
By: **Delegates Stern, Barkley, Benson, Bronrott, Cardin, G. Clagett,
V. Clagett, Costa, Donoghue, Feldman, Goldwater, Gutierrez, Harrison,
Haynes, Howard, Hubbard, King, Lee, Mandel, Marriott, McConkey,
McHale, Morhaim, Murray, Nathan-Pulliam, Oaks, Parker, Patterson,
Petzold, Simmons, Taylor, and V. Turner**

Introduced and read first time: January 28, 2004
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Advisory Council on Obesity in Youth**

3 FOR the purpose of establishing a State Advisory Council on Obesity in Youth to
4 provide advice and recommendations to the General Assembly on certain issues;
5 specifying the membership, terms, chairman, staff, and purpose of the Advisory
6 Council; requiring the Advisory Council to issue certain reports on or before
7 certain dates; defining certain terms; and generally relating to the State
8 Advisory Council on Obesity in Youth.

9 BY adding to
10 Article - Health - General
11 Section 13-2101 through 13-2107, inclusive, to be under the new subtitle
12 "Subtitle 21. State Advisory Council on Obesity in Youth"
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 Preamble

16 WHEREAS, Obesity is a major public health issue in the United States and
17 Maryland and is largely preventable; and

18 WHEREAS, Approximately one-fourth of all children and adolescents are
19 overweight or obese; and

20 WHEREAS, There are 8,000,000 children in the United States who are
21 overweight; and

22 WHEREAS, Overweight children and adolescents have a 70% chance of
23 becoming overweight or obese adults; and

1 WHEREAS, The percentage of overweight and obese adults in Maryland (20.5%)
2 is greater than in the United States (17.9%); and

3 WHEREAS, Obesity is one of the major causes of diabetes in children; and

4 WHEREAS, There is a significant increase in the number of children and
5 adolescents developing diabetes; and

6 WHEREAS, The Centers for Disease Control and Prevention estimates that one
7 in every three children born in the year 2000 will become diabetic unless more people
8 begin to live healthier lifestyles; and

9 WHEREAS, About 16,000,000 Americans have Type II diabetes and the number
10 has risen by 50% in the past 10 years; and

11 WHEREAS, Each year 193,000 Americans die from diabetes; and

12 WHEREAS, Obesity may contribute to cardiovascular disease, hypertension,
13 arthritis, birth defects, gall bladder disease, gout, liver disease, low back pain, sleep
14 apnea, stroke, urinary incontinence, surgical complications, and certain forms of
15 cancer such as breast, esophageal, gastric, colorectal, endometrial, and renal; and

16 WHEREAS, Obesity and weight issues disproportionately affect minorities in
17 Maryland in that approximately 17% of the white population suffers from weight
18 problems, while 32% of the black population is affected; and

19 WHEREAS, The Centers for Disease Control and Prevention has stated that
20 one-half of African American and Hispanic children born in 2002 and one-third of
21 Caucasian children born in 2002 will develop diabetes unless their diets change; and

22 WHEREAS, The Surgeon General of the United States believes that more
23 people will die from obesity than from smoking in the future; and

24 WHEREAS, Many of today's children will die before their parents because of
25 obesity-related complications; and

26 WHEREAS, Today's children represent the first generation where life
27 expectancy is not expected to extend past the life expectancy of the previous
28 generation because of the high rate of obesity; and

29 WHEREAS, The total annual cost of obesity in the United States is
30 approximately \$117,000,000,000 while in Maryland the cost is estimated to be
31 \$2,500,000,000 per year and these amounts include both direct costs such as health
32 care and indirect costs such as the loss of productivity and earning; now, therefore,

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
34 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Health - General**

2 SUBTITLE 21. STATE ADVISORY COUNCIL ON OBESITY IN YOUTH.

3 13-2101.

4 IN THIS SUBTITLE, "ADVISORY COUNCIL" MEANS THE STATE ADVISORY
5 COUNCIL ON OBESITY IN YOUTH.

6 13-2102.

7 THERE IS A STATE ADVISORY COUNCIL ON OBESITY IN YOUTH.

8 13-2103.

9 (A) (1) THE ADVISORY COUNCIL CONSISTS OF 28 MEMBERS.

10 (2) OF THE 28 MEMBERS:

11 (I) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND,
12 APPOINTED BY THE PRESIDENT OF THE SENATE;13 (II) ONE SHALL BE A MEMBER OF THE HOUSE OF DELEGATES,
14 APPOINTED BY THE SPEAKER OF THE HOUSE;15 (III) ONE SHALL BE THE SECRETARY OF HEALTH AND MENTAL
16 HYGIENE OR THE SECRETARY'S DESIGNEE;17 (IV) ONE SHALL BE THE STATE SUPERINTENDENT OF SCHOOLS OR
18 THE STATE SUPERINTENDENT'S DESIGNEE;19 (V) ONE SHALL BE THE SECRETARY OF PLANNING OR THE
20 SECRETARY'S DESIGNEE;21 (VI) ONE SHALL BE THE SECRETARY OF TRANSPORTATION OR THE
22 SECRETARY'S DESIGNEE;23 (VII) ONE SHALL BE THE SECRETARY OF NATURAL RESOURCES OR
24 THE SECRETARY'S DESIGNEE; AND

25 (VIII) 21 SHALL BE APPOINTED BY THE GOVERNOR.

26 (3) OF THE 21 MEMBERS APPOINTED BY THE GOVERNOR:

27 (I) ONE SHALL BE A NUTRITIONIST;

28 (II) ONE SHALL BE A PEDIATRICIAN;

29 (III) ONE SHALL BE A CHILD PSYCHIATRIST OR A CHILD
30 PSYCHOLOGIST;

- 1 (IV) ONE SHALL BE A PROCESSOR IN THE FOOD INDUSTRY;
- 2 (V) ONE SHALL BE A MANUFACTURER IN THE FOOD INDUSTRY;
- 3 (VI) ONE SHALL BE AN EXPERT ON DIABETES;
- 4 (VII) ONE SHALL BE AN EXPERT ON PHYSICAL ACTIVITY OR SPORTS
5 MEDICINE;
- 6 (VIII) ONE SHALL BE A REPRESENTATIVE OF A PARENT TEACHER
7 ASSOCIATION;
- 8 (IX) ONE SHALL BE A YOUTH;
- 9 (X) TWO SHALL BE REPRESENTATIVES OF NONPROFIT
10 ORGANIZATIONS CONCERNED WITH OBESITY IN YOUTH;
- 11 (XI) ONE SHALL BE A REPRESENTATIVE OF THE OFFICE FOR
12 CHILDREN, YOUTH, AND FAMILIES;
- 13 (XII) ONE SHALL BE A PUBLIC SAFETY OFFICIAL;
- 14 (XIII) ONE SHALL BE A REPRESENTATIVE OF THE INSURANCE
15 INDUSTRY;
- 16 (XIV) ONE SHALL BE A MEMBER OF THE MARYLAND PHYSICAL
17 FITNESS COUNCIL;
- 18 (XV) ONE SHALL BE A REPRESENTATIVE OF A WELLNESS CENTER,
19 FITNESS CENTER, OR OTHER CENTER THAT OFFERS RECREATIONAL OR SPORTS
20 PROGRAMS FOR CHILDREN;
- 21 (XVI) ONE SHALL BE A REPRESENTATIVE FROM A SCHOOL OF PUBLIC
22 HEALTH;
- 23 (XVII) ONE SHALL BE A REPRESENTATIVE FROM A NONPROFIT
24 ORGANIZATION;
- 25 (XVIII) ONE SHALL BE A REPRESENTATIVE OF THE GROCERY STORE
26 INDUSTRY;
- 27 (XIX) ONE SHALL BE A RESTAURANT OWNER OR A REPRESENTATIVE
28 OF THE RESTAURANT ASSOCIATION; AND
- 29 (XX) ONE SHALL BE A COMMUNITY PLANNER.
- 30 (B) (1) THE TERM OF A MEMBER IS 3 YEARS.
- 31 (2) AT THE END OF A TERM, NOT TO EXCEED TWO CONSECUTIVE TERMS,
32 A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.

1 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
2 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED.

3 13-2104.

4 (A) FROM AMONG THE MEMBERS OF THE ADVISORY COUNCIL, THE
5 GOVERNOR SHALL APPOINT A CHAIRMAN FOR A 3-YEAR TERM.

6 (B) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL PROVIDE
7 STAFF SUPPORT FOR THE ADVISORY COUNCIL.

8 13-2105.

9 (A) A MAJORITY OF THE MEMBERS SERVING ON THE ADVISORY COUNCIL
10 REPRESENTS A QUORUM TO CONDUCT BUSINESS.

11 (B) A MEMBER OF THE ADVISORY COUNCIL:

12 (1) MAY NOT RECEIVE COMPENSATION; BUT

13 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
14 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

15 13-2106.

16 THE PURPOSE OF THE ADVISORY COUNCIL IS TO PROVIDE ADVICE AND
17 RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY WITH
18 RESPECT TO OBESITY IN YOUTH BY:

19 (1) SERVING AS A COORDINATING AND UNIFYING BODY TO BRING
20 TOGETHER VARIOUS AGENCIES AND ORGANIZATIONS WORKING ON THE PROBLEMS
21 OF OBESITY IN YOUTH;

22 (2) COLLECTING AND ANALYZING DATA AND REPORTS PREPARED BY
23 MARYLAND DEPARTMENTS AND AGENCIES;

24 (3) INVESTIGATING PRACTICES IN OTHER STATES;

25 (4) EXPLORING WAYS TO INCREASE PUBLIC AWARENESS OF THE
26 PROBLEMS SURROUNDING OBESITY IN YOUTH AND THE INCREASED NUMBER OF
27 YOUTH DEVELOPING DIABETES;

28 (5) HOLDING COMMUNITY FORUMS AROUND THE STATE TO GATHER
29 INFORMATION AND TO ESTABLISH LINKS WITH LOCAL COMMUNITY GROUPS AND
30 CITIZENS;

31 (6) EXPLORING THE FEASIBILITY OF THE STATE BOARD OF EDUCATION
32 TO CREATE AND PROMOTE A HEALTHY SCHOOLS INITIATIVE PROGRAM WITH
33 AWARDS FOR PERFORMANCE AND RESULTS;

1 (7) DEVELOPING WAYS TO PROMOTE THE BETTER USE OF
2 AFTER-SCHOOL FACILITIES AND SHARED FACILITIES WITH THE COMMUNITY FOR
3 PHYSICAL ACTIVITIES;

4 (8) EXPLORING WAYS TO ENCOURAGE SCHOOLS, RESTAURANTS, AND
5 THE FOOD INDUSTRY TO INCREASE THE NUMBER AND VARIETY OF NUTRITIOUS
6 FOOD OFFERINGS;

7 (9) EXPLORING THE EFFECT OF MASS MARKETING AND "SUPERSIZING"
8 BY FOOD ESTABLISHMENTS ON CHILDHOOD OBESITY AND DIABETES;

9 (10) EXPLORING WAYS TO INCORPORATE EDUCATION ON NUTRITION
10 AND TO INCREASE PHYSICAL ACTIVITIES IN SCHOOL CURRICULA;

11 (11) MAKING RECOMMENDATIONS FOR IMPROVING THE PHYSICAL
12 LAYOUT OF SCHOOLS, YOUTH CENTERS, AND PARKS AND RECREATIONAL AREAS TO
13 ENCOURAGE INCREASED PHYSICAL ACTIVITIES;

14 (12) EXPLORING WAYS TO DESIGN COMMUNITIES AND SCHOOLS THAT
15 ENCOURAGE PHYSICAL ACTIVITY; AND

16 (13) EXPLORING THE AVAILABILITY OF GRANTS.

17 13-2107.

18 ON OR BEFORE JUNE 1, 2006, AND EVERY 2 YEARS THEREAFTER THE ADVISORY
19 COUNCIL SHALL ISSUE A REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE
20 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THAT INCLUDES
21 RECOMMENDATIONS ON OBESITY IN YOUTH ISSUES IN MARYLAND.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 June 1, 2004.