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Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 9, 2004

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CHAPTER \_\_\_\_\_

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; requiring the Advisory Council to conduct a certain study and to  
8 report to certain committees of the General Assembly on or before a certain date;  
9 providing for the termination of this Act; defining certain terms; and generally  
10 relating to the State Advisory Council on Obesity in Youth.

11 BY adding to  
12 Article - Health - General  
13 Section 13-2101 through ~~13-2107~~ 13-2108, inclusive, to be under the new  
14 subtitle "Subtitle 21. State Advisory Council on Obesity in Youth"  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2003 Supplement)

1 Preamble

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

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

6 WHEREAS, There are 8,000,000 children in the United States who are  
7 overweight; and

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

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

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

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

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

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

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

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

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

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

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

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

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

4 WHEREAS, The total annual cost of obesity in the United States is  
5 approximately \$117,000,000,000 while in Maryland the cost is estimated to be  
6 \$2,500,000,000 per year and these amounts include both direct costs such as health  
7 care and indirect costs such as the loss of productivity and earning; now, therefore,

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

10 **Article - Health - General**

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

12 13-2101.

13 IN THIS SUBTITLE, "ADVISORY COUNCIL" MEANS THE STATE ADVISORY  
14 COUNCIL ON OBESITY IN YOUTH.

15 13-2102.

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

17 13-2103.

18 (A) (1) THE ADVISORY COUNCIL CONSISTS OF ~~28~~ 15 MEMBERS.

19 (2) OF THE ~~28~~ 15 MEMBERS:

20 (I) ONE SHALL BE A MEMBER OF THE SENATE OF MARYLAND,  
21 APPOINTED BY THE PRESIDENT OF THE SENATE;

22 (II) ONE SHALL BE A MEMBER OF THE HOUSE OF DELEGATES,  
23 APPOINTED BY THE SPEAKER OF THE HOUSE;

24 (III) ONE SHALL BE THE SECRETARY OF HEALTH AND MENTAL  
25 HYGIENE OR THE SECRETARY'S DESIGNEE;

26 (IV) ONE SHALL BE THE STATE SUPERINTENDENT OF SCHOOLS OR  
27 THE STATE SUPERINTENDENT'S DESIGNEE;

28 (V) ONE SHALL BE THE SECRETARY OF PLANNING OR THE  
29 SECRETARY'S DESIGNEE; AND

30 ~~(VI) ONE SHALL BE THE SECRETARY OF TRANSPORTATION OR THE~~  
31 ~~SECRETARY'S DESIGNEE;~~

32 ~~(VII) ONE SHALL BE THE SECRETARY OF NATURAL RESOURCES OR~~  
33 ~~THE SECRETARY'S DESIGNEE; AND~~

- 1 (VIII) ~~24 10~~ SHALL BE APPOINTED BY THE GOVERNOR.
- 2 (3) OF THE ~~24 10~~ MEMBERS APPOINTED BY THE GOVERNOR:
- 3 (I) ~~ONE SHALL BE A NUTRITIONIST;~~
- 4 (II) ~~ONE SHALL BE A PEDIATRICIAN;~~
- 5 (III) ~~ONE SHALL BE A CHILD PSYCHIATRIST OR A CHILD~~  
6 ~~PSYCHOLOGIST;~~
- 7 (IV) ~~ONE SHALL BE A PROCESSOR IN THE FOOD INDUSTRY;~~
- 8 (V) ~~ONE SHALL BE A MANUFACTURER IN THE FOOD INDUSTRY;~~
- 9 (VI) ~~ONE SHALL BE AN EXPERT ON DIABETES;~~
- 10 (VII) ~~ONE SHALL BE AN EXPERT ON PHYSICAL ACTIVITY OR SPORTS~~  
11 ~~MEDICINE;~~
- 12 (VIII) ~~ONE SHALL BE A REPRESENTATIVE OF A PARENT TEACHER~~  
13 ~~ASSOCIATION;~~
- 14 (IX) ~~ONE SHALL BE A YOUTH;~~
- 15 (X) ~~TWO SHALL BE REPRESENTATIVES OF NONPROFIT~~  
16 ~~ORGANIZATIONS CONCERNED WITH OBESITY IN YOUTH;~~
- 17 (XI) ~~ONE SHALL BE A REPRESENTATIVE OF THE OFFICE FOR~~  
18 ~~CHILDREN, YOUTH, AND FAMILIES;~~
- 19 (XII) ~~ONE SHALL BE A PUBLIC SAFETY OFFICIAL;~~
- 20 (XIII) ~~ONE SHALL BE A REPRESENTATIVE OF THE INSURANCE~~  
21 ~~INDUSTRY;~~
- 22 (XIV) ~~ONE SHALL BE A MEMBER OF THE MARYLAND PHYSICAL~~  
23 ~~FITNESS COUNCIL;~~
- 24 (XV) ~~ONE SHALL BE A REPRESENTATIVE OF A WELLNESS CENTER,~~  
25 ~~FITNESS CENTER, OR OTHER CENTER THAT OFFERS RECREATIONAL OR SPORTS~~  
26 ~~PROGRAMS FOR CHILDREN;~~
- 27 (XVI) ~~ONE SHALL BE A REPRESENTATIVE FROM A SCHOOL OF PUBLIC~~  
28 ~~HEALTH;~~
- 29 (XVII) ~~ONE SHALL BE A REPRESENTATIVE FROM A NONPROFIT~~  
30 ~~ORGANIZATION;~~
- 31 (XVIII) ~~ONE SHALL BE A REPRESENTATIVE OF THE GROCERY STORE~~  
32 ~~INDUSTRY;~~

1 ~~(XIX) ONE SHALL BE A RESTAURANT OWNER OR A REPRESENTATIVE~~  
2 ~~OF THE RESTAURANT ASSOCIATION; AND~~

3 ~~(XX) ONE SHALL BE A COMMUNITY PLANNER.~~

4 (I) TWO SHALL BE REPRESENTATIVES FROM TWO OF THE  
5 FOLLOWING BUSINESSES AND INDUSTRIES:

6 1. FOOD PROCESSORS;

7 2. FOOD MANUFACTURERS;

8 3. THE RETAIL INDUSTRY;

9 4. THE SOFT DRINK INDUSTRY; OR

10 5. A MEMBER OF THE RESTAURANT ASSOCIATION OR A  
11 RESTAURANT OWNER;

12 (II) TWO SHALL BE REPRESENTATIVES FROM TWO DIFFERENT  
13 NONPROFIT ORGANIZATIONS THAT WORK WITH OBESITY-RELATED ISSUES;

14 (III) ONE SHALL BE A PUBLIC SAFETY OFFICIAL;

15 (IV) ONE SHALL BE A PHYSICAL FITNESS EXPERT OR MEMBER OF  
16 THE STATE PHYSICAL FITNESS COUNCIL;

17 (V) ONE SHALL BE A REPRESENTATIVE FROM A SCHOOL OF PUBLIC  
18 HEALTH OR A PUBLIC HEALTH OFFICIAL;

19 (VI) ONE SHALL BE A PEDIATRICIAN OR A PEDIATRIC NURSE;

20 (VII) ONE SHALL BE AN ACTIVE MEMBER OF A PARENT TEACHER  
21 ASSOCIATION; AND

22 (VIII) ONE SHALL BE A REPRESENTATIVE OF THE OFFICE FOR  
23 CHILDREN, YOUTH, AND FAMILIES.

24 ~~(B) (1) THE TERM OF A MEMBER IS 3 YEARS.~~

25 ~~(2) AT THE END OF A TERM, NOT TO EXCEED TWO CONSECUTIVE TERMS,~~  
26 ~~A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED.~~

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

29 (B) THE GOVERNOR SHALL APPOINT MEMBERS OF THE ADVISORY COUNCIL  
30 SO THAT ITS MEMBERSHIP REFLECTS THE GEOGRAPHIC, RACIAL, ETHNIC, AND  
31 GENDER MAKEUP OF THE POPULATION OF THE STATE.

1 13-2104.

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

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

6 13-2105.

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

9 (B) A MEMBER OF THE ADVISORY COUNCIL:

10 (1) MAY NOT RECEIVE COMPENSATION; BUT

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

13 13-2106.

14 THE COUNCIL MAY CONSULT WITH EXPERTS, CREATE SUBCOMMITTEES, AND  
15 HOLD PUBLIC HEARINGS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

16 13-2107.

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

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

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

25 (3) INVESTIGATING PRACTICES IN OTHER STATES;

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

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

32 (6) EXPLORING THE FEASIBILITY OF THE STATE BOARD OF EDUCATION  
33 TO CREATE AND PROMOTE A HEALTHY SCHOOLS INITIATIVE PROGRAM WITH  
34 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 ~~43-2107. 13-2108.~~

18 ON OR BEFORE JUNE 1, 2006, AND ~~EVERY 2 YEARS THEREAFTER ON OR BEFORE~~  
19 JUNE 1, 2008, THE ADVISORY COUNCIL SHALL ISSUE A REPORT TO THE GENERAL  
20 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE,  
21 THAT INCLUDES RECOMMENDATIONS ON OBESITY IN YOUTH ISSUES IN MARYLAND.

22 SECTION 2. AND BE IT FURTHER ENACTED, That the Advisory Council  
23 shall:

24 (a) In consultation with the Maryland Health Care Commission, the Maryland  
25 Insurance Administration, health insurance carriers, and representatives from the  
26 business community, study the evaluation conducted by the Maryland Health Care  
27 Commission in January 2004 on the proposed mandate to expand child wellness  
28 coverage to include treatment, counseling, and prevention of obesity for children and  
29 youth; and

30 (b) On or before January 1, 2005, report to the Senate Finance Committee and  
31 the House Health and Government Operations Committee, in accordance with §  
32 2-1246 of the State Government Article, on the Advisory Council's recommendations  
33 for expanding a child wellness coverage mandate.

34 ~~SECTION 3.~~ SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
35 effect June 1, 2004. It shall remain effective for a period of 4 years and 1 month and,  
36 at the end of June 30, 2008, with no further action required by the General Assembly,  
37 this Act shall be abrogated and of no further force and effect.

