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By: **Senators Teitelbaum, Britt, Dyson, Giannetti, Gladden, Grosfeld, Jones,  
Kasemeyer, Kelley, Lawlah, and Ruben**

Introduced and read first time: February 9, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Child Health Advisory Council**

3 FOR the purpose of establishing a Child Health Advisory Council; providing for the  
4 purpose of the Advisory Council; providing for the membership of the Advisory  
5 Council; providing for the terms of members of the Advisory Council; requiring  
6 the Governor to appoint a successor if a vacancy occurs; requiring the Governor  
7 to appoint the chair of the Advisory Council; providing for a quorum of the  
8 Advisory Council; requiring the Advisory Council to meet a certain number of  
9 times each month; prohibiting members of the Advisory Council from receiving  
10 compensation but allowing members to receive reimbursement for certain  
11 expenses; requiring the Department of Health and Mental Hygiene, the State  
12 Department of Education, and the Department of Legislative Services to provide  
13 certain support to the Advisory Council; requiring the Advisory Council to study  
14 and provide recommendations to certain agencies regarding certain topics  
15 related to childhood obesity; and generally relating to the Child Health Advisory  
16 Council.

17 BY adding to  
18 Article - Health - General  
19 Section 13-2101 through 13-2104, inclusive, to be under the new subtitle  
20 "Subtitle 21. Child Health Advisory Council"  
21 Annotated Code of Maryland  
22 (2000 Replacement Volume and 2004 Supplement)

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

25 **Article - Health - General**

26 **SUBTITLE 21. CHILD HEALTH ADVISORY COUNCIL.**

27 13-2101.

28 (A) THERE IS A CHILD HEALTH ADVISORY COUNCIL.

1 (B) THE PURPOSE OF THE ADVISORY COUNCIL IS TO STUDY AND MAKE  
2 RECOMMENDATIONS ON WAYS TO REDUCE THE PREVALENCE OF CHILDHOOD  
3 OBESITY.

4 13-2102.

5 (A) THE ADVISORY COUNCIL CONSISTS OF THE FOLLOWING 11 MEMBERS:

6 (1) TWO MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE  
7 PRESIDENT OF THE SENATE;

8 (2) TWO MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE  
9 SPEAKER OF THE HOUSE; AND

10 (3) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

11 (I) TWO REPRESENTATIVES FROM THE DEPARTMENT OF HEALTH  
12 AND MENTAL HYGIENE;

13 (II) TWO REPRESENTATIVES FROM THE STATE DEPARTMENT OF  
14 EDUCATION; AND

15 (III) THREE MEMBERS OF THE GENERAL PUBLIC.

16 (B) (1) THE TERM OF A MEMBER IS 4 YEARS.

17 (2) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
18 SUCCESSOR IS APPOINTED AND QUALIFIES.

19 (3) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
20 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
21 QUALIFIES.

22 (4) IF A VACANCY OCCURS AMONG THE MEMBERS, THE GOVERNOR  
23 SHALL PROMPTLY APPOINT A SUCCESSOR.

24 13-2103.

25 (A) THE GOVERNOR SHALL APPOINT THE CHAIR OF THE ADVISORY COUNCIL.

26 (B) THE MEMBERS PRESENT AT A MEETING ARE A QUORUM TO DO BUSINESS.

27 (C) THE ADVISORY COUNCIL SHALL MEET AT LEAST ONCE A MONTH, AT THE  
28 TIMES AND PLACES IT DETERMINES.

29 (D) A MEMBER OF THE ADVISORY COUNCIL MAY NOT RECEIVE  
30 COMPENSATION BUT IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE  
31 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

32 (E) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE STATE  
33 DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF LEGISLATIVE SERVICES

1 SHALL PROVIDE STAFF SUPPORT AND TECHNICAL ASSISTANCE FOR THE ADVISORY  
2 COUNCIL.

3 13-2104.

4 THE ADVISORY COUNCIL SHALL STUDY AND PROVIDE RECOMMENDATIONS TO  
5 THE STATE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HEALTH AND  
6 MENTAL HYGIENE, AND OTHER AGENCIES OF STATE GOVERNMENT REGARDING THE  
7 FOLLOWING:

8 (1) STANDARDS FOR FOODS SOLD INDIVIDUALLY IN SCHOOL CAFETERIAS  
9 BUT OUTSIDE THE REGULATED NATIONAL SCHOOL LUNCH PROGRAM;

10 (2) STANDARDS FOR COMPETITIVE FOODS AS DEFINED BY THE UNITED  
11 STATES DEPARTMENT OF AGRICULTURE, AS IN EXISTENCE ON JANUARY 1, 2003, AND  
12 OFFERED AT SCHOOLS TYPICALLY THROUGH VENDING MACHINES, STUDENT  
13 STORES, SCHOOL FUNDRAISERS, FOOD CARTS, OR FOOD CONCESSIONS;

14 (3) THE CONTINUING PROFESSIONAL DEVELOPMENT OF FOOD SERVICE  
15 STAFF IN SCHOOLS;

16 (4) THE PROPER EXPENDITURE OF FUNDS DERIVED FROM COMPETITIVE  
17 FOOD AND BEVERAGE CONTRACTS;

18 (5) PHYSICAL EDUCATION AND ACTIVITY IN SCHOOLS;

19 (6) SYSTEMS TO ENSURE THE IMPLEMENTATION OF NUTRITION AND  
20 PHYSICAL ACTIVITY STANDARDS;

21 (7) BEST PRACTICES FOR THE MONITORING, EVALUATION, AND REPORTING  
22 OF THE RESULTS OF STATE INITIATIVES TARGETING CHILDHOOD OBESITY; AND

23 (8) ANY OTHER STRATEGIES FOR THE STATE TO REDUCE THE PREVALENCE  
24 OF CHILDHOOD OBESITY.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2005.