

BILL ANALYSIS

Senate Research Center
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S.B. 818
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas has seen a rise in childhood obesity, which has a long-term health impact on these children and ends up costing the state billions annually. To help address this trend, S.B. 818 requires child-care facilities to adopt minimum standards for nutrition and fitness. These standards are to be consistent with the Child and Adult Care Food Program and the American Academy of Pediatrics' standards for activity and screen time. The bill also allows for training on child nutrition and activities to count toward the required annual training for day-care employees and administrators. By establishing healthy habits early in life, these children will have a greater likelihood of living healthy, productive lives.

As proposed, S.B. 818 amends current law relating to nutrition and fitness standards for certain child-care facilities and training for employees at those facilities.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 42.042, Human Resources Code) of this bill.

Rulemaking authority previously granted to the Texas Workforce Commission is modified in SECTION 3 (Section 2308.3155, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

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

(s) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), by rule, to 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. Requires the minimum standards under this subsection to be consistent with the nutrition and meal pattern standards in the Child and Adult Care Food Program administered by the Texas Department of Agriculture (TDA) and 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) Requires the executive commissioner to 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) Requires the executive commissioner, by rule, to 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 sample healthy meals and on snacks and food allergies and choking hazards.

SECTION 2. Amends Section 42.0421(a), Human Resources Code, as follows:

(a) Requires the minimum training standards prescribed by the executive commissioner under Section 42.042(p) (relating to requiring the executive commissioner to prescribe minimum training standards for an employee of a regulated child-care facility), for an employee, director, or operator of a day-care center, group day-care home, or registered family home to include:

(1) makes no change to this subdivision;

(2) 24 hours of annual training for each employee of a day-care center or group day-care home, excluding the director, which must include at least six hours of training in certain areas, including child nutrition and age-appropriate indoor and outdoor activities; and

(3) 30 hours of annual training for each director of a day-care center or group day-care home, or operator of a registered family home, which must include at least six hours of training in certain areas, including child nutrition and age-appropriate indoor and outdoor activities.

SECTION 3. Amends Section 2308.3155(b), Government Code, as follows:

(b) Requires the Texas Workforce Commission (TWC) to adopt rules to administer the Texas Rising Star Program, including:

(1) makes a nonsubstantive change;

(2) guidelines for rating a child-care provider on nutrition, lunch provision, and menu planning, and on 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 TDA; and

(4) redesignates existing Subdivision (2) as Subdivision (4) and makes no further changes to this subdivision.

SECTION 4. Requires the executive commissioner and TWC to adopt the rules necessary to implement the changes in law made by this Act.

SECTION 5. Effective date: September 1, 2017.