

## **BILL ANALYSIS**

Senate Research Center

S.B. 870  
By: Lucio  
Health & Human Services  
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Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 556, 80th Legislature, Regular Session, 2007, established the Texas Interagency Obesity Council (council). The council is comprised of the commissioners of the Texas Education Agency, the Department of State Health Services, and the Texas Department of Agriculture (TDA). The council has proven to be an effective means for coordinating and improving current health-related initiatives and should be directed to continue its efforts.

S.B. 870 relates to the duties of the council and TDA relating to health wellness, and prevention of obesity and the establishment of an obesity prevention pilot program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 531.0993, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 114, Health and Safety Code, as follows:

#### CHAPTER 114. INTERAGENCY OBESITY COUNCIL

Sec. 114.001. DEFINITION. Defines "council."

Sec. 114.002. INTERAGENCY OBESITY COUNCIL. Provides that the Interagency Obesity Council (council) is composed of the commissioner of agriculture, the commissioner of state health services, and the commissioner of education, or a staff member designated by each of those commissioners. Makes nonsubstantive changes.

Sec. 114.003. CONTRACTS FOR ASSISTANCE. Authorizes the council to contract with a private or public university to assist in gathering information under this chapter.

Sec. 114.004. GIFTS AND GRANTS. Authorizes an agency represented on the council to accept gifts and grants on behalf of the council.

Sec. 114.005. REVIEW OF AGENCY PROGRAMS. Requires the council to review the status of the programs of the Texas Department of Agriculture (TDA), the Department of State Health Services (DSHS), and the Texas Education Agency that promote better health and nutrition and prevent obesity among children and adults in this state. Deletes existing text requiring the agency to meet at least once a year as an interagency council to discuss each agency's programs that promote better health and nutrition and prevent obesity among children and adults in this state and consider the feasibility of tax incentives for employers who promote activities designed to reduce obesity in the workforce.

Sec. 114.006. EVIDENCE-BASED PUBLIC HEALTH AWARENESS PLAN. (a) Requires the council to create an evidence-based public health awareness plan. Requires the council, in creating the plan, to explore past successful public health awareness efforts.

(b) Requires that the plan include a cost estimate that accounts for continuing implementation of the plan; recommendations on reaching populations that would most benefit from increased public health awareness; and recommendations on encouraging employers to participate in wellness programs for employees.

(c) Requires the council to solicit input on the plan from the private sector.

(d) Requires the council to provide to DSHS information on effective strategies for employers to use to promote workplace wellness, including information on the projected costs and benefits. Requires DSHS to post the information on its Internet website.

Sec. 114.007. REPORTS. (a) Redesignates Subsection (b) as Subsection (a). Requires the council, rather than the Interagency Council, not later than January 15 of each odd-numbered year, to submit a report to the governor, the lieutenant governor, and the speaker of the house of representatives on the activities of the council under Sections 114.005 and 114.006 during the preceding two calendar years. Makes a conforming change.

(b) Redesignates Subsection (c) as Subsection (b). Requires that a report submitted by the council under Subsection (a) include certain information regarding discussions of agency programs under Section 114.005, including a list of the programs within each agency represented on the council that are designed to promote better health and nutrition. Makes conforming changes.

(c) Requires that a report submitted by the council under Subsection (a) include certain information regarding the evidence-based public health awareness plan under Section 114.006, including a cost estimate for an ongoing program to implement the plan, projected benefits of the program, a summary of the information provided to DSHS for its Internet website, and recommendations for goals and future legislation.

Sec. 114.008. MEETINGS. (a) Requires the council to meet at least once each year to perform its duties under Section 114.005 and 114.006.

(b) Redesignates Subsection (d) as Subsection (b). Provides that a meeting held under this chapter, rather than section, is not subject to the provisions of the open meetings law, Chapter 551 (Open Meetings), Government Code.

SECTION 2. Amends Subchapter B, Chapter 531, Government Code, by adding Section 531.0993, as follows:

Sec. 531.0993. OBESITY PREVENTION PILOT PROGRAM. (a) Requires the Health and Human Services Commission (HHSC) and DSHS to coordinate to establish a pilot program designed to:

(1) decrease the rate of obesity in child health plan program enrollees and Medicaid recipients;

(2) improve the nutritional choices and increase physical activity levels of child health plan program enrollees and Medicaid recipients; and

(3) achieve long-term reductions in child health plan and Medicaid program costs incurred by the state as a result of obesity.

(b) Requires HHSC and DSHS to implement the pilot program for a period of at least 24 months in one or more health care service regions in this state, as selected by HHSC. Requires HHSC, in selecting the regions for participation, to consider the degree to which child health plan program enrollees and Medicaid recipients in the region are at higher than average risk of obesity.

(c) Requires HHSC and DSHS, in developing the pilot program, to identify measurable goals and specific strategies for achieving those goals. Authorizes that the specific strategies be evidence-based to the extent evidence-based strategies are available for the purposes of the program.

(d) Requires HHSC to submit a report on or before each November 1 that occurs during the period the pilot program is operated to the standing committees of the senate and house of representatives having primary jurisdiction over the child health plan and Medicaid programs regarding the results of the program. Requires HHSC, in addition, to submit a final report to the committees regarding those results not later than three months after the conclusion of the program. Requires each report to include:

(1) a summary of the identified goals for the program and the strategies used to achieve those goals;

(2) an analysis of all data collected in the program as of the end of the period covered by the report and the capability of the data to measure achievement of the identified goals;

(3) a recommendation regarding the continued operation of the program; and

(4) a recommendation regarding whether the program should be implemented statewide.

(e) Authorizes the executive commissioner of HHSC to adopt rules to implement this section.

SECTION 3. Effective date: September 1, 2009.