Child Obesity Bills
81st Texas Legislature
Partnership for a Healthy Texas: Conquering Obesity

**House bills**

**Bill: HB 150**
Subject: Tax-free concession stand foods sold by or at school district events.
Author: Smith Tarrant
Filed: 11/10/08
This bill would amend the Tax Code to tax-exempt foods sold by or at school district events if the proceeds of the sale go to the school district. Current law tax-exempts foods sold by school districts, parent-teacher associations and student organizations if the food is sold at a school campus or by parent-teacher associations during fundraising events. **(Monitor)**

**Bill: HB 159**
Subject: Relating to unstructured activity requirements for public elementary school students.
Author: Deshotel
Filed: 11/10/08
Amends Section 28.002 of the education code to include at least 20 minutes of unstructured, undirected play for elementary school students. This is in addition to the 30 minutes of moderate to rigorous physical activity required under the status becomes effective the 2009/2010 school year. **(Support)**

**Bill: HB 188**
Subject: Children’s Bill of Rights and Parent Education
Author: Alonzo
Filed: 11/12/09
This bill would amend Family Code, Health and Safety Code and Education Code to establish a Children’s Bill of Rights, require the Department for State Health Services to conduct public awareness and outreach about the Children’s Bill of Rights, and provide parents with a copy of the Children’s Bill of Rights including information on parental duties soon after the birth or adoption of a child. The bill would also permit junior colleges to create family education centers to provide comprehensive training and activities, including but not limited to parent education, child nutrition and health, family violence and child abuse prevention and life/vocational skills training. The Department of Family and Protective Services would conduct and submit a feasibility study to the legislature on whether family education centers should be established statewide. The report would be submitted on December 1, 2010. **(Monitor)**

**Bill: HB 275**
Subject: Increase student participation in school breakfast program
Author: Rodriguez
Filed: 11/17/08
This bill would amend the Agriculture Code to require the Texas Department of Agriculture (TDA) to encourage schools to increase student participation in the free/reduced-price school breakfast program. School districts would ask their school health advisory council for recommendations on how to expand their school breakfast program. School districts where 60 percent or more of the student population is eligible for the school breakfast program would be able to apply for and use TDA grant funding to expand its school breakfast program. **(Monitor)**
Bill: HB 482
Subject: Increase the availability of fresh produce to low-income individuals
Author: Rodriguez
Filed: 1/5/09
This bill would amend the Agriculture Code to create a competitive grant-award program to increase the availability and sale of fresh fruits and vegetables by small retailers in four pilot counties (two rural, two urban) with low-income populations. The Department of Agriculture would be required to submit an initial evaluation report to the Legislature by December 1, 2010 and final report by November 1, 2011. The legislation would also establish a Farmers Market Nutrition Program for Seniors to provide fresh fruits, vegetables and herbs to low-income individuals 60 years of age or older through famers markets and other local retailers. The implementation of the Farmers Market Nutrition Program for Seniors would be contingent on the availability of federal funding to finance the program. (Support)

HB 624
Subject: Additional funding for school district transportation
Author: Flores
Filed: 1/14/09
This bill would amend the Education Code to task the Texas Education Association (TEA) Commissioner with creating policy that will define hazardous traffic conditions and determine the amount given to school districts to pay for transporting children to school when they live within two miles of school and would be exposed to dangerous traffic conditions if they walked. The bill would also require school districts’ board of trustees to submit a copy of the policy their district adopted under this bill to the TEA Commissioner. Current law states that school districts and counties may apply for additional funding up to 10% of their regular transportation allotment. (Review)

Bill: HB 850
Subject: Repeal chapters of the Education Code during the next five legislative sessions
Author: Eissler
Filed: 1/29/09
This bill would repeal all chapters in the general provisions and public education sections of the Education Code over the course of the next five legislative sessions beginning September 1, 2011 through September 1, 2019. The bill would require the legislature to review chapters scheduled for repeal to determine which provisions should be saved, amended, or removed. (Monitor)

Bill: HB 1522
Subject: Display nutrition information at chain restaurants
Author: Alvarado
Filed: 2/24/09
This bill would amend the Health and Safety Code to require chain restaurants to make calorie content, carbohydrate, saturated fat, sodium and serving size information about standard menu items available in a brochure, menu insert, or on the restaurant’s menu itself. After December 31, 2010, chain restaurants would have to display nutritional information on menus and indoor menu boards. The Health and Human Services Commission would charge a penalty fee less than $500 to restaurants failing to provide nutritional information as mandated. (Monitor)
Bill: HB 1523  
Subject: Food labels and prohibition of trans fat at restaurants  
Author: Alvarado  
Filed: 2/19/09
This bill would amend the Health and Safety Code to require restaurants to keep food labels for any food or food additive that has a food label on it, and to obtain and maintain nutritional information for any food/food additive that does not come packaged with a food label affixed. The bill would also prohibit restaurants from preparing or serving foods with trans fat. Restaurants violating either of these requirements would be charged a penalty fee less than $1000. (Monitor)

Bill: HB 1855  
Subject: Increasing physical activity for middle schoolers  
Author: Davis  
Filed: 2/17/09
Companion: SB 890 by Nelson  
The intent of this bill is to increase the 30-minute daily physical activity requirement for middle schoolers from four to six semesters. The bill may be amended to ensure that the bill language would accomplish that goal. It would take effect in the 2009 – 2010 school year. (Support)

Senate bills

Bill: SB 161  
Subject: Specialty license plates fees to fund Safe Routes to School Program  
Author: Ellis  
Filed: 11/10/08
This bill would amend the Transportation Code to allow a portion of the specialty license plates fees collected by the Texas Department of Transportation to only be used by the Texas Education Agency to fund the Safe Routes to School Program managed by designated statewide nonprofits. The bill would also allow the Texas Education Agency to use the funds to secure additional funding through federal matching programs for safe routes to school and obesity prevention. (Support)

Bill: SB 204  
Subject: Banning trans fats in restaurants  
Author: Shapleigh  
Filed: 11/10/08
This bill would amend the Health and Safety Code to regulate use of trans fat served by a restaurants. Beginning September 1, 2009 restaurants would be required to keep the original label for any food or food additive containing a fat that is used, stored, or served by the restaurant. Beginning September 1, 2010 restaurants would be prohibited from packaging, storing, or using a trans fat to prepare or serve foods, except for use in preparing deep-fry yeast dough or cake batter. Individuals violating the subsections of the amended code would be punishable by a fine of no less than $25 and no more than $200. (Monitor)
Bill: SB 205  
Subject: Establish committee to promote outdoor recreation and education  
Author: Shapleigh  
Filed: 11/10/08  
This bill would add a chapter to the Government Code to establish a Governor-appointed seven-member advisory committee called Texas Partnership for Children in Nature. Texas Partnership for Children in Nature would develop and assist in the implementation of strategies and programs that would offer increased opportunities for outdoor recreation and educational activities for children. The bill would require the committee to submit a bi-annual report no later than December 1, 2010. (Review)

Bill: SB 282  
Subject: Grant awards for nutrition education programs  
Author: Nelson  
Filed: 11/12/08  
This bill would amend the Education Code to permit the Texas Department of Agriculture (TDA) to award grants to public schools for best practices in nutrition education. The bill would also amend the Human Resources code to permit TDA to develop a nutrition education grants award program for community and faith-based organizations that provide nutrition education to children under the age of 19 years, and to early childhood education programs providing nutrition education for children three to five years of age. (Support)

Bill: SB 283  
Subject: Health advisory council membership and reporting requirement  
Author: Nelson  
Filed: 11/10/08  
This bill would amend the Education Code to require that the person serving as the chair or co-chair of a local school district’s school health advisory council (SHAC) be a parent of a student(s) enrolled in the district but not be employed by the district. The SHAC would be required to meet at least four times per year and submit a written report annually to the school district’s board of trustees. The existing statute does not specify how often the council should meet nor does it require submission of written reports to school districts’ board of trustees. (Support)

Bill: SB 343  
Subject: Create advisory committee on fresh/healthy food availability  
Author: Nelson  
Filed: 12-08-08  
The bill would create an eight-member advisory committee to study and report on the availability of healthy foods in underserved areas of Texas and the impact of limited availability of such foods on nutrition, obesity and other chronic illnesses. Both the Health and Human Service Commission and Department of Agriculture would appoint four members to the committee. The advisory committee would submit a report to the Legislature no later than September 1, 2010 outlining the costs, benefits, and an implementation plan for a statewide program that would bring healthy foods to areas of the state that do not have access to fresh fruit and vegetable retailers. (Support)
Bill: SB 344
Subject: Study feasibility of Food Stamp/WIC benefit use at farmers markets
Author: Nelson
Filed: 12-08-08
The bill would create a nine-member advisory committee to study and report on the feasibility of Food Stamp and Women, Infants, and Children program (WIC) participants using Food Stamp and WIC benefits to purchase local, fresh produce from farmers markets. The Department of Agriculture would appointment four representatives of farmers market vendors to serve on the committee. The Health and Human Service Commission would appoint five members to serve on the committee: one WIC staff and four representatives of advocacy groups for Food Stamp and WIC program participants. The advisory committee would submit a report to the Legislature no later than September 1, 2010 outlining the costs, benefits, and an implementation plan for allowing Food Stamp and WIC benefits to be used for the purchase of fresh produce at farmers markets. (Support)

Bill: SB 352
Subject: Prohibiting the use of trans fats in meals served at public schools
Author: Shapleigh
Filed: 12-09-08
The bill would add a section to the Education Code to prohibit public schools from serving foods containing trans fat to students. The bill would also prohibit public schools from serving foods that were prepared using another food that contains trans fat, unless the trans fat occurs naturally in the food, trans fat is present in trace amounts, or was a food product provided by the U.S. Department of Agriculture. The legislation would apply to the 2010-2011 school year. (Monitor)

Bill: SB 395
Subject: Create a multiple-agency council on early childhood health and nutrition
Author: Lucio Jr.
Filed: 1/5/09
This bill would amend the Health and Safety Code to create the Early Childhood Health and Nutrition Interagency Council consisting of six members representing the Department of Agriculture, Health and Human Services Commission, Department of State Health Services, Department of Family and Protective Services, Texas Education Agency, and Texas Workforce Commission. The council would assess barriers and best practices to improving and promoting healthy nutrition and physical activity in early childhood care settings, and would develop a plan for increasing physical activity and healthy nutrition in early childhood care settings to be submitted to the Legislature by November 1, 2010. (Support)

Bill: SB 867
Subject: Summer food service program
Author: Lucio Jr.
Filed: 2/19/09
This bill would amend the Human Resources Code by moving the summer food service program provision to the Agriculture Code because that program is now under the Texas Department of Agriculture. The bill would require school districts to participate in the summer food service program if at least half of their students are eligible for the free/reduced-price lunch program. Current law states that school districts must participate in the program if 60 percent or more of their students are eligible for the free/reduced-lunch program. Schools that are required to participate but want to waive out of the program would complete additional steps during the waiver process. The Department of Agriculture and Texas Education Agency would submit a program evaluation report to the legislature by December 31 of each even-numbered year. (Monitor)
Bill: SB 868
Subject: Free or reduced-price school breakfast program for elementary schools
Author: Lucio Jr.
Filed: 2/16/09
This bill would amend the Education Code. School districts in which 60 percent or more of their student population is eligible for the free/reduced-price school breakfast program would be required to provide a free breakfast to elementary students. The Department of Agriculture would reimburse a school district or charter school for lost revenue or additional costs associated with providing elementary students with a free breakfast under this bill. (Monitor)

Bill: SB 869
Subject: Free or reduced-price school breakfast program for elementary students
Author: Lucio Jr.
Filed: 2/16/09
This bill would amend the Education Code. School districts in which 60 percent or more of their student population is eligible for the free/reduced-price school breakfast program would be required to provide a free breakfast to elementary students. The Department of Agriculture would reimburse a school district or charter school for lost revenue associated with providing elementary students with a free breakfast under this bill. (Monitor)

Bill: SB 890
Subject: Increasing physical activity for middle schoolers
Author: Nelson
Filed: 2/17/09
Companion: HB 1855 by Davis
The intent of this bill is to increase the 30-minute daily physical activity requirement for middle schoolers from four to six semesters. The bill may be amended to ensure that the bill language would accomplish that goal. It would take effect in the 2009 – 2010 school year. (Support)

Bill: SB 891
Subject: Physical education curriculum
Author: Nelson
Filed: 2/17/09
This bill would add detail to the Education Code regarding school districts’ K-12 physical education (P.E.) curriculum to require that P.E. would provide physical activity during at least 50 percent of the weekly class time, offer many types of physical activities including those that would meet the needs of all physical abilities, and meet learning objectives consistent with national standards for physical education knowledge and skills. Current law does not describe the types of objectives to be accomplished through a physical education curriculum nor is there a requirement to be consistent with national standards. The bill would also require that teacher/student ratios for P.E. are comparable to academic classes. (Support)
Bill: SB 892  
**Subject:** Evaluate campus coordinated school health program  
**Author:** Nelson  
**Filed:** 2/17/09  
This bill would amend the Education Code to require public school campuses to evaluate their coordinated school health program at the campus level as part of their campus improvement plan. The evaluation would look at the use and success of methods to ensure that students are physically active during 135 minutes of class time per week. The evaluation would also include student fitness assessment, academic performance, attendance rates, and other data indicators recommended by the local school health advisory council. The requirement would take effect during the 2009-2010 school year. *(Support)*

Bill: SB 1027  
**Subject:** Create an interagency farm-to-school coordination task force  
**Author:** Watson  
**Filed:** 2/20/09  
This bill would amend the Agriculture Code to establish a task force to promote and facilitate the availability of locally grown fresh foods in public schools. The seven-member task force would include the Department of Agriculture, Department of State Health Services, Texas Education Association and other stakeholder groups. The task force would provide schools with training and technical assistance, create a database of available locally grown food, and implement a grant program for schools to recover the cost of purchasing locally grown fresh food. The task force would be created by December 1, 2009. *(Support)*

Bill: SB 1088  
**Subject:** Using food stamps at farmers markets  
**Author:** Shapleigh  
**Filed:** 2/24/09  
This bill would amend the Human Resources code to ensure that recipients of food stamps can use those benefits to purchase fresh food at farmers markets. The Health and Human Services Commission and Department of Agriculture would work together to make Lone Star Card terminals available at each farmers market, provide technical assistance and training to farmers markets’ managers and vendors, and conduct an outreach campaign to inform recipients of food stamps about using Lone Star Cards at farmers markets. A Lone Start Card is like a debit card that is used for food assistance. *(Review)*