parties regarding those standards.

SECTION 4. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission and the Texas Workforce Commission shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 5. This Act takes effect September 1, 2017.

the Department of Agriculture.

(v) The executive commissioner by rule shall require day-care centers, group day-care homes, and registered family homes to provide to parents, guardians, or caregivers of children enrolled at the facility information on:

- (1) sample healthy meals and snacks; and
- (2) food allergies and choking hazards.

SECTION 2. Same as introduced version.

SECTION 3. Substantially the same as introduced version.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.