

# HOUSE BILL 1176

J1

(8lr2919)

## ENROLLED BILL

—Health and Government Operations/Finance—

Introduced by **Delegates Pena-Melnyk, Nathan-Pulliam, Ali, Braveboy, Carr, Healey, Holmes, Ivey, Kaiser, Krysiak, Mizeur, O'Donnell, Oaks, Reznik, Ross, Shank, Tarrant, V. Turner, Valderrama, and ~~Waldstreicher~~ Waldstreicher, Hammen, Pendergrass, Beitzel, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Kullen, Montgomery, Morhaim, Riley, and Weldon**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Health - ~~Task Force~~ Committee on Childhood Obesity**

3 FOR the purpose of establishing a ~~Task Force~~ Committee on Childhood Obesity to  
4 provide certain ~~advice and~~ recommendations to the Governor and the General  
5 Assembly on certain issues; specifying the membership, ~~terms,~~ chairman, and  
6 staff of the ~~Task Force~~ Committee; requiring the ~~Task Force~~ Committee to issue  
7 a certain report on or before a certain date; providing for the termination of this  
8 Act; and generally relating to the ~~Task Force~~ Committee on Childhood Obesity.

9 BY adding to

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics* indicate opposite chamber / conference committee amendments.



1 Article – Health – General  
2 Section ~~19-710.4~~ 13-2A-01 to be under the new subtitle “Subtitle 2A.  
3 Committee on Childhood Obesity”  
4 Annotated Code of Maryland  
5 (2005 Replacement Volume and 2007 Supplement)

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

8 **Article – Health – General**

9 **SUBTITLE 2A. COMMITTEE ON CHILDHOOD OBESITY.**

10 **~~19-710.4~~ 13-2A-01.**

11 **(A) THERE IS A COMMITTEE ON CHILDHOOD OBESITY IN THE**  
12 **DEPARTMENT.**

13 **(B) THE COMMITTEE CONSISTS OF:**

14 **(1) THE MEMBERS OF THE STATE ADVISORY COUNCIL ON HEART**  
15 **DISEASE AND STROKE; AND**

16 **(2) THE FOLLOWING MEMBERS WITH EXPERTISE IN OBESITY**  
17 **PREVENTION AND TREATMENT, APPOINTED BY THE SECRETARY:**

18 **(I) A REPRESENTATIVE OF THE MARYLAND CHAPTER OF**  
19 **THE AMERICAN ACADEMY OF PEDIATRICS;**

20 **(II) A REPRESENTATIVE OF THE CHILDREN’S NATIONAL**  
21 **MEDICAL CENTER;**

22 **(III) A REPRESENTATIVE OF THE JOHNS HOPKINS**  
23 **CHILDREN’S CENTER; AND**

24 **(IV) A REPRESENTATIVE OF THE MARYLAND ASSOCIATION**  
25 **OF BOARDS OF EDUCATION.**

26 **(C) (1) IN PERFORMING ITS DUTIES, THE COMMITTEE MAY CONSULT**  
27 **WITH INDIVIDUALS AND ENTITIES THAT THE SECRETARY DEEMS APPROPRIATE.**

28 **(2) THE DEPARTMENT SHALL PROVIDE STAFF SUPPORT FOR THE**  
29 **COMMITTEE.**

1           **(3) THE MEMBERS OF THE COMMITTEE SHALL SELECT THE**  
2 **CHAIR OF THE COMMITTEE FROM AMONG THE MEMBERS.**

3           **(D) A MEMBER OF THE COMMITTEE MAY NOT RECEIVE COMPENSATION**  
4 **AS A MEMBER OF THE COMMITTEE, BUT IS ENTITLED TO REIMBURSEMENT FOR**  
5 **EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS AS PROVIDED**  
6 **IN THE STATE BUDGET.**

7           **(E) THE COMMITTEE SHALL STUDY CHILDHOOD OBESITY AND,**  
8 **SUBJECT TO SUBSECTION (F) OF THIS SECTION, REPORT TO THE GOVERNOR**  
9 **AND THE GENERAL ASSEMBLY ON THE FOLLOWING:**

10           **(1) INSURANCE REIMBURSEMENTS PAID TO HEALTH CARE**  
11 **PROVIDERS TO DIAGNOSE AND TREAT CHILDHOOD OBESITY;**

12           **(2) A SYSTEM FOR COLLECTING, ANALYZING, AND MAINTAINING**  
13 **STATEWIDE DATA RELATING TO CHILDHOOD OBESITY;**

14           **(3) BEST AND PROMISING PRACTICES TO ADDRESS CHILDHOOD**  
15 **OBESITY, INCLUDING COMMUNITY AND SCHOOL-BASED APPROACHES;**

16           **(4) METHODS TO ENHANCE PUBLIC AWARENESS OF THE CHRONIC**  
17 **DISEASES RELATED TO CHILDHOOD OBESITY, INCLUDING THE INCREASED**  
18 **NUMBER OF CHILDREN DEVELOPING DIABETES; AND**

19           **(5) METHODS TO INCREASE THE RATE OF ~~BODY MASS INDEX~~**  
20 **OBESITY SCREENINGS FOR CHILDREN.**

21           **(F) THE COMMITTEE SHALL REPORT ITS FINDINGS AND**  
22 **RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE**  
23 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON OR BEFORE**  
24 **DECEMBER 1, 2009.**

25           ~~**(A) THERE IS A TASK FORCE ON CHILDHOOD OBESITY.**~~

26           ~~**(B) (1) THE TASK FORCE CONSISTS OF 17 MEMBERS.**~~

27           ~~**(2) OF THE 17 MEMBERS:**~~

28           ~~**(i) ONE SHALL BE A MEMBER OF THE SENATE OF**~~  
29 ~~**MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE;**~~

30           ~~**(ii) ONE SHALL BE A MEMBER OF THE HOUSE OF**~~  
31 ~~**DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE;**~~

1                   ~~(III) ONE SHALL BE THE SECRETARY OF HEALTH AND~~  
2 ~~MENTAL HYGIENE, OR THE SECRETARY'S DESIGNEE;~~

3                   ~~(IV) ONE SHALL BE THE STATE SUPERINTENDENT OF~~  
4 ~~SCHOOLS, OR THE SUPERINTENDENT'S DESIGNEE;~~

5                   ~~(V) ONE SHALL BE THE INSURANCE COMMISSIONER, OR~~  
6 ~~THE INSURANCE COMMISSIONER'S DESIGNEE;~~

7                   ~~(VI) ONE SHALL BE A REPRESENTATIVE OF THE MARYLAND~~  
8 ~~HEALTH CARE COMMISSION; AND~~

9                   ~~(VII) 11 SHALL BE APPOINTED BY THE GOVERNOR.~~

10                  ~~(3) OF THE 11 MEMBERS APPOINTED BY THE GOVERNOR:~~

11                   ~~(I) ONE SHALL BE A REPRESENTATIVE OF THE MARYLAND~~  
12 ~~CHAPTER OF THE AMERICAN ACADEMY OF PEDIATRICS;~~

13                   ~~(II) ONE SHALL BE A REPRESENTATIVE OF THE CHILDREN'S~~  
14 ~~NATIONAL MEDICAL CENTER;~~

15                   ~~(III) ONE SHALL BE A REPRESENTATIVE OF THE JOHNS~~  
16 ~~HOPKINS CHILDREN'S CENTER;~~

17                   ~~(IV) ONE SHALL BE A REPRESENTATIVE OF THE MARYLAND~~  
18 ~~ASSOCIATION OF BOARDS OF EDUCATION;~~

19                   ~~(V) ONE SHALL BE A NUTRITIONIST;~~

20                   ~~(VI) ONE SHALL BE A CHILD PSYCHIATRIST OR CHILD~~  
21 ~~PSYCHOLOGIST;~~

22                   ~~(VII) ONE SHALL BE A PROCESSOR OR MANUFACTURER OF~~  
23 ~~THE FOOD INDUSTRY;~~

24                   ~~(VIII) ONE SHALL BE AN EXPERT ON DIABETES;~~

25                   ~~(IX) ONE SHALL BE AN EXPERT ON PHYSICAL EDUCATION OR~~  
26 ~~SPORTS MEDICINE;~~

27                   ~~(X) ONE SHALL BE A REPRESENTATIVE OF A PARENT~~  
28 ~~TEACHER ASSOCIATION; AND~~

1                   ~~(XI) ONE SHALL BE A REPRESENTATIVE OF THE MARYLAND~~  
2 ~~RESTAURANT ASSOCIATION.~~

3           ~~(C) IN PERFORMING ITS DUTIES, THE TASK FORCE MAY CONSULT WITH~~  
4 ~~INDIVIDUALS AND ENTITIES THAT THE SECRETARY OF HEALTH AND MENTAL~~  
5 ~~HYGIENE DEEMS APPROPRIATE.~~

6           ~~(D) (1) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL:~~

7                   ~~(I) CHAIR THE TASK FORCE;~~

8                   ~~(II) ESTABLISH SUBCOMMITTEES AND APPOINT~~  
9 ~~SUBCOMMITTEE CHAIRS AS NECESSARY TO FACILITATE THE WORK OF THE TASK~~  
10 ~~FORCE; AND~~

11                   ~~(III) PROVIDE STAFF SUPPORT FOR THE TASK FORCE FROM~~  
12 ~~THE DEPARTMENT.~~

13                   ~~(2) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO~~  
14 ~~THE TASK FORCE SHALL REASONABLY REFLECT THE GEOGRAPHIC, RACIAL,~~  
15 ~~ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE.~~

16                   ~~(3) IN PERFORMING ITS DUTIES, THE TASK FORCE SHALL INVITE~~  
17 ~~ALL INTERESTED GROUPS TO PRESENT TESTIMONY OR OTHER INFORMATION TO~~  
18 ~~THE TASK FORCE ON THE ISSUES TO BE STUDIED BY THE TASK FORCE.~~

19           ~~(E) A MEMBER OF THE TASK FORCE MAY NOT RECEIVE COMPENSATION~~  
20 ~~AS A MEMBER OF THE TASK FORCE BUT IS ENTITLED TO REIMBURSEMENT FOR~~  
21 ~~EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED~~  
22 ~~IN THE STATE BUDGET.~~

23           ~~(F) THE TASK FORCE SHALL PROVIDE ADVICE AND~~  
24 ~~RECOMMENDATIONS TO THE GOVERNOR AND THE GENERAL ASSEMBLY WITH~~  
25 ~~RESPECT TO CHILDHOOD OBESITY BY:~~

26                   ~~(1) STUDYING DATA ON THE REIMBURSEMENTS PAID TO~~  
27 ~~PHYSICIANS AND OTHER HEALTH CARE PROVIDERS BY HEALTH INSURANCE~~  
28 ~~CARRIERS TO TREAT CHILDHOOD OBESITY;~~

29                   ~~(2) STUDYING LINKS BETWEEN REIMBURSEMENT POLICIES FOR~~  
30 ~~TREATMENT OF CHILDHOOD OBESITY AS A PRIMARY DIAGNOSIS AND HOW IT~~  
31 ~~AFFECTS THE ACCESS OF CHILDREN TO PUBLICLY AND PRIVATELY FUNDED~~  
32 ~~HEALTH CARE;~~

1           ~~(3) STUDYING REQUIREMENTS FOR PHYSICAL EDUCATION IN THE~~  
2 ~~PUBLIC SCHOOLS OF THE STATE AND HOW THEY AFFECT RATES OF CHILDHOOD~~  
3 ~~OBESITY;~~

4           ~~(4) INVESTIGATING PRACTICES IN OTHER STATES;~~

5           ~~(5) EXPLORING WAYS TO INCREASE PUBLIC AWARENESS OF THE~~  
6 ~~PROBLEMS SURROUNDING CHILDHOOD OBESITY AND THE INCREASED NUMBER~~  
7 ~~OF CHILDREN DEVELOPING DIABETES;~~

8           ~~(6) EXPLORING THE FEASIBILITY OF THE STATE BOARD OF~~  
9 ~~EDUCATION CREATING AND PROMOTING A HEALTHY SCHOOLS INITIATIVE~~  
10 ~~PROGRAM WITH AWARDS FOR PERFORMANCE AND RESULTS;~~

11           ~~(7) DEVELOPING A SYSTEM FOR COLLECTING, ANALYZING, AND~~  
12 ~~MAINTAINING STATEWIDE DATA;~~

13           ~~(8) DEVELOPING WAYS TO PROMOTE THE BETTER USE OF AFTER~~  
14 ~~SCHOOL FACILITIES AND SHARED FACILITIES WITH THE COMMUNITY FOR~~  
15 ~~PHYSICAL ACTIVITIES;~~

16           ~~(9) EXPLORING WAYS TO ENCOURAGE SCHOOLS, RESTAURANTS,~~  
17 ~~AND THE FOOD INDUSTRY TO INCREASE THE NUMBER AND VARIETY OF~~  
18 ~~NUTRITIOUS FOOD OFFERINGS; AND~~

19           ~~(10) STUDYING THE FEASIBILITY OF MANDATING BODY MASS~~  
20 ~~INDEX SCREENINGS IN PUBLIC SCHOOLS AND HOW THE SCREENING~~  
21 ~~INFORMATION WOULD BE USED.~~

22           ~~(C) THE TASK FORCE SHALL REPORT ITS FINDINGS AND~~  
23 ~~RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE~~  
24 ~~STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON OR BEFORE~~  
25 ~~DECEMBER 31, 2009.~~

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 July 1, 2008. It shall remain effective for a period of 2 years and, at the end of June 30,  
28 2010, with no further action required by the General Assembly, this Act shall be  
29 abrogated and of no further force and effect.