



88TH

LEGISLATIVE

SESSION

RECAP



**PARTNERSHIP FOR  
A HEALTHY TEXAS**

**CONQUERING OBESITY**

*Dedicated to developing and promoting policies  
and programs that prevent obesity in Texas.*

JULY 2023



**Methodist Healthcare Ministries**  
OF SOUTH TEXAS, INC.

*"Serving Humanity to Honor God"*

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The opinions expressed in this document are those of The Partnership and do not necessarily reflect the views of Methodist Healthcare Ministries.



# PARTNERSHIP FOR A HEALTHY TEXAS

CONQUERING OBESITY

The Partnership for a Healthy Texas began in 2006 and has grown to a coalition of more than 50 organizations. We serve to improve the public health as a valued partner in the fight against obesity and continue to have a concerted influence on Texas policy. We believe that by working together we can maximize our impact on the health of Texans and drive economic productivity by reducing the burden of chronic disease.

**MISSION:** To develop and promote state policies that prevent and reduce obesity in Texas.



Find what works for Texans



Set priorities for the Legislature



Follow through and track success

### Chair: David Lakey, MD

Chief Medical Officer and Vice Chancellor for Health Affairs,  
The University of Texas System

### Vice-Chair: Clayton Travis

Director of Advocacy and Health Policy,  
Texas Pediatric Society

### Legislative Chair: Joel Romo

Vice President of Governmental Affairs,  
The Cooper Institute

### Communications Co-Chair: Michelle Smith

Senior Field Manager,  
Action for Healthy Kids

### Communications Co-Chair: Kara Ihedigbo

Health Promotion Manager – Harris County Public Health

### Programs Chair: Tiffni Menendez

Senior Program Manager,  
Michael & Susan Dell Center for Healthy Living  
UTHealth School of Public Health Austin Campus

#### Partnership for a Healthy Texas Committee Membership:



#### Educational Resource Partners:



# SESSION BY THE NUMBERS

**140  
DAYS**

**\$188.2  
BILLION**

Available Funds in  
General Revenue

**8,046**

Bills Introduced

**1,246**

Bills Passed

**15.5%**

of Filed Bills Passed

## PARTNERSHIP ACTIVATION

Engaged with  
**10 Texas Legislative  
Committees.**

**Countless**  
Legislative  
Office Visits.

Provided  
**Written Testimony  
for 3 Bills.**

### Policy Wins to Keep Texans Healthy!

1. \$6 million in New Funding for Nutrition Incentives Programs.
2. Updated Valuation Limits on the Vehicle Asset Test for SNAP Eligibility.
3. No Cuts to Physical Education, Health Education, Recess, or Fitness Assessments in Texas Public Schools.
4. Spurred Conversation about the Importance of Addressing Non-Medical Drivers of Health in the Health Care Setting and the Role of Schools in Supporting Children's Health.





# CONTEXT OF THE 88TH

The 88th Texas Legislative Session returned to a normal schedule of work after the 87th session was dominated by the COVID-19 pandemic and Winter Storm Uri. Policymakers were eager to be back in the building filing a record-setting 8,046 bills between the House and Senate. While there were no major pandemics or winter storm disasters providing context for the session, there were several contextual factors that influenced priority legislation. A historic budget surplus, focus on maternal health, high inflation, and children’s mental health crises, all influenced conversations in the Pink Dome.

The Partnership’s Legislative Committee crafted policy proposals that were identified for this specific policy window, with contextual factors in mind. Increasingly high inflation put a spotlight on the struggles of many family’s access to affordable and nutritious foods, children’s mental health concerns highlighted the importance of safeguarding and investing in healthy school environments, and discussions on maternal health brought forward additional discussion of food as medicine and the contributions of diet to chronic disease. A historic budget surplus meant more solutions might be on the table.

Throughout the session, the Partnership worked diligently and thoughtfully to connect with lawmakers and advocate for evidence-based policies. As tensions flared between the two chambers, advocates nimbly pivoted strategies to maintain bipartisan and bicameral support for remaining policies. Ultimately, Partnership members were able to secure wins to update the vehicle asset test limits in the Supplemental Nutrition Assistance Program (SNAP), invest in nutrition incentive programs, and protect school health, nutrition, and physical activity programs.



# POLICY PRIORITY WINS!

## Updated SNAP Vehicle Asset Test Limits for the First Time Since 2001 and 1973.

The Supplemental Nutritional Assistance Program (SNAP) is the nation's first line of defense against hunger. SNAP is a federally funded program that helps low-income families buy nutritious food from local food stores. Eligibility for SNAP is primarily based on income and family size. Texas, however, also chooses to use a Vehicle Asset Test, which places a limit on the value of the vehicle that a household may own and still qualify for benefits. Prior to this session, the limit on the value for a family's first vehicle was \$15,000 and any subsequent vehicles were limited to \$4,650, limits set in 2001 and 1973, respectively.

*After several sessions attempting to update these limits, this year, an inflationary adjustment was successfully passed!*

[House Bill 1287](#) by Representative Ryan Guillen was heard in the House Human Services Committee early in session, and voted out unanimously on April 8, and passed the full Texas House with over 100 votes. The Senate version of the bill, [Senate Bill 273](#) by Senator Cesar Blanco, received strong bipartisan support with Senators Donna Campbell, Nathan Johnson, Charles Perry, and Kevin Sparks all signing on as co-authors. House Bill 1287 passed the Senate 27 to 4, and it was signed by Governor Abbott on June 12. The final version of the bill makes a one-time inflationary adjustment to the vehicle asset test limits. **The limits will be \$22,500 and \$8,700 for primary and additional vehicles respectively effective September 1, 2023.**

### Key Partnership Advocacy

- Testimony in the House Human Services Committee in support & cards of support from member organizations.
- Action Alert to urge House Human Services Committee Members to support HB 1287.
- Visits to all Calendar Committee offices to encourage placement of the bill on the House Calendar.

“Research has shown that SNAP not only alleviates hunger but can improve diet quality and health outcomes. When families can afford nutritious foods, they are more likely to have a balanced diet that supports overall health and reduces their risk of chronic disease.”

– Alec Puente,

*American Heart Association  
in House Human Services*

# POLICY PRIORITY WINS

## New \$6 Million General Revenue Investment in Nutrition Incentives

Nutrition incentive programs, like Double Up Food Bucks, work by offering SNAP recipients discounts or matching coupons when they spend their benefits on healthy fruits and vegetables. These programs help families who would otherwise be unable to afford the fresh produce needed to keep them healthy while simultaneously helping to support local agriculture producers. In Texas, incentive programs have been implemented at the regional level through federal grants and private funding, but state-level funding will allow for expanded access, especially to rural Texans.

*Through continuous advocacy efforts, led by the American Heart Association and Sustainable Food Center, funding was included to expand nutrition incentive programs!*

Representative Angela Orr filed a rider in Article II of the House version of the budget to fund grants for nutrition incentives. Advocacy by partners and the strong support of key budget policymakers, including Senator Charles Perry and Representative Jacey Jetton helped ensure the rider was included in the final version of the budget. [Rider 89 appropriates \\$6 million of General Revenue over the biennium for the Health and Human Services Commission to provide grants to organizations implementing nutrition incentive programs that connect low-income consumers and agriculture producers, provide support to retail participants, and operate in at least two counties!](#)

## Key Partnership Advocacy

- Written testimony submitted to the Senate Finance Committee.
- Partnership Organizations held many meetings with Legislators on the respective Article II Subcommittees and on the Budget Conference Committee.

“Allocating funds for HHSC to implement SNAP incentive programs can help families access healthy foods within their budget, encourage families to establish healthy habits that support lifelong wellness, and stimulate local economies.”

Partnership for a Healthy Texas written comments to the Senate Finance Committee





# OPPORTUNITIES FOR CONTINUED WORK

## Address Hunger Among Community College Students by Allowing Vocational or Technical Students to Receive SNAP

College tuition costs are rising, and with current inflation, so are the costs of food, housing, and other necessities. The inability to afford basic necessities is the number one reason cited by community college students for not completing their education. Short term food assistance through SNAP can be part of the solution. Unfortunately, access to SNAP is severely limited for college students. However, a simple policy change could allow low-income students in vocational or technical degree programs to access SNAP while in school.

### ***Action in the 88th:***

Bills directing the Texas Health and Human Services Commission (HHSC) to adopt rules to allow students in community college programs to receive SNAP were filed in both the Texas House and Senate. Representative Armando Walle filed [House Bill 1501](#) and Senator Royce West filed the companion, [Senate Bill 557](#) in the Senate. Unfortunately, neither bill received a hearing.



# OPPORTUNITIES FOR CONTINUED WORK

## Protect and Enhance Evidence-Based Requirements around Recess, Fitness Assessments, Physical Education, and Health Education in Schools.

Research shows that fit students perform better inside and outside the classroom. Recess is a critical time for physical activity during the school day. At least 20 minutes of recess per day allows children to be active, practice life skills, and reenter the classroom ready to learn. Similarly, physical education is an opportunity for students to learn age-appropriate skills to develop the mind-body connection, which improves overall wellness and mental health. Effective health education helps students develop skills and habits to maintain a healthy lifestyle, and the FitnessGram assessment, developed by The Cooper Institute in Dallas, plays a critical part in the physical education process by providing a feedback system for students, teachers, and parents. These are all critical elements to keeping schools as healthy environments that help children grow as students and people.

### **Action in the 88th:**

Messaging around the importance of school health programs in the interim was extremely successful! **This session was the first in many years in which there were NO attempts to rollback fitness assessments, health education, physical education, or recess requirements.**

Unfortunately, no major gains were made either. Representative Alma Allen filed [House Bill 3984](#) to direct the Department of State Health Services to develop model policies for recess periods and require school districts to adopt recess policies based on school health advisory committee recommendations. Unfortunately, the bill never received a hearing.





# OPPORTUNITIES FOR CONTINUED WORK

## Invest in Healthy School Environments by Reversing the Free Care Rule, Allowing Local Education Agencies to Draw Down Federal Funds for Medicaid-Enrolled Students

Texas schools can only bill Medicaid for services provided through a student's Individualized Education Plan (IEP). Allowing reimbursement for all allowable services provided to Medicaid-enrolled students would provide school districts with a sustainable source of funding for school health services. With additional funds, schools would be able to better fund school nurse positions and invest in the Whole Child school health policy approach which includes a broad range of practices that can help students develop healthy habits. States including Florida, Georgia, and North Carolina, have all implemented this change.

### **Action in the 88th:**

After the House Select Committee on Youth Health and Safety flagged this policy as a recommendation for the legislature, Representative J.M. Lozano filed [House Bill 1571](#) to allow for this reimbursement strategy for public schools. The Partnership provided written testimony in support of the bill in the House Human Services Committee in March and sent out an Action Alert urging members to do the same. **The bill never received a vote in committee.**

A similar bill, [House Bill 98](#) by Representative Joe Moody, would have allowed for this same reimbursement method, but for mental health services only. However, Representative Lozano was able to successfully amend his language onto the bill on the House floor, where it passed 98-49. **This version of the bill never moved in the Senate.**



# OPPORTUNITIES FOR CONTINUED WORK

## Safe Routes to Schools: Promote accessible paths for K-12 students to get to school on foot or on bike through funding and state level support for active transportation.

Active transportation options provide an opportunity for children to be physically active before and after school and build healthy habits. However, active transportation requires safe infrastructure and safety education to minimize injuries as kids travel to and from school. The Safe Routes to Schools program promotes active transportation through infrastructure improvements and education efforts. The Bipartisan Infrastructure Law significantly increased available funds to the state, creating an opportunity for Texas to refocus and reinvigorate the SRTS program.

### **Action in the 88th:**

The Partnership explored opportunities to invest in the SRTS program through both budget riders and legislation. Efforts included a recommendation to staff the program with a full-time coordinator, requiring the Texas Department of Transportation to publish a strategic plan for SRTS, and urging investment of maximum allowable Highway Safety Improvement Program funds into SRTS non-infrastructure projects and education. **Unfortunately, none of these efforts gained traction this session.**







# OPPORTUNITIES FOR CONTINUED WORK

## Integrate Clinical and Community Services to Improve Access to Nutritious Foods

Research indicates that nonclinical factors, such as where a person lives, works, and places, contribute to as much as 80 percent of a person's health outcomes. Food insecurity is one of those key drivers of health, and access to healthy foods can prevent health issues, chronic diseases like obesity, and the associated healthcare costs. Across Texas and the nation, stakeholders are working together to address food insecurity by connecting patients to food resources or food as medicine programs. There is an opportunity to integrate these programs into the Medicaid system to improve health outcomes for Medicaid patients and reduce healthcare costs.

### *Action in the 88th:*

Attempts to adopt a rider into the budget directing the Texas Health and Human Services Committee to approve Food as Medicine interventions as an in lieu of service in Medicaid were ultimately unsuccessful. This preferred avenue for Food as Medicine, as recommended by the HHSC Value-Based Payment and Quality Improvement Advisory Committee, would have allowed Managed Care Organizations (MCO) to use in-lieu of services, which are cost-effective options to improve client outcomes and wellness, without the state having to add new entitlement services for the entire Medicaid population.

Other attempts to move the needle on Food as Medicine interventions were better received. [House Bill 2983](#) by Representative Tom Oliverson would have created a pilot program to provide pregnant women in Medicaid nutrition assistance through FoodRX programs and medically tailored meals. The bill was heard in the House Human Services Committee on March 28 and voted out of the committee 6-1. **HB 2983 passed the full House by an impressive 127-19 margin, before stalling in the Senate.**

# BILLS AND BUDGET ITEMS OF NOTE

While these bills were not on our list of Partnership Priorities, the following bills and budget items were discussed by or engaged on by the Partnership because of their potential impacts on obesity in Texas.

## **PASSED: Budget Continued Full Funding for Chronic Disease Prevention and Health Promotion at the Department of State Health Services**

Both the House and Senate budget committees [fully funded](#) the Health Promotion and Chronic Disease Prevention programs at the Texas Department of State Health Services. Investment in these programs makes healthy choices easier for all Texans across different stages of their lives, creates the infrastructure for Texas to apply for federal grants, and can help save the state on future health costs. The Partnership noted the importance of this funding in written testimony to the Senate Finance Committee.

## **PASSED: House Bill 3991 (Representative Carrie Isaac, Senator Carol Alvarado) – Creates Texas Fruits and Vegetables Day in Public Schools**

Mark your calendars for the first Friday in April every year! House Bill 3991, signed by Governor Greg Abbott designates the first Friday in April in Texas public schools to promote awareness of the health benefits of fruits and vegetables.

## **DEFEATED: House Bill 3589 (Representative Ken King) – Relating to the transfer of the administration of school nutrition programs from the Texas Department of Agriculture to the Texas Education Agency**

The Partnership worked with retired nutrition directors, former Assistant Texas Agriculture Commissioner, and the Texas Association of School Nutrition to share

concerns over this bill. Nutrition directors across the state reached out to their legislators including committee members for the Public Education committee and State Affairs to share the negative consequences this move could have on children and the school nutrition programs in schools. We were pleased to see that the bill did not leave committee and it has not been pursued through other avenues.

## **MADE PROGRESS: House Bill 1578 (Representative Steve Allison) – Relating to the health literacy advisory committee and health literacy in the state health plan**

Limited health literacy leads to increased healthcare costs and poor health outcomes. This bill would have helped Texas develop strategies to address these issues and helped low-income Texans, the elderly, and those with limited educational attainment to access accurate health information and seek preventative care. The Partnership supported this bill with a Card of Support when it was heard in the House Select Committee on Healthcare Reform. The bill ran out of time after passing the House and was never heard in the Senate Health & Human Services Committee.

## **MADE PROGRESS: Senate Bill 1663 (Senator Carol Alvarado) – Relating to the authority of a municipality to alter speed limits**

This bill would have allowed cities to opt into lowering the speed limit on residential streets from thirty miles per hour to 20 or 25 miles per hour. Lower speed limits on residential streets facilitate safe neighborhood streets for children and adults to walk, bike, and play outside. The Partnership submitted a card on SB 1663. After passing the Senate and House Transportation Committee, it died on the House Calendar.

## **MADE PROGRESS: House Bill 1599 (Representative John Bucy) – Relating to implementation of an express lane option for determining eligibility and enrolling certain individuals in Medicaid or the child health plan program**

Express Lane Eligibility simplifies the eligibility review process for Medicaid by using already verified information on income and household size that families may have provided for other state programs such as SNAP. Implementing express lane eligibility would ensure that more eligible Texas children, especially those who are receiving SNAP, are also able to access healthcare coverage. The Partnership was excited to see House Bill 1599 get early and strong bipartisan support and pass the House by a margin of 106 to 40. Unfortunately, the bill never moved in the Senate.



## 2023 Partnership for a Healthy Texas Legislative Champions

The success of the Partnership's policy priorities relies on key legislative champions who advocate for the policies that will impact obesity and healthiness across the state. This year, the Partnership recognizes Senator César Blanco and Representative Ryan Guillen as our 2023 Partnership for a Healthy Texas Legislative Champions for their work on House Bill 1287.

Senator Blanco and Representative Guillen were tireless in their advocacy for updating the Vehicle Asset Test to ensure that families do not lose essential food assistance benefits because of inflation or because they have a reliable vehicle. We look forward to continuing to work with these legislators to address access to nutritious foods and prevent obesity across Texas!



**Senator  
César Blanco**  
El Paso  
Senate District 29



**Representative  
Ryan Guillen**  
Rio Grande City  
District 31

# Partnership Policy Achievements Over the Years

*Policy achievements often take many sessions of advocacy. Each session, we are excited to get new wins across the finish line and continue to push others closer to passage.*

*Below are the historic achievements of the Partnership for a Healthy Texas.*

## 80TH

### LEGISLATIVE SESSION

(2007)

- **Senate Bill 530** – Set requirements for 30 minutes of physical activity in elementary school, 4 semesters of physical activity in middle school, and required annual fitness assessments for students in grades 3-12.
- **Funding** to implement coordinated school health programs along with comprehensive obesity prevention programs statewide.
- **Senate Bill 555** – Recognizing Texas Fruit and Vegetable Month in April, and House Bill 2313 designating the second week in September as Texas Obesity Awareness Week.
- **House Bill 1297, House Bill 2252** - Established structure for worksite wellness programs for state employees.
- **House Bill 4062** – Moved nutrition programs from HHSC to the Texas Department of Agriculture

## 81ST

### LEGISLATIVE SESSION

(2009)

- **Senate Bill 283 & Senate Bill 892** – Support implementation of coordinated school health by strengthening criteria for SHACs and requiring all schools to evaluate their school health program as a part of their campus improvement plan.
- **Senate Bill 282, Senate Bill 343, Senate Bill 1027, and Senate Bill 395** – Improve nutrition education by creating grant programs to support nutrition education, creating an advisory committee to study availability of healthy foods, establishing a farm-to-school task force, and creating the Early Childhood Health and Nutrition Interagency Council.
- **Senate Bill 891** – Set clear definitions of physical education and required a student-teacher ratio for PE classes.
- **Senate Bill 161** – Allows specialty license plate fees to fund the Safe Routes to School Program.

## 82ND

### LEGISLATIVE SESSION

(2011)

- **Budget Measure** Allowing the comptroller to use \$2 million to direct an anti-obesity program, including mapping obesity data and creating an obesity information web portal.
- **Senate Bill 226** – Requirement to report de-identified individual data from the Fitnessgram to the Texas Education Agency.
- **Senate Bill 89** – Expanded the Summer Food Program for low-income children.

## 83RD

### LEGISLATIVE SESSION

(2013)

- **Senate Bill 376** – Ensures nutritious breakfast for students at schools where at least 80 percent of children are eligible for free or reduced-price lunches.
- **House Bill 749** – Requires TDA to partner with Baylor University's Texas Hunger Initiative to develop a plan to increase outcomes in the summer food service program.
- **House Bill 1018** – Encourages school and community partnerships for increasing physical activity and fitness.
- **House Bill 2020** – Allows state agencies to develop wellness programs that provide financial incentives to employees.
- **Senate Bill 503** – Establishes the Expanded Learning Opportunities Council.

# Partnership Policy Achievements Over the Years

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*Below are the historic achievements of the Partnership for a Healthy Texas.*

## 84TH

### LEGISLATIVE SESSION (2015)

- **House Bill 262** - established limited immunity from liability for landowners offering space for community gardens.
- **Increased funding** for Brighter Bites School Nutrition Program.
- **Increase in funding** for Feeding with Impact Program.

## 85TH

### LEGISLATIVE SESSION (2017)

- **Senate Bill 1873/House Bill 3606** - Required a report from school districts to the Texas Education Agency on the quality of the districts' physical education requirements.

## 86TH

### LEGISLATIVE SESSION (2019)

- **House Bill 3541/Senate Bill 952** - Created SNAP incentives programs pilot at HHSC.
- **House Bill 1808/Senate Bill 952** - Updated child care standards related to nutrition, physical activity, and screen time.

## 87TH

### LEGISLATIVE SESSION (2021)

- **Ensured Full Funding** of the Surplus Agricultural Products Grant Program.
- **Senate Bill 224** - Streamlined the application process for SNAP for senior citizens.
- **Protected health promotion and chronic disease prevention funding.**

## 88TH

### LEGISLATIVE SESSION (2023)

- **\$6 Million** New general revenue investment in nutrition incentives.
- **House Bill 1287** - Updated SNAP vehicle asset test limits.