State Actions to Reduce and Prevent Childhood Obesity in Schools and Communities
Summary and Analysis of Trends in Legislation
STATE ACTIONS TO REDUCE AND PREVENT CHILDHOOD OBESITY IN SCHOOLS AND COMMUNITIES

SUMMARY AND ANALYSIS OF TRENDS IN LEGISLATION

By
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The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories. NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- To improve the quality and effectiveness of state legislatures.
- To promote policy innovation and communication among state legislatures.
- To ensure state legislatures a strong, cohesive voice in the federal system.

The Conference operates from offices in Denver, Colo., and Washington, D.C.

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INTRODUCTION

According to the Centers for Disease Control and Prevention, childhood obesity has more than doubled in children and quadrupled in adolescents in the past 30 years. From 1980 to 2012, the percentage of children ages 6 to 11 in the United States who were obese increased from 7 percent to nearly 18 percent. Among youth ages 12 to 19, obesity increased from 5 percent of adolescents in 1980 to almost 21 percent in 2012. Although some progress in reducing childhood obesity has recently been reported for very young children, in total, by 2012, more than one-third of American children and adolescents were either overweight or obese.

Because obesity prevalence continues to be high and obese children and youth are likely to become obese adults, childhood obesity remains a pressing public health concern. Immediate health effects for obese children include development of risk factors for cardiovascular disease, such as high cholesterol or high blood pressure—70 percent of obese 5- to 17-year-olds in one population-based sample had at least one risk factor for cardiovascular disease—a greater likelihood of prediabetes, and higher risk for bone and joint problems, sleep apnea, and social and psychological problems such as stigmatization and poor self-esteem. Over the long-term, these health effects put obese children on a trajectory for costly and debilitating adult health problems such as heart disease, type 2 diabetes, stroke, a number of cancers and osteoarthritis.

Healthy lifestyle habits, such as nutritious eating and a physically active lifestyle, can help to prevent or reduce obesity and the risk for associated health problems. Policymakers in many states have stepped up to create choices for healthy eating and active living in schools, child care facilities and communities where children and their families live. For children, who spend a large portion of their waking hours in school, the school environment can be crucial in supporting healthy behaviors by providing healthy food choices and opportunities to be physically active during the school day. This report summarizes legislation and presents policy options for legislators interested in reducing and preventing childhood obesity in schools and communities.

State legislation summarized and categorized in this report was enacted during the 2012-2013 state legislative sessions. During these years, state lawmakers continued to show sustained interest in policy strategies and options to support school and community environments that provide healthy food and physical activity choices to reduce or prevent childhood obesity. Policy trends in this arena were described in four earlier NCSL reports covering state legislation from 2007 through 2011: Promoting Healthy Communities and Reducing Childhood Obesity: Legislative Options; Promoting Healthy Communities and Preventing Childhood Obesity: Trends in Recent Legislation; Reversing the Trend in Childhood Obesity: Policies to Promote Healthy Kids and Communities, and State Actions to Promote Healthy Communities and Prevent Childhood Obesity: Summary and Analysis of Trends in Legislation. Policy analysis and research evidence presented in this report updates information contained in the previous reports as related to trends in state legislation enacted during the 2012-2013 sessions.
REPORT ORGANIZATION

Enacted state legislation summarized in this report covers the broad policy categories of healthy eating and physical activity in school and community settings that provide opportunities to choose nutritious foods and safe places to play and exercise. Policies are grouped into two general rubrics, school-focused policies and community or statewide policies for healthy food and physical activity. In each rubric, policies are reported in these specific topic areas:

School-Focused Policies for Healthy Eating and Physical Activity:
- School Nutrition
- Nutrition Education
- Farm to School
- Body Mass Index Measurement or Student Fitness Screening at School
- Diabetes Screening and Management at School
- Joint or Shared Use Agreements for School Facilities
- Physical Activity or Physical Education in School and School Recess
- Preschool Obesity Prevention
- School Wellness Policies

Community or Statewide Policies for Healthy Eating and Physical Activity:
- Access to Healthy Foods
- Community Physical Activity through Bicycling and Walking/Complete Streets
- Farmers’ Markets/Local Food Marketing/Sustainable Food Systems
- Raising Awareness
- Task Forces, Commissions, Studies, Grants and Other Special Programs
- Taxes, Tax Credits, Tax Exemptions and Other Fiscal Incentives
- Urban Agriculture/Community Gardens

Some bills may fall into more than one category—for example, school nutrition policies that also relate to school wellness efforts, or tax credits that provide incentives for businesses to develop retail access to healthy food. As a result, enacted legislation may be summarized in more than one category with the provisions most relevant to each category highlighted in the bill summary for that category. Proposed legislation that has not been enacted also may be referenced in the narrative description of each category to illustrate trends in legislation that may serve as precursors to laws enacted in subsequent sessions. Also summarized are bills considered in 2013 that remained pending in legislatures that had not yet adjourned their 2013-2014 legislative sessions as of May 2014 or that may carry over to the 2014 sessions.
FINDINGS

State legislation designed to promote healthy eating and active living, especially among school-age children, continued to draw interest from policymakers in 2012-2013. This report covers two years of state legislative actions during which 46 states and the District of Columbia enacted laws related to healthy food and physical activity in schools or designed to provide community-wide or statewide policy for healthy eating and physically active lifestyles. In addition two broad-based bills to address obesity challenges remain pending in Puerto Rico.

In the broad policy category of school-focused policies for healthy eating and physical activity, most of the legislative activity was in two areas: 1) school nutrition and nutrition education, and 2) physical activity and physical education. Thirty-one states and the District of Columbia enacted legislation related to school nutrition, including bills focused on nutrition education, during 2012-2013; while at least nine additional states enacted farm to school legislation. Ten states enacted legislation on physical activity or physical education in schools in 2012-2013.

In the broad policy category of community or statewide policies for healthy food and physical activity 37 states and the District of Columbia enacted laws during 2012-2013. Legislative interest continued in the areas of bicycling and walking/complete streets, and farmers’ markets/local food marketing, topics with high levels of activity in past years. Fourteen states and the District of Columbia enacted legislation related to bicycling and walking/complete streets in 2012-2013; and at least 16 states and the District of Columbia enacted legislation on farmers’ markets/local food marketing in 2012-2013.

Legislators’ interest in policies that serve combined purposes, promote more effective coordination and benefit multiple sectors remains high. This interest is reflected in legislative activity in 2012-2013 that continued momentum on issues such as providing both healthy food choices for school children and marketing opportunities for agricultural producers through school nutrition and farm to school policies. Policies that increase opportunities for physical activity among school children and may bolster academic achievement have also drawn legislative interest as have policies that allow people of all ages, such as bicyclists and pedestrians to safely use multiple and alternative modes of transportation. Legislation passed during the preceding seven years is now being implemented, and legislation that may increase efficient implementation or evaluate the effectiveness of implementation has also become a topic of legislative interest. Policies that refine the details of existing programs have also drawn interest among state legislators.

Just as a single Congress is comprised of two sessions, most state legislatures allow bills to carry over from one legislative session to the next between elections. This report provides readers with an overview of policies enacted in both 2011-2012 and through the end of 2013 in the 2013-2014 legislative sessions. Readers can observe trends and draw conclusions about the level of legislative activity based on the number of states that enact laws during the full period. NCSL notes that 46 states—more than 90 percent of the total—as well as the District of Columbia enacted, and Puerto Rico proposed, some form of healthy eating and/or active living legislation during legislative sessions that spanned the years 2012-2013, a remarkable achievement by any measure.
Policy options designed to promote healthy communities and prevent childhood obesity will continue to offer state lawmakers numerous avenues for taking action. No single template for policies to address healthy eating and active living exists, as witnessed by the number of topics addressed in this report. Legislators interested in health, education, land use, transportation and agriculture can develop legislation that addresses economic development, academic achievement and environmental protection, while at the same time benefitting efforts to prevent childhood obesity. These integrated avenues should generate continued interest among a diverse set of legislators for years to come.

Figure 1. State Legislation, All Categories, 2012-2013
State Actions to Reduce and Prevent Childhood Obesity in Schools and Communities

Figure 2. School-Focused Legislation for Healthy Eating and Physical Activity, 2012-2013

Figure 3. Community and State-Focused Legislation for Healthy Eating and Physical Activity, 2012-2013
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* Proposed pending as of May 2014.

**Source:** National Conference of State Legislatures, 2014.
### Table 2. Community and State-Focused Healthy Eating and Physical Activity Legislation, 2012-2013

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Table 2. Community and State-Focused Healthy Eating and Physical Activity Legislation, 2012-2013

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<th>Bicycling, Walking, Complete Streets</th>
<th>Farmers’ Markets/Local Food Marketing</th>
<th>Task Forces, Studies</th>
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* Proposed pending as of May 2014.

Legislation Summaries

This section summarizes a representative sample of legislation enacted during the 2012 and 2013 state legislative sessions. Most—but not all—legislation enacted in these session years is included; the intent is to document trends in legislation by highlighting examples of bills that illustrate legislative activity in each category. Reference is made to some proposed bills that saw considerable legislative activity in 2012 or 2013—even though they did not pass—because bills of this nature often serve as precursors to later enactments. This report also includes some bills that passed during legislative sessions in 2012 that were introduced in 2011 and some legislation introduced in 2013 that carried over and remained pending in 2014.

School-Focused Policies for Healthy Eating and Physical Activity

School Nutrition

With an estimated 55.3 million children enrolled in the nation’s elementary and secondary schools in the fall of 2013 and more elementary students entering school than ever before, schools remain a logical place for policymakers to focus childhood obesity prevention efforts. Longstanding evidence documents developmental and cognitive benefits to children from adequate nutrition, and studies confirm that proper nutrition enhances academic achievement. At both the state and federal levels, policymakers are working to improve the nutritional quality of school foods to bolster healthy eating habits and school achievement. These efforts complement and reinforce each other. Occasionally, they result in controversy between state and federal lawmakers.

Healthy eating can be part of what children learn—or don’t learn—at school. By setting nutrition standards for all foods and beverages served or sold on school campuses; creating task forces to develop such standards with representation from parents, schools and the community; or delegating the task of setting nutrition standards to state executive agencies such as the department of agriculture or the department of education, states have increased the quality of school food. Many children gain adequate nutrition to support their academic performance from school breakfast and lunch, and state legislatures have recently been active in developing policies to provide more children in underserved communities with convenient access to a nutritious breakfast at school and sometimes to facilitate public-private partnerships for that purpose.

In accord with the bipartisan federal Healthy, Hunger-Free Kids Act of 2010, the U.S. Department of Agriculture released Smart Snacks in School standards in October 2013. These new standards become effective for the 2014-15 school year. In states with existing laws classified by researchers as “strong” because they require, rather than encourage, schools to meet nutrition standards for snack foods and beverages sold outside the full meal program, a three-year study reported in 2012 that children and teens gained less weight than students living in states with no such policies. In addition, in states with strong laws for competitive snack foods sold in à la carte lines, school stores, vending machines or the like, overweight or obese fifth graders were less likely to be overweight or obese by the time they reached eighth grade. Regulating school snack foods has sometimes
been controversial because some schools have come to rely on supplemental revenue from these sales. Studies, including a recent review of school policies in eight districts nationwide, have found, however, that school food revenue remains steady or increases when schools offer healthy foods, and federal school meal reimbursements to states actually may increase. Reimbursement is provided only for full school meals served and, as the quality of the meals increases, students may be more likely to purchase the full meal instead of a snack.

In 2012-2013, 28 states—Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Massachusetts, Michigan, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia and West Virginia—and the District of Columbia enacted some type of school nutrition legislation or authorized funding for school nutrition grants. In addition, at least three states enacted nutrition education legislation and at least nine passed farm to school policies or provided grant funding. General school nutrition laws are reported in this section. New state laws for 2012-2013 that include nutrition education or farm to school components are also reported below this section in specific sections on those topics with additional specific reference information for those subjects.

All of these laws help ensure that students have access to healthier food and beverage options at school or encourage other community supports for child nutrition. State actions complement the federal Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296), which reauthorized the national School Lunch and School Breakfast programs; increased the School Lunch and School Breakfast per-meal reimbursement by 6 cents; and authorized the secretary of Agriculture to set nutrition standards for all food products sold on school grounds during the day. Continuing areas for state legislation include increasing healthier school meal and snack options, making local farm products available to schools through farm to school programs, and providing a nutritious school breakfast to more students.

Starting in the 2014-2015 school year, more than 22,000 schools nationwide, that serve as many as 9 million primarily low-income students will be eligible to provide universal access to school meals, offering all students healthy free lunches and breakfasts. In Colorado, for example, state “Breakfast After the Bell” legislation enacted in 2013 will require schools with 70 percent or more students eligible for free or reduced-price school lunch in the 2015-2016 school year to serve breakfast in the classroom, after first or second period, during an early recess, or from carts offering grab-and-go breakfasts outside the cafeteria. Breakfast After the Bell could bring an estimated $22.9 million in additional federal reimbursement revenue into the state. According to a report from Dallas, schools offering breakfast in the classroom can see their breakfast participation increase from 30 percent to 80 percent. Eating breakfast at school can also increase academic achievement. Research shows that children who eat breakfast at school perform better on tests and have fewer disciplinary problems.

Alabama
AL HR 156, AL HJR 78, AL HJR 158 (2012, resolutions adopted) – Resolutions commend Andalusia Elementary School and Geneva County Elementary School Child Nutrition managers and staff for receiving the Healthier U.S. School Challenge Gold Award of Distinction from the federal government.

Arkansas
AR SB 428 (2013, enacted) – As part of the general school improvement appropriation, creates a pilot program for breakfast nutritional programs in public schools and provides $1 million to fund the pilot.

AR SB 1051 (2013, enacted) – As part of a new Whole Child Recognition Program launched by the legislation, provides for working group efforts to reinforce healthy eating patterns by offering students nutritious and fresh food choices as part of both routine food services and special programming and events.
California

**CA AB 626 (2013, enacted)** – Requires California after-school programs to certify that they provide a nutritious snack, meal or both and, in high schools, a physical activity element. Allows school cafeteria funds to be used for central food processing expenditures, for the cost of housing and equipping cafeterias, and for the cost of providing drinking water in cafeterias. Extends to one half hour before and after the school day the existing school nutrition standards that prohibit selling less nutritious food items or beverages, or food containing trans fat at school. Requires compliance monitoring and provides for participation in nutrition pilot program.

**CA AB 290 (2013, enacted)** – Requires that, as a condition of licensure on or after Jan. 1, 2015, through the California Child Day Care Act, in addition to any other required training, that at least one director or teacher at each day care center and each family day care home licensee who provides care complete, as a part of their minimum of 15 hours of health and safety training, at least one hour of childhood nutrition training as part of the preventive health practices course.

**CA AB 1464 (2012, enacted)** – Among other state budget items for FY 2012-2013, makes a one-time appropriation of $4.8 million to support statewide training of school food authorities regarding changes to the meal and nutritional standards contained in the federal Healthy, Hunger-Free Kids Act (HHFKA) of 2010 (P.L. 111-296). Notes that this is allowed by federal guidelines on allocation of administrative funds for state costs of implementation of new HHFKA meal patterns for the National School Lunch Program and School Breakfast Program. Also makes other appropriations from the state to local school districts for school meal programs and provides funds for physical education instructional support.

Colorado

**CO HB 1006 (2013, enacted)** – Creates the Breakfast After the Bell Nutrition Program to offer free breakfast to students in public schools where a specified percentage of students are eligible for free or reduced-cost lunch under the School Lunch Program. Requires participating schools to comply with nutrition standards and meal patterns for school breakfasts established by the federal Healthy, Hunger-Free Kids Act of 2010 and related federal regulations.

**CO SB 68 (2012, enacted)** – Prohibits public and charter schools from making food items that contain any amount of industrially produced trans fat available to students on school grounds during the school day, including cafeteria food and items in vending machines, school stores, other food service entities and fundraisers.

Connecticut

**CT SB 299 (2012, enacted)** – Allows for expansion of an in-class school breakfast pilot program to help severe-needs schools provide breakfast for students and maintain the program within available appropriations.

**CT SB 458 (2012, enacted)** – Clarifies that school nutrition standards apply to technical high schools, including food items in vending machines, school stores and fundraising activities on school premises.

**CT HB 6001b (2012, enacted)** – Implements state budget provisions, including those to establish a coordinated school health pilot program in FY 2012-2013 to provide grants to two educational reform districts selected by the commissioner of education, for coordinating school health, education and wellness and reducing childhood obesity. Provides for a coordinated school health pilot program to enhance student health, promote academic achievement and reduce childhood obesity by bringing together school administrators, teachers, other school staff, students, families and community members to assess health needs; set priorities; and plan, implement and evaluate school health activities that may include, but need not be limited to, school nutrition services, physical education, healthy school environment, staff health and wellness, family and community involvement, health education and services, and school counseling, and psychological and social services. Directs
State Actions to Reduce and Prevent Childhood Obesity in Schools and Communities

the education commissioner to establish a school nutritional rating system pilot grant program for the school years beginning July 1, 2012, and July 1, 2013, for selected school districts to receive grants of up to $50,000 to provide information about the nutritional value of food provided to students in school cafeterias and help guide student food choices at school, and also to help local and regional boards of education with food service decisions related to school food procurement. Requires the commissioner, in consultation with the food service directors for the school districts participating in the school nutritional rating system pilot grant program, to submit a report assessing the pilot grant program to the relevant joint standing committee of the legislature by Oct. 1, 2014, to help determine if the pilot grant program should be expanded. Also requires the commissioner to submit a report and recommendations to the relevant joint standing committee of the legislature regarding establishment of a statewide procurement guide that contains nutritional rating information for food items most commonly procured by boards of education, for use by local and regional boards of education.

District of Columbia
DC B 743, DC B 796, DC B 859 (2012, enacted, similar) — Includes among other items in these budget bills, provisions for an analysis of whether a centralized food services program could offer public charter schools the opportunity to purchase meals from it, instead of from a private vendor. Provides for an analysis of how the District of Columbia’s food service programs can become more sustainable. Also makes the 40 cents reimbursement for each lunch meal served to students who qualify for reduced-price meals contingent upon meeting certain nutritional requirements. Provides resources to implement a breakfast-in-the-classroom program and for a one-time subsidy of $7 per student to new public schools, new public charter schools, and new private schools that have not previously received the funds and that participate in the National School Lunch Program, where more than 40 percent of students qualify for free or reduced-price meals.

Delaware

Florida
FL SB 1500 (2013, enacted) — Among other appropriations to aid local governments, provides $1,067,958,003 to the school lunch program from the Food and Nutrition Services Trust Fund.

Georgia
GA HB 105 (2013, enacted) — Among other appropriations, provides nutrition funding of $597,481,435—including $574,888,212 in federal funds and grants and $22,593,223 in state funds—to provide leadership, training, technical assistance and resources so local program personnel can deliver meals that support nutritional well-being and performance at school and comply with federal standards.

Kansas
KS SB 171 (2013, enacted) — Appropriates school food assistance funding of $2,510,486.

Louisiana
LA SCR 64 (2013, resolution adopted) — Urges and requests the state department of education to establish a study group on agricultural education in elementary and secondary schools and to provide recommendations to the Legislature and the state board of education for agricultural education improvements and possible implementation of a pilot program for an agricultural immersion curriculum, including a school farm, so that students can learn interactively about agriculture and agribusiness.

LA HB 1 (2013, enacted) — As part of annual appropriations, provides that at least 90 percent of the meals offered/served by school food services are to meet USDA standards for the Child Nutrition Program (National School Lunch/School Breakfast Program), and provides for performance indicators—such as sponsor reviews
and quantities served—to ensure that nutritious meals are served to children who receive federally reimbursable lunch or breakfast.

**Maine**

**ME HB 1079 (2013, enacted)** – Funds, among other items, an update to the school nutrition web-based computer system.

**ME HB 1373 (2012, enacted)** - Proposes changes to the Fund for a Healthy Maine, as recommended by the state commission to study allocations of the fund, to add prevention, education and treatment activities concerning unhealthy weight and obesity to the health promotion purposes of the fund. Requires creation of a separate state budget entry for unhealthy weight and obesity prevention activities in the state budget for 2014-2015. Continues provisions for comprehensive school health and nutrition programs, including school-based health centers.

**Massachusetts**

**MA HB 3538 (2013, enacted)** – Among other items, provides for incorporating obesity prevention programs, including nutrition and wellness programs, into school curricula to address the nutrition and lifestyle habits necessary for healthy development. Also provides funding to increase participation in the summer meals program and universal school breakfast program. Requires that $200,000 more than the amount spent in fiscal year 2013 be expended for the universal school breakfast program in which all children in schools receiving funds under the program are provided with free, nutritious breakfasts. Pays for the state share of the National School Lunch program in the amount of $5,426,986.

**Michigan**

**MI HB 4228 (2013, enacted)** – Provides funding for Michigan schools, including an allocation for 2013-2014 of all available federal funding, estimated at $460,000,000, for the national school lunch program, and allocating an amount not to exceed $5,625,000 for 2013-2014 to school districts for school breakfast. Requires a purchasing preference for the school lunch and breakfast programs for food that is grown or produced by Michigan businesses if it is competitively priced and of comparable quality.

**Mississippi**

**MS HB 718 (2013, enacted)** – Creates an Interagency Farm to School Council and directs it to meet at least quarterly, starting no later than Aug. 1, 2013, to facilitate purchase and use of locally grown and raised agricultural products in school meals in order to improve school food quality. Also encourages community organizations, restaurants, grocery retail stores, and other local organizations and businesses to purchase more local agricultural products. Defines local agricultural products as food products grown on Mississippi farms or gardens. (See the farm to school section of this report for more details about this legislation.)

**MS SB 2073 (2013, enacted)** – Promotes local purchase of perishable supplies or food for school lunch programs among other state agency food programs by authorizing certified purchasing offices to include in the best value calculation the location of a bidder’s local office and inventory.

**Missouri**

**MO HB 2 (2013, enacted)** – Appropriates $3,412,15 from the state’s general revenue fund to the Department of Elementary and Secondary Education for the School Food Services Program to reimburse schools for school food programs.

**MO HB 14 (2013, enacted)** Appropriates $16,000,000 to the Department of Elementary and Secondary Education for the School Food Services Program to reimburse schools from federal funds for school food programs.
State Actions to Reduce and Prevent Childhood Obesity in Schools and Communities

Nevada
NV SB 466 (2013, enacted) – Transfers authority over school nutrition programs from the state department of education to the director of the state department of agriculture.

New Mexico
NM SM 8, HM 22 (2012, resolutions adopted) – Designates Jan. 26, 2012, as “School Nutrition Day” in New Mexico to recognize that school nutrition programs play an important role in helping to ensure that children start school ready to learn, because a hungry or undernourished child is less likely to be an eager and attentive student. Notes that New Mexico is ranked No. 1 in student participation in school breakfast programs in the United States; and that 203 public, private and Bureau of Indian Affairs schools in the state serve more than 266,000 lunches and 145,000 breakfasts each school day.

North Carolina
NC HB 57, NC SB 193 (same, 2013, enacted) – Prohibits local school administrative units from assessing indirect costs to a school’s child nutrition program unless the program is financially solvent with a minimum of one month’s operating balance. Directs the North Carolina Procurement Alliance to promote optimal pricing for child nutrition program food and supplies.

Ohio
OH SB 316 (2012, enacted) – Clarifies existing school beverage standards to provide that other than milk, at least 50 percent of beverages sold on in public or charters, whether through the school food service program, in vending machines or school stores, must be water or other beverages that contain no more than 10 calories per eight ounces.

Oklahoma
OK HB 1418 (2013, enacted) – Requires the state department of education to develop rules to prevent food waste in public school cafeterias and policies to redistribute leftover school foods to students in need. Allows the department to seek ways to receive packaged or nonperishable food and fresh foods such as fruits and vegetables to distribute to students in need without requiring school cafeterias to provide overnight storage.

Oregon
OR HB 2649 (2013, enacted) – Resets requirements for the state education department regarding grant funds awarded to encourage the purchase of healthy school foods to require that at least 80 percent of funds be used to purchase Oregon-grown foods for schools and at least 10 percent to fund food-based, agriculture-based or garden-based educational activities.

Pennsylvania
PA HB 1901 (2012, enacted) – Among other school finance provisions, continues to provide a 10-cent per school meal reimbursement from the state and an additional incentive reimbursement of 2 cents per meal for schools that serve both school breakfast and lunch if less than 20 percent of students participate, and 4 cents per meal if more than 20 percent of students enrolled are served by both school breakfast and lunch programs.

Puerto Rico
PR SB 812 (2013, proposed, pending) – Would create the Puerto Rico Childhood Obesity Prevention Act and require multiple actions to address and prevent childhood obesity, including establishing the duties of physical education teachers. Also would regulate sales and limit advertising of beverages with a high sugar content and foods of minimal nutritional value in public and private schools, child care centers and children’s recreation facilities. Authorizes implementing regulations and would require a semi-annual progress report to the legislature.
State Actions to Reduce and Prevent Childhood Obesity in Schools and Communities

Rhode Island

RI HB 6291 (2013, enacted) – Provides that local school health and wellness subcommittees are to be responsible for, but not limited to, developing policies, strategies and implementation plans that promote purchasing and serving locally grown fruits, vegetables and dairy products in schools.

RI SB 513 (2013, enacted) – Promotes purchasing and serving locally grown fruits, vegetables and dairy products to children in Rhode Island schools.

South Carolina

SC SB 191 (2013, enacted) – Establishes a voluntary program in the state department of agriculture to link local farms to school districts and other institutions to provide students and adults with fresh and minimally processed farm foods for meals and snacks. Encourages integration of nutritional and agricultural education into school curriculum through hands-on learning opportunities, such as farm visits, cooking demonstrations and school gardens. Recognizes that the program will strengthen local economies, create jobs, open a substantial new market for farmers, and provide beginning farmers with a consistent and secure customer base. Allows the department to seek grants and private funding for the program and requires the department to create a program website.

SC HB 3710 (2013, enacted) – Among other measures to address obesity in this appropriations bill, requires school districts to report to the state health department information regarding their progress toward meeting provisions of the Student Health and Fitness Act of 2005, including efforts to promote healthy eating patterns, assessment of school district health education programs, snacks in vending machines, and health curriculum. Gives the health department authority to collect, compile and assess state and school district progress in meeting these goals, with the overarching goal of facilitating an environment that decreases body mass index in state residents.

Tennessee

TN SB 3606 (2012, enacted) – Encourages schools to work with community partners to offer parental involvement programs and parenting classes that cover, among other topics, the importance of sleep and good nutrition in school performance.

Texas

TX SB 376 (2013, enacted) – Requires school districts or open-enrollment charter schools that participate in the national school breakfast program, in which a specified percentage of the students qualify for a free or reduced-price breakfast, to offer a free breakfast to each student.

TX HCR 101, TX HCR 99 (2013, resolutions adopted) – Resolutions congratulate Burnet Consolidated Independent School District for earning a HealthierUS School Challenge Gold Award of Distinction from the U.S. Department of Agriculture, a voluntary national certification initiative designed to encourage schools to improve the quality of food served in school cafeterias, provide nutrition education, and promote physical education and other opportunities for physical activity for students. Recognizes the district’s food service department and its director for outstanding contributions to this achievement.

Virginia

VA HB 1300, HB 1301 (2012, enacted) – Prohibits disbursing state school nutrition payments to local schools that permit the sale of competitive foods in food service facilities during food service times for full school meals. Appropriates funding from the state lottery for the second year of an incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. Makes these funds
available to reimburse schools for breakfast meals served in excess of a baseline established by the state department of education and to supplement, but not replace, existing funding.

**West Virginia**

**WV SB 663 (2013, enacted)** – Creates a Feed to Achieve program that requires school breakfast and lunch to be available for all students in order to improve nutrition and health of the state’s children. Encourages development of community gardens and farm-to-school programs. Provides for public-private funding of the school breakfast program and requires an annual audit of donations of private funds.

**Nutrition Education**

Research—including a U.S. Department of Agriculture-contracted review of 217 prior studies on the topic—has found that nutrition education is a significant factor in improving dietary practices when behavior change is the goal and educational strategies are designed to achieve that goal. Nutrition education programs of longer duration, with more contact hours and more components—such as parent involvement and changes in school meals—result in students’ eating more healthy foods. Although many states have school health education requirements, nutrition education is not consistently required as a specific component of health education. Legislators in Massachusetts addressed this need by specifically requiring nutrition education as a component of school health curriculum in legislation enacted in 2013. In Louisiana, legislators acted in 2013 to encourage parental involvement by educating parents about the positive effect of good nutrition on school performance. Oregon legislators set a budget requirement for food-based, agriculture-based or garden-based educational activities in schools.

**Louisiana**

**LA HB 214 (2013, enacted)** – Encourages public school governing authorities to create partnerships to increase parental involvement in schools, including encouraging participation in parenting classes that educate parents about, among other topics, the importance of sleep and good nutrition in school performance. Public school governing authorities and the state department of education are to identify available funding sources for these classes.

**Massachusetts**

**MA HB 3538 (2013, enacted)** – Among other school nutrition topics, provides for incorporating obesity prevention programs, including nutrition and wellness programs, into school curriculum to help children acquire the nutrition and lifestyle habits needed for healthy development.

**Oregon**

**OR HB 2649 (2013, enacted)** – Among other requirements for the state’s education department regarding grant funds awarded to encourage the purchase of healthy school foods, resets requirements so at least 10 percent of funds must be used for food-based, agriculture-based or garden-based educational activities.

**Farm to School**

Bringing fresh, healthy food into school cafeterias requires more than setting new nutrition standards. To implement school nutrition goals, increase students’ knowledge of nutrition and agriculture, and bolster local agricultural economies by growing the school market, many states have created and funded farm-to-school programs. Research that examined a farm-to-school grant and agricultural education program created in 2011 in Oregon found that programs to encourage use of local food in schools can be successful if the amount of extra fund-
ing—7 cents per meal in Oregon—directed toward purchase is large enough to help develop relationships with farmers and new food systems. The study also found a significant economic multiplier effect from the purchase of local goods. An Oregon health impact assessment of the farm-to-school legislation concluded that the funding increase also could lead to higher meal participation rates and better nutrition for students. A 2008 review of 15 studies related to the effects of farm-to-school programs on students, teachers and administrators, food service workers, farmers and producers, and parents—as well as knowledge gains and attitudinal changes—found many positive results from the programs. Of 11 studies reviewed that related to students’ choice to consume produce, 10 found that positive dietary behaviors result when students are served more fruits and vegetables, especially when the product is fresh, locally grown, picked at the peak of flavor, and when access to produce in schools is supplemented by educational activities. Eight of these studies focused on cafeteria salad bar programs, and seven found an increase in the range of 25 percent to 84 percent more fruit and vegetable servings consumed by students who were offered cafeteria salad bars. All three studies of parental education as part of farm-to-school programs reported positive changes, including 90 percent of parents who self-reported improvements in grocery shopping patterns, conversations with children about food choices and cooking at home; 32 percent who bought more local food and observed improved family diet; 45 percent who were willing to pay more for school meals that contain fresh local farm food; and 90 percent who believe that lessons about food, farms and nutrition would affect children’s food choices in the future. In the third study, 97 percent of parents self-reported that buying local foods was important or somewhat important to them.

Federal actions also have facilitated development of farm-to-school food systems. In 2008, Congress amended laws governing school food programs and directed the U.S. Department of Agriculture (USDA) to allow schools to exercise a geographic preference for food purchases. The USDA issued flexible regulations implementing the law in 2011 so schools can use a “geographic preference” to procure locally grown and locally raised unprocessed or minimally processed agricultural products for school meals. Schools themselves define what “local” means; some reference a certain number of miles from the school, others within a specific county, within the state, multiple states in a region, or discrete parts of several states (i.e., specific counties). The federal rules permit schools to spend up to $150,000 for local food products (known as the small purchase threshold) without a formal competitive bidding process, but state and local regulations may set lower small purchase thresholds, and schools must follow the most restrictive threshold or seek competitive bids. Schools that purchase local foods are not limited to fruits and vegetables. According to a 2014 USDA review, local food that reaches school meal trays includes everything from salad bar fresh fruit and vegetables to wheat in pizza crust, beans in chili, rice in stir fry, turkey in sandwiches, and cheese in quesadillas. All types of agricultural producers participate too, including farmers, ranchers and fishermen and many types of food businesses, including food processors, manufacturers and distributors.

In 2012-2013, school nutrition legislation that included a focus on farm-to-school programs was enacted in at least nine states. Among the laws were those to create, fund and continue a variety of farm to school programs and supports, such as task forces and databases to connect producers and schools. In addition, one state, North Dakota, recognized the benefits of farm to school programs by executive action.

**Alaska**

AK SB 28 (2013, enacted) – Provides $3 million funding for the Nutritional Alaskan Foods for Schools program for fiscal year 2014 to encourage schools to purchase nutritious Alaska-grown, caught or harvested foods.

AK SB 160 (2012, enacted) – Establishes a pilot program for Nutritional Alaskan Foods for Schools to encourage schools to purchase nutritious Alaska-grown, caught or harvested foods; and provides $3 million funding for the program for fiscal year 2013.
Colorado

CO SB 153 (2013, enacted) – Continues Colorado’s interagency farm-to-school coordination task force indefinitely. Adds task force members from colleges or universities, a school principal or a teacher, and a higher education food services management representative. Makes tracking progress a group task and requires the task force to report its progress, findings and recommendations to the education committees of the House of Representatives and the Senate, the Senate Agriculture and Natural Resources Committee, and the House Agriculture, Livestock, and Natural Resources Committee, or any successor committees, by Feb. 1, 2015, and every February 1 every two years thereafter.

Georgia

GA HB 17 (2013, pending, carryover to 2014) – Would create a Farm-to-School program in Georgia to promote the sale of Georgia-grown farm products by schools in the state, including creation of a database of farmers interested in selling agricultural products to schools.

GA HR 558, GA SR 430 (2013, resolutions adopted) – Commends school districts participating in the Farm-to-School 5 Million Meals Campaign and recognizes that Georgia agencies, schools, parents, students, farmers, and communities are collaborating and working together to reduce childhood obesity. Recognizes that farm-to-school programs represent an innovative opportunity for a comprehensive approach to improving child nutrition, thus improving academic performance, and that also provides local market opportunities for Georgia farmers.

Hawaii

HI HR 184 (2013, pending, carryover to 2014) – Would declare October as Farm-to-School month in Hawaii and would request the department of education and the department of agriculture to cooperate to create and implement a farm-to-school program in the state’s public schools.

Mississippi

MS HB 718 (2013, enacted) – Creates an Interagency Farm-to-School Council and directs it to meet at least quarterly, starting no later than Aug. 1, 2013, to facilitate purchase and use of locally grown and raised agricultural products in school meals in order to improve school food quality. Also encourages community organizations, restaurants, grocery retail stores, and other local organizations and businesses to purchase more local agricultural products. Defines local agricultural products as food products grown on Mississippi farms or gardens, including, but not limited to, fruits, vegetables and nuts grown in Mississippi; meat, poultry, eggs, dairy, fish, seafood and other aquatic products produced in Mississippi; and products processed into value-added products that are grown or produced in Mississippi. Aims to support the state economy by generating new income for Mississippi farmers. Requires an annual report from the council to the Legislature beginning Jan. 1, 2015. Sunsets the council’s existence as of July 1, 2015.

Montana

MT HB 4 (2013, enacted) – Directs all remaining fiscal year 2013 federal budget amendment authority for the fiscal year 2011 specialty crop block grant program to develop efficiencies in food processing for rural farm-to-school programs through school food nutrition service cooperative agreements and authorizes them to continue into federal fiscal year 2014.

Nevada

NV AB 337 (2013, enacted) – Encourages public schools to establish and participate in farm-to-school programs to promote fruit and vegetable consumption.

North Dakota

ND Executive Action (2013) – A proclamation by North Dakota’s governor recognized Sept. 15-21, 2013, as North Dakota Farm-to-School week.
West Virginia
WV SB 663 (2013, enacted) – As part of a newly created Feed to Achieve school nutrition program, encourages development of farm-to-school programs.

Wisconsin
WI AB 40 (2013, enacted) – Among other provisions in the state budget, appropriates $250,000 for farm-to-school grants.

BODY MASS INDEX OR STUDENT FITNESS SCREENING AT SCHOOL

Body mass index (BMI) is a measure of whether a person's weight is healthy in proportion to height. The calculations also take into consideration age and gender. Body mass index is widely accepted as an indicator of body fat content and as a screening tool to identify weight problems that can lead to poor health. The ease of measuring height and weight, without use of expensive equipment, makes BMI screening convenient and has led to policies in several states that require such screening at school, where all children can participate.

Legislation that requires individual student BMI measurement has been enacted in some states to help identify children with weight-related health risks. Aggregate BMI data reporting requirements are in place in other states to provide a picture of community health, monitor statewide obesity trends, or evaluate the results of programs intended to reduce or prevent obesity. Individual BMI results generally are sent to parents in a confidential letter with suggestions for making healthy changes, which can help motivate families to adopt healthier habits. When screening identifies obesity-related health risks, such as type 2 diabetes, it is important to provide parents with information about how to seek further evaluation and appropriate follow-up. Including BMI measurement as an element of a broader student fitness assessment has become a recent trend in state legislation.

Legislation related to student BMI or fitness screening was enacted in Ohio in 2012 and in South Carolina in 2013. New Jersey legislation to require BMI screening was introduced in both the Assembly and the Senate in 2012 and carried over to 2013 but was not enacted. Bills on BMI screening or fitness assessment were introduced in Massachusetts, New York and Oklahoma in 2013 and carried over into 2014. Student BMI measurement also was proposed but not enacted for individual students in Mississippi and for aggregate BMI data in Montana. In addition, a measure to repeal student body mass index measurement introduced in Arkansas (AR HB 2194) failed in 2013.

Massachusetts
MA HB 2634 (2013, pending, carryover) – Would require, among other items as part of a childhood obesity prevention program, measuring the body mass index percentile of each student by trained school personnel or others approved by the department and, in accordance with guidelines of the department, in grades one, four, seven and 10; in the case of ungraded classrooms, by a student’s seventh, 10th, 13th and 16th birthdays.

MA HB 2024 (2013, pending, carryover) – Would prohibit the department of public health from collecting data on student height and weight or calculating the body mass index of a student.

New York
NY AB 2517, AB 2565, SB 2363, SB 2437 (similar) (2013, proposed, pending, carryover) – Would require schools to measure, report and analyze body mass index and weight status category of its students.
Ohio

OH SB 316 (2012, enacted) – Allows schools to screen students for body mass index and weight status category and report aggregate data to the director of the state department of health. Also requires that public and charter schools limit beverages—other than milk sold during the regular and extended school day in the food service program, vending machines and school stores—to water or other beverages that contain no more than 10 calories per eight ounces.

Oklahoma

OK HB 1670 (2013, proposed, pending, carryover) – As part of a new RIGHTTRACK act, would require the opportunity to attend health and wellness school assemblies to be used as a tool to educate and identify children who may be at risk for poor nutrition and to provide health and wellness education with materials from the Centers for Disease Control and Prevention that provide information about healthy foods, body mass index and exercise. At the health and wellness assemblies, BMI calculation would be available as a tool to screen and identify students who may be at risk for poor nutrition. Parents or guardians of a student whose BMI is measured would receive a confidential health report, including the student’s BMI screening results, along with basic educational information explaining the results.

South Carolina

SC HB 3710 (2013, enacted) – Among other measures to address obesity in this appropriations bill, requires school districts to report to the state health department information regarding their progress toward meeting provisions of the Student Health and Fitness Act of 2005, specifically: the average number of minutes students exercise weekly; results of the South Carolina Physical Education Assessment; efforts to promote healthy eating patterns; assessment of school district health education programs; snacks in vending machines; and health curriculum. Gives the health department authority to collect, compile and assess the state and school districts’ progress in meeting these goals, with the overarching goal of facilitating an environment that decreases residents’ body mass index.

DIABETES SCREENING AND MANAGEMENT AT SCHOOL

As the number of obese and overweight children has risen, type 2 diabetes (formerly called adult-onset diabetes) is increasingly being diagnosed in school children. Screening for diabetes at school can help identify students who are at risk and, coupled with nutrition and physical activity policies, help prevent type 2 diabetes in children and reduce childhood obesity. Noninvasive diabetes risk screening at school was enacted or proposed in a number of states in 2012-2013. A New York bill that carried over into the 2012 session would have required students with risk factors associated with type 2 diabetes—such as obesity—to be tested upon admission to public schools and periodically thereafter. A number of other states are responding to the needs of children already diagnosed with diabetes to prevent further complications by creating policies to facilitate diabetic care for students at school, such as requiring training for school personnel who may volunteer to provide diabetes care for students or limiting the liability of caregivers and schools that provide such care.

Laws enacted in 2012-2013 now provide for student diabetes care or self-care at school or permit medication administration by, and/or liability protections for, school personnel responding to diabetic students in emergencies in Arizona, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Missouri, Montana, Nebraska, New Jersey, Rhode Island, Tennessee, Texas, Utah, Virginia, West Virginia and Wisconsin. Alabama adopted a legislative resolution in 2012 to study training school personnel to provide care to students with diabetes. A California lawsuit settled in August 2007 interprets federal laws that guarantee equal educational opportunities for children with disabilities to require schools to have personnel trained and available to help diabetic students.
Alabama

**AL SJR 83 (2012, enacted)** – Created a legislative interim study committee to review whether it is feasible to train school personnel to whom such authority is delegated to administer insulin and glucagon in order to provide care for diabetic students at school.

Arizona

**AZ HB 2042 (2013, enacted)** – Allows schools to designate two or more school employees to serve as voluntary diabetes care assistants. Subject to final approval of the voluntary diabetes care assistants by the parent or guardian, the assistants may administer insulin, help pupils self-administer insulin, or administer glucagon in an emergency situation. The volunteer diabetes care assistant must provide the school with a written statement signed by a licensed health professional stating that the voluntary diabetes care assistant has received proper training, including techniques for determining the proper insulin dose based on standing orders from the pupil’s physician. Requires a pupil’s parent to provide all diabetes equipment and supplies.

Arkansas

**AR SB 361 (2013, enacted)** – Allows school volunteers, who have received signed parental permission and have completed required training, to administer glucagon to students with diabetes in accord with a student’s plan under federal law, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §701 et seq., as of July 1, 2013.

Connecticut

**CT HB 5348 (2012, enacted)** – Allows students to self-test for blood glucose levels while at school with written authorization from a parent and a physician’s order stating that the student is capable of self-testing. Allows qualified school employees to volunteer to administer glucagon to diabetic students in an emergency.

Georgia

**GA HB 879 (2012, enacted)** – Provides for diabetes care and self-management for elementary and secondary school students. Recognizes that the school nurse is the preferred person to provide student diabetes care, but allows other school employees to become trained diabetes personnel to perform diabetes care tasks at school when a nurse or other health care professional is not available.

Missouri

**MO HB 675 (2013, enacted)** – Directs the state department of education, in consultation with the Department of Health and Senior Services, the American Diabetes Association, the American Association of Diabetes Educators, the School Nurses Association, the Diabetes Control Program, and the state board of nursing to develop guidelines for training about diabetes care to a minimum of three volunteer school employees at each school that has a student with diabetes. Requires the school nurse or another health care professional with diabetes expertise to provide volunteer follow-up training and supervision as needed. Allows trained school personnel to administer glucagon or insulin or to help a student administer insulin through the insulin delivery system the student uses. Requires the parent or guardian of a student with diabetes who seeks diabetes care at school to submit a diabetes medical management plan to the school.

Virginia

**VA HB 1291 (2012, enacted)** – Authorizes trained school employees, with parental consent, to help administer glucagon or insulin during the school day to students with applicable prescriptions, if a licensed nurse is not present to administer the medication to students with diabetes or hypoglycemia.
JOINT OR SHARED USE AGREEMENTS FOR SCHOOL FACILITIES

A joint or shared use agreement is a formal agreement between two separate entities—often a school district and a city or county government—that defines the roles, responsibilities, terms and conditions for the shared use of public property. Many communities lack safe places to exercise and play near where people live and work. Opening school fields, tracks, courts, playgrounds and gymnasiums to the public, when not in use by students, is a low-cost way not only to encourage more people to be physically active, but also to achieve maximum value for funds appropriated by legislatures for school facilities. Joint or shared use agreements allow town, city or county governments to work with school districts to share school facilities with the community and also address liability, staffing, maintenance, hours and cost-sharing issues. In 2012-2013, five states—Arkansas, California, Florida, Kansas and Texas—enacted legislation to help enable or encourage joint or shared use agreements to allow community members to use school recreational facilities for physical activity when not in use by students.

Arkansas
AR SB 1062 (2013, enacted) – Allows the use of public school facilities for community activities to promote the public health and well-being of school communities by providing that, at times other than the regular instructional school day, a school district may permit members of the community to use school land or facilities for community purposes, including social and civic events, recreation, and health and wellness activities. Provides that school districts may charge a fee to offset the cost of community use of school facilities and may also accept gifts, grants or donations from the private sector, local government and the federal government and may enter into joint use agreements with other public or private entities or nonprofit organizations for shared use and responsibility of school land or a public school facility.

AR SB 233 (2013, enacted) – Among other education budget items, appropriates $500,000 to support joint use of school facilities.

AR SB 51 (2012, enacted) – Appropriates $500,000 for school facility joint use support.

California
CA AB 1359 (2013, enacted) – As part of planning for approval of a tentative or parcel subdivision map to include dedicated park and recreation land, provides that a city, county or other local agency to which park land or fees in lieu of land are conveyed or paid may enter into a joint or shared use agreement with one or more other public districts in the jurisdiction. These include, but are not limited to, a school district or community college district, in order to provide access to park or recreational facilities to residents of subdivisions with fewer than three acres of park area per 1,000 people.

CA AB 806 (2012, enacted) – Among technical conforming changes to the Davis-Stirling Common Interest Development Act, notes that nothing in this law is intended to limit or discourage the joint use of school facilities.

Florida
FL HB 277, FL SB 396 (similar) (2013, introduced; 2014, pending) – Finds that greater access to recreation and sports facilities is needed to reduce the effects of obesity on personal health and health care expenditures. Would give school districts discretion to enter into joint-use agreements with local governments or private organizations or to adopt public access policies for indoor or outdoor recreation and sports facilities on public school property. Observes that joint-use agreements or public access policies content should specify the facilities to be used, dates and times of use, and terms and conditions governing use of the facilities and may also include provisions for liability insurance coverage and indemnification of the school district. Authorizes school districts to enter into joint-use agreements or adopt public access policies and provides immunity from liability except for gross negligence or intentional misconduct.
Kansas
KS SB 316 (2012, enacted) – Among other items related to a wildlife department reorganization, allows the department to contract with school boards for the joint use and improvement of school lands for park and playground purposes.

Texas
TX HB 1018 (2013, enacted) – Provides for establishing community partnerships to develop policy recommendations for increasing physical activity and improving fitness among public school students. Among other provisions, encourages, if feasible, joint use agreements or strategies for collaboration between school districts and community organizations or agencies. Requires joint use agreements between school districts and community organizations to address liability issues for the school district and community organization or agency.

Physical Activity or Physical Education in School and School Recess

The first national Physical Activity Guidelines for Americans, issued by the U.S. Department of Health and Human Services in October 2008, recommend 60 minutes of age-appropriate, enjoyable and varied daily, moderate-to-vigorous physical activity for children.\(^{26}\) Developed by experts in exercise science and public health, the Guidelines are based on research about the benefits of physical activity and recommended activity levels.\(^{27}\) For children, physical activity during the school day not only provides health benefits—such as strengthening the heart, muscles and bones—but also can increase academic achievement.\(^{28}\)

Before the Guidelines were issued, the National Association for Sport and Physical Education (NASPE) had recommended that all children from prekindergarten through grade 12 receive daily physical education taught by certified specialists, and that schools have appropriate physical education class sizes, facilities and equipment. NASPE recommends 150 minutes per week of physical education for elementary school students and 225 minutes per week for middle and high school students, with qualified physical education teachers providing a developmentally appropriate program and a teacher-student ratio similar to other classroom settings.\(^{29}\) Excellent physical education programs nurture enjoyment of physical activity and set the stage for an active lifestyle in all children, regardless of athletic ability.

Currently, almost 30 percent of children do not exercise even three days per week.\(^{30}\) Only 17 percent of high school students say they exercise the minimally recommended one hour daily.\(^{31}\) In May 2014, the National Physical Activity Plan Alliance and the American College of Sports Medicine released a U.S. Report Card on Physical Activity for Children and Youth with a comprehensive evaluation of physical activity levels among children and youth; it concluded that less than half of U.S. children and youth are meeting physical activity recommendations.\(^{32}\)

Both the cost of physical education programs and an emphasis on academics sometimes have been considered barriers to increasing physical education in schools, but recognition is growing that physical activity during the school day can increase academic achievement. Legislators have considered and enacted laws to support physical education programs in schools to bridge this gap. Policy approaches to increasing physical activity at school include setting physical education time standards at all grade levels, providing for daily physical education classes, and preserving time for recess or classroom activities during the school day that include moderate to vigorous physical activity.

At least 10 states—Arkansas, California, Illinois, New Mexico, North Carolina, Ohio, Rhode Island, South Carolina, Texas and Virginia—enacted legislation or adopted resolutions related to physical education or physical activity at school in 2012 or 2013. In Massachusetts and New York, legislation on these topics remains pending in May 2014. States took varying approaches to the use of recess time for physical activity during the
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school day. A law enacted in Arkansas requires consideration of how to preserve time for recess during the school day. An Ohio law requires science, technology, engineering and mathematics pilot schools to provide at least 30 minutes daily or 150 minutes weekly of moderate to rigorous physical activity for students but does not allow counting recess time toward those requirements. In Massachusetts, legislation remained pending in 2013 to require 30 minutes of moderate to vigorous physical activity during the school day through either formal physical education or other programs, and to allow active time in recess to be counted toward the requirement. A legislative resolution adopted in Illinois in 2012 encourages action on childhood obesity prevention policies, including physical education supplemented with additional school-based physical activity opportunities, such as recess; and Illinois also created an enhanced physical education task force.

Arkansas
AR SB 1051 (2013, enacted) – Launches a Whole Child Recognition Program to create a framework for recognizing community and state efforts to ensure that all children receive comprehensive support from the entire community. Requests that the Whole Child working group consider how to provide elementary and middle school students with a daily recess of at least 20 minutes; provide quality physical education instruction; offer opportunities for elementary, middle and high school students of all abilities to participate in a wide variety of intramural and extracurricular activities that provide them with positive physical, social and emotional experiences; and integrate movement into lessons and across the school day. Also provides for efforts to reinforce healthy eating patterns by offering students nutritious and fresh food choices as part of both routine food services and special programming and events.

California
CA AB 1464 (2012, enacted) – Among other state budget items for FY 2012-2013, provides funds for physical education instructional support and to support hiring more credentialed physical education teachers through a state incentive, conditioned in part on meeting physical education minute requirements or providing a plan to the county office of education that corrects any deficient physical education minutes for the following school year.

CA AJR 27 (2012, resolution adopted) – Commemorates the 40th anniversary of federal Title IX to provide for fair treatment of female student athletes, on June 23, 2012.

Illinois
IL HB 3374 (2012, enacted) – Establishes a multidisciplinary Enhance Physical Education Task Force to promote and recommend enhanced physical education programs that can be integrated within a broader wellness strategy and health curriculum in elementary and secondary schools. Includes in the task force’s purposes educating and promoting leadership among district and school officials; developing and using metrics to measure effectiveness; promoting training and professional development; and identifying resources for enhanced physical education. Required the task force to report to the governor and the General Assembly by Aug. 31, 2013, with recommendations for updating Illinois’ learning standards for physical development and health, including consideration of neuroscience research about the relationship between physical activity and learning.

IL HB 605 (2012, enacted) – Improves Illinois school report cards to include, among other information, reporting on physical education average number of days per week per student and school wellness initiatives at individual schools. Enhanced school report cards are part of the governor’s school performance improvement initiative.

IL HR 24 (2013, resolution adopted) – Recognizing that poor diet and lack of exercise are the two main causes of childhood obesity, urges school teachers and administrators statewide to promote 60 minutes of daily physical activity for school children so they will enjoy healthier, active lifestyles. Urges parents and their children to embrace better nutrition education to further build healthier lifestyles.
**IL HR 783 (2012, resolution adopted)** – Encourages action on policies to address obesity, such as increasing access to healthier foods and decreasing marketing of foods and beverages of low nutritional value, particularly to youth; changing school environments to promote health through coordinated key components such as physical education, health education, nutrition services, staff wellness, and family and community involvement; and daily, quality physical education for early childhood education programs and all students in grades K-12, supplemented with additional school-based physical activity opportunities, such as recess, physical activity in the classroom, classroom breaks, intramural sports and walk-to-school programs.

**Massachusetts**

**MA HB 2634 (2013, proposed, carryover)** – As part of proposed legislation to create a program to reduce childhood obesity, would require that, if a school does not teach formal physical education classes daily, all students should have at least 30 minutes of daily physical activity either in the classroom or during recess.

**MA HB 478 (2013, proposed, carryover), MA SB 2047 (new draft, 2014)** – Would require physical education for students in all grades in public and charter schools. For students in grades K-8, would require a minimum of 30 minutes of daily of moderate to vigorous physical activity that could be completed through regular physical education, physical activities, recess, classroom energizers or other curriculum-based physical education activity programs. Would also establish a Healthy Kids Award program to reward K-12 schools that implement policies and practices that create opportunities for students to be physically active and make healthy food choices available throughout the school day.

**New Mexico**

**NM HM 3, SM 10 (2012, resolutions adopted)** – Both resolutions support outdoor opportunities for children by encouraging the state land office, the tourism department and the department of health to develop and advertise outdoor programs for children, including opportunities on New Mexico state-owned lands, activities in and around schools, such as outdoor gardening and increased physical education; and outdoor and natural resource job and skills training.

**New York**

**NY SB 135 (2013, proposed, carryover)** – States that the United States is confronting a devastating obesity epidemic, that the primary causes of childhood obesity are lack of physical activity and poor diet, and that the epidemic will cost billions more dollars if not reversed. In response, would direct the commissioner of education to create a pilot program to improve physical education and physical activity programs in at least 10 public elementary, middle or high schools in the state—or more if there is interest and funding is available—to participate in a two-year pilot program aimed at improving physical education and physical activity programs. Seventy-five percent of the schools selected would be located in New York City, and the remainder would be selected based upon applications for pilot program participation from schools where: 1) at least 50 percent of the students qualify for federal free and reduced lunches; 2) school facilities and/or resources to implement a physical education program are limited; and 3) the school would be able to provide a “site coordinator,” including, but not limited to, a member of the facility or member of a parent/teacher organization. Also notes that student-teacher ratios for physical education in New York City are an estimated 730 to 1 and, although New York state requires physical fitness education in schools, many schools have difficulty implementing the requirements due to limited funding and/or space.

**NY AB 2517 (2013, proposed, pending)** – Would require physical education for all pupils age 8 and older, including those with disabilities or in alternative education programs in all elementary and secondary schools under the direction of the commissioner of education as the state board of regents may determine, with the goal of developing students’ character, citizenship, overall physical fitness and good health. Where feasible, would include daily physical exercise or activity. Would require a minimum of 120 minutes per week in physical edu-
cation, exercise or activity for secondary school pupils. Would allow regents to provide for a two-year phase-in schedule for daily physical education in elementary schools.

**NY SB 2374 (2013, proposed, pending)** – Omnibus obesity and respiratory illness reduction act would, among other provisions, allow the board of regents to provide in its rules that the physical education instruction requirement for all students enrolled in elementary and secondary school grades shall, where feasible, include daily physical exercise or activity, including students with disabling conditions and those in alternative education programs. Would require secondary school students to participate in physical education, exercise or activity for a minimum of 120 minutes during each school week. Would allow board of regents to provide in its rules for a two-year phase-in schedule for daily physical education in elementary schools. Would require instruction about the long-term health risks associated with obesity and methods for preventing and reducing obesity, including good nutrition and regular exercise, as an integral part of required health, science or physical education courses. Would also require after-school programs to present some form of educational instruction or academic material or promote physical education. Includes additional provisions on school nutrition.

**North Carolina**

**NC SB 402 (2013, enacted)** – Among other provisions in this appropriations bill, provides for promoting healthy physical education, sports policies and practices.

**Ohio**

**OH HB 59 (2013, enacted)** – Among appropriations for the two year period beginning July 1, 2013, and ending June 30, 2015, funds physical education in schools. Reaffirms requirement for one-half unit of physical education for high school graduation; allows school districts to grant physical education credit for participation for two full seasons in interscholastic athletics, marching band or cheerleading, or in ROTC for two full years. Schools established as science, technology, engineering and mathematics pilot programs must provide at least 30 minutes of moderate to rigorous physical activity each school day or at least 150 minutes of moderate to rigorous physical activity each week, exclusive of recess. A school-sponsored physical activity before or after the regular school day at which attendance can be verified meets the physical activity requirement. Requires physical education teachers to hold a valid license. Requires an annual report, as prescribed by the department, of how the districts or schools have implemented the 30 minutes of daily physical activity requirement and the financial costs of implementation.

**Rhode Island**

**RI HR 8196 (2012, resolution adopted)** – Proclaims May 23, 2012, as “Shape Up Rhode Island Day,” while also recognizing that obesity has become epidemic in the United States.

**South Carolina**

**SC HB 3710 (2013, enacted)** – Among other measures to address obesity in this appropriations bill, requires school districts to report to the state health department information regarding their progress toward meeting provisions of the Student Health and Fitness Act of 2005, specifically: the average number of minutes students exercise weekly; results of the South Carolina Physical Education Assessment; efforts to promote healthy eating patterns; assessment of school district health education programs; snacks in vending machines; and health curriculum. Gives the health department authority to collect, compile and assess state and school districts’ progress in meeting these goals, with the overarching goal of facilitating an environment that decreases body mass index in the state.

**Texas**

**TX HB 1018 (2013, enacted)** – Provides for establishing community partnerships to develop policy recommendations for increasing physical activity and improving fitness among public school students. Requires local
school health advisory councils to establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make an annual report that includes policy recommendations to increase physical activity and improve fitness among students. Encourages, if feasible, joint use agreements or strategies for collaboration between the school district and community organizations or agencies. Any joint use agreement that a school district and community organization or agency enter into based on a recommendation of the local school health advisory council must address liability for the school district and community organization or agency in the agreement.

**Virginia**

**VA HB 2028 (2013, enacted)** – Among other provisions related to school instructional programs, addresses physical activity at school by requiring local school boards to incorporate a goal for implementation of a program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year into school wellness policies. Allows fitness programs to include any combination of physical education classes, extracurricular athletics, or other programs and physical activities deemed appropriate by the local school board.

**PreSchool Obesity Prevention**

Previous research reported that obesity rates doubled in the past 40 years among 2- to 5-year-old children. By 2011, 21 percent of children in that age group were reported to be overweight, and half of those obese, according to reports from the Institute of Medicine and the Centers for Disease Control and Prevention (CDC). In 2013, CDC researchers released a new preschool obesity trends report showing progress for some very young children in addressing and preventing childhood obesity. According to this recent CDC report, although one of eight preschoolers in the United States is obese, a small but significant decline has occurred in obesity from 2008 through 2011 among low-income preschoolers in 19 of 43 states and territories. Florida, Georgia, Missouri, New Jersey, South Dakota, and the U.S. Virgin Islands had the largest decreases in obesity prevalence, each with a decrease of at least 1 percentage point. Twenty states and Puerto Rico experienced no significant change, and preschool obesity prevalence increased significantly in three states. It is worth noting that, although a definitive cause for this progress has not yet been identified, some attribute it to policies and programs that address the availability of healthier food, safe play areas, nutrition education and training for child care workers, and other improvements in day care and preschool settings aimed at establishing healthy habits early in life and providing healthier eating and physical activity options for the youngest Americans.

A legislative resolution adopted in Illinois in 2012 calls for quality physical education in early childhood education programs, among other efforts to prevent childhood obesity.

**Illinois**

**IL SR 624 (2012, resolution adopted)** – Designates September 2012 as Childhood Obesity Awareness Month in Illinois and recognizes multiple strategies to promote health by addressing key components such as physical education, health education, nutrition services, staff wellness, and family and community involvement; daily, quality physical education for early childhood education programs and all students in grades K-12, supplemented with additional school-based physical activity opportunities, such as recess, physical activity in the classroom, classroom breaks, intramural sports, and walk-to-school programs; and ensuring complete streets for all users, including pedestrians, bicyclists and motorists.
School Wellness Policies

The federal Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) required each local school district participating in the National School Lunch and Breakfast programs to establish a local wellness policy by the beginning of the 2006-2007 school year. School districts were required to involve a broad group of stakeholders to develop wellness policies and set goals for nutrition education, physical activity, campus food provision and other school-based activities designed to promote student wellness. School wellness policies varied in strength and completeness, however, and assessments of the implementation status range from nearly complete to inconsistent.

Research, including a recent study in King County, Wash., has shown that broad, community-wide initiatives to promote wellness and reduce obesity can be effective. In 2012, King County implemented a Communities Putting Prevention to Work (CPPW) initiative in its low-income school districts to address geographic inequities in obesity rates. Comparing CPPW to non-CPPW school districts before and after the intervention (2010 versus 2012), youth obesity prevalence showed a statistically significant decrease in CPPW schools, while no such change occurred in the remainder of the state or non-CPPW schools. Researchers concluded that these findings suggest that school-based policy, systems and environment changes might help to reduce youth obesity.

The bipartisan Healthy, Hunger-Free Kids Act of 2010 directed USDA to set guidelines for local school wellness to include policies in areas such as setting goals for nutrition education and physical activity, informing parents about policy contents and implementation, and periodic progress assessments and updates. As part of local school wellness policies, proposed USDA guidelines would ensure that foods and beverages marketed to children in schools are consistent with the Smart Snacks in School standards released by USDA in 2014. The goal is to ensure that the school food environment, including advertisements or marketing at schools, reinforces the importance of healthy choices throughout the school day.

State legislation, with or without referencing federal requirements, has helped to fill gaps or encourage implementation of a variety of school wellness policies. In 2012, Connecticut, Louisiana and Mississippi enacted legislation to pilot coordinated school-based health and wellness programs, and Massachusetts provided funding for school-based health centers in both public and non-public schools that incorporate obesity prevention programs—including nutrition and wellness programs—into school curricula. Illinois added reporting on school wellness initiatives as part of school and school district report cards.

Connecticut
CT HB 6001b (2012, enacted) – Among other budget provisions, effective July 1, 2012, establishes a year-long, coordinated school health pilot program to provide grants to two educational reform districts selected by the commissioner of education for coordinating school health, education and wellness and reducing childhood obesity. Provides that the pilot program should enhance student health, promote academic achievement and reduce childhood obesity by bringing together school administrators, teachers, other school staff, students, families and community members to assess health needs, set priorities and plan, implement and evaluate school health activities. Requires program components at a minimum to include: school nutrition services, physical education, a healthy school environment, staff health and wellness, family and community involvement, health education and services, school counseling, and school psychological and social services.

Illinois
IL HB 605 (2012, enacted) – Improves Illinois school and school district report cards to include, among other information, reporting on physical education average number of days per week per student and school wellness initiatives. Enhanced school report cards are part of the governor’s school performance improvement initiative.
Louisiana
LA HB 867 (2012, enacted) – Authorizes the University Medical Center in Lafayette to cooperate with the Lafayette Parish School System to develop a pilot program for coordinated school health and wellness centers.

Massachusetts
MA HB 4200 (2012, enacted) – Among other funded programs, provides for school health services and school-based health centers in public and nonpublic schools that incorporate obesity prevention programs, including nutrition and wellness programs, in school curricula to address the nutrition and lifestyle habits needed for healthy development.

MA HB 3401 (2013, enacted) – Among other appropriations items, provides for incorporating obesity prevention programs, including nutrition and wellness programs, into school curriculum to address nutrition and lifestyle habits needed for healthy development.

MA SB 246 (2013, proposed, carryover) – Would provide for physical activity goals to be incorporated into school wellness plans, including those for charter schools.

Mississippi
MS SB 2572 (2012, enacted) – As part of science-based wellness programs in the state designed to address student inactivity and obesity, authorizes the State Board of Education to consult with the state health department to establish a school health pilot program in local school districts beginning with the 2012-2013 school year.

Rhode Island
RI HB 6291, RI SB 513 (2013, enacted, similar) – Both laws provide that local school health and wellness subcommittees are to be responsible for, among other matters, developing policies, strategies and implementation plans to promote purchasing and serving locally grown fruits, vegetables and dairy products in schools.

Virginia
VA HB 2028 (2013, enacted) – Among other provisions related to school instructional programs, requires local school boards to incorporate into school wellness policies a goal for implementation of a program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Allows those programs to include any combination of physical education classes, extracurricular athletics, or other programs and physical activities deemed appropriate by the local school board.

Community or State-Level Policies for Healthy Food and Physical Activity

ACCESS TO HEALTHY FOODS

In 2012-2013, state legislation to improve access to healthy foods in underserved communities was enacted in Maine and New Jersey, and the Illinois governor announced creation of a $10 million Fresh Food Fund to finance grocery retail development. Legislation to establish a Food Trust was proposed in 2013 and remains pending in Massachusetts. Similar legislation was proposed, but not enacted, in Mississippi in 2013. The recently passed federal farm bill authorizes $125 million for the federal Healthy Food Financing Initiative (HFFI) that provides one-time grants and loans to healthy food retail outlets, including grocery stores, farmers’ markets, co-ops, and public markets that want to open retail facilities in low-income urban or rural communities.

A California study found a strong correlation between living in the most unhealthy food environments and increased rates of obesity and type 2 diabetes. Other studies continue to show a strong link between access to
healthy food options and diet. A study in rural Mississippi, for example, found that adults who live in counties where food access is limited were 23 percent less likely to eat the recommended amount of fruits and vegetables.36

Illinois
Executive Action (July 2012) – The governor announced a $10 million program, the Illinois Fresh Food Fund, to increase the availability of fresh food in Illinois communities and neighborhoods. This new public-private partnership, based on best practices in other states, will provide financing to independent grocery store operators and developers to create full-service grocery stores in underserved areas. The stated goal of the program is to combat childhood obesity, improve health and wellness, and boost the state’s economy by stimulating grocery store development and increasing the availability of fresh food in documented low-access areas. To accomplish the goal, the state will partner with IFF (formerly Illinois Facilities Fund), a nonprofit community development financial institution that is part of the Coalition of Community Development Financial Institutions (CDFI), which will administer the fund.

Massachusetts
MA SB 380 (2013, proposed, pending, designated “ought to pass”) – Would create a Food Trust program authorizing Community Development Financial Institutions (CDFI) to develop and implement flexible financing programs, including loans, grants and technical assistance to support development, renovation and expansion of supermarkets, farmers’ markets and other retailers selling healthy foods in underserved communities. Would also authorize CDFIs to work with existing state and federal agencies such as the Massachusetts Capital Access Program and the U.S. departments of Treasury, Health and Human Services and Agriculture to participate in this financing effort, and to consult with the state Food Access Organization to analyze market opportunities in underserved communities, conduct outreach and marketing to food retailers, determine applicants’ site eligibility, and secure grants from private sources. Would require CDFIs in underserved areas to cooperate with the Massachusetts Food Policy Council to promote and develop farmers’ market programs within the targeted communities where local Massachusetts growers would have the opportunity to market fresh grown produce and educate residents about the nutritional importance of their product. Requires an annual impact report from the CFDI to the Massachusetts Food Policy Council with information collected from supermarkets, farmers’ markets or food stores about 1) the recipients of CDFI benefits, 2) the total amount of money obtained by each recipient, and 3) the number of employees in each supermarket, farmers’ market or food store.

MA HB 2011, substituted by MA HB 3975 (2013, proposed, pending) – Would require all foods or beverages sold through vending machines located in government buildings or on property owned or managed by the state to comply with nutritional standards to ensure healthy food, beverage and snack choices in vending machines on state property.

MA HB 3504/MA HB168 (2013, proposed, similar, carryover) – Would create a Massachusetts Food Trust program to expand access to healthy foods by establishing a financing infrastructure to expand consumer access to healthy food options in nutritionally underserved urban, rural and suburban communities. Would use community development financial institutions to provide flexible financing programs, grants and loans to support food stores, farmers’ markets, existing farms and fishing enterprises, and retailers that sell health food options. Would ensure coordination with the Massachusetts Food Policy Council and the Massachusetts Grocery Access Task Force to ensure that relevant state-level stakeholders are aware of the CDFI’s efforts and to seek informational assistance when necessary.

New Jersey
NJ AB 3688 (2012, enacted) – Creates a mobile farmers’ market and produce voucher program, the New Jersey Fresh Mobiles Act; requires the Department of Agriculture to establish a statewide mobile farmers’ market
program by establishing standards, qualifications and conditions for fresh mobile vendors; to issue licenses and permits; and to designate one or more vendor supply areas. Also requires such vendors to accept food vouchers and cash, credit or check.

**NJ AB 3680 (2013, enacted)** – As part of the New Jersey Economic Opportunity Act of 2013, amends the Business Retention and Relocation Assistance Grant Program, which is designed to encourage employment, investment and economic development by providing new business tax credits for grants for housing and commercial development and redevelopment in specified zones, districts and/or areas. Authorizes increased reimbursement of up to 10 percent of the total project cost if a grant-funded development project is located in a distressed municipality that lacks adequate access to nutritious food and will include either a supermarket or grocery store with a minimum of 15,000 square feet devoted to selling consumable products or a prepared food establishment that sells only nutritious ready-to-serve meals.

**Maine ME HB 588 (2013, enacted)** – Reorganizes and clarifies responsibilities in the state department of agriculture, conservation and forestry. States that it is state policy to encourage food self-sufficiency for its citizens through five elements, including improved access to wholesome, nutritious foods.

**Community Physical Activity through Bicycling and Walking/Complete Streets**

Recent data show the continuation of a decade-long increase in bicycling and walking for transportation and recreation in the United States. The percentage of trips made by bicycling and walking has nearly doubled since 1995, from just over 6 percent to nearly 12 percent, according to the Federal Highway Administration. Studies conducted in California, New York and Oregon indicate that an increase in bicyclists and pedestrians may lead to safer streets, a phenomenon commonly referred to as “safety in numbers,” but states and municipalities continue to address safety and infrastructure improvements for bicyclists and pedestrians of all ages and abilities. Complete streets policies—designed to help accommodate the needs of all transportation users, including bicyclists and pedestrians, through use of sidewalks, bicycle lanes, paved shoulders for bicyclists, motor vehicle lane reductions, curb cuts and pedestrian control signals—continue to be adopted by states. Twenty-nine states, the District of Columbia and Puerto Rico now have such policies. In 2012-2013, Colorado, Nevada and West Virginia joined states that have enacted complete streets legislation, and the District of Columbia enacted additional legislation to implement its existing complete streets program and to improve safety for bicyclists. Illinois, Iowa, Kansas, Louisiana, Minnesota and Utah also enacted bicycle safety laws, and bills enacted in Nevada, Rhode Island and Virginia include safety measures for people with disabilities, including those wearing hearing aids and those who use alternate transportation modes such as wheelchairs or other personal power-driven mobility devices. State legislation to create bicycle trails or paths was enacted in 2012-2013 in Illinois, Minnesota, Missouri and Oklahoma. Colorado enacted legislation to replace lost federal funding for the Safe Routes to School program to improve the safety of children walking or bicycling to school.

**Colorado CO HB 1301 (2013, enacted)** – Provides state funding for the Safe Routes to School program for schools having greater than a specified percent of students eligible for free or reduced-lunch in order to replace federal funds that Colorado and other states will no longer receive for this program. Also provides for state funds to be reduced in any year that the state receives federal moneys for the program.

**CO SB 48 (2013, enacted)** – Authorizes counties and municipalities to spend money they receive from the highway users tax fund on planning, designing, engineering, acquiring, installing or repairing transportation infrastructure such as designated bicycle or pedestrian lanes of highways or other infrastructure needed to integrate the use of many different modes of transportation into a multimodal transportation system.
District of Columbia

**DC B 374 (2013, enacted)** – Approves a task order for services and equipment received and to be received for the Capital Bikeshare Program by the District’s Department of Transportation.

**DC B 1088 (2013, enacted)** – Authorizes a payment to Alta Bicycle Share Inc. for services and equipment received for the Capital Bike Share Program without a valid written contract.

**DC B 568 (2013, enacted)** – Amends the District’s Pedestrian Protection Amendment Act of 1987 to require that vehicles stop before passing through a crosswalk when a vehicle in the next lane is stopped. Also clarifies that those on bicycles or operating personal mobility devices have the same rights and duties as pedestrians under the same circumstances. Provides that bicyclists or people operating personal mobility devices should yield to pedestrians on the sidewalk; also provides that riding a bicycle on the sidewalk is permitted.

**DC B 851 (2012, enacted)** – Authorizes the District Department of Transportation, on an emergency basis, to plan, develop, regulate, operate and administer the District’s Bicycle Sharing Fund, to fund a Bike Sharing program and to establish a Bicycle Sharing Fund to pay for goods, services and property and other program-related purposes.

**DC B 852 (2012, enacted); DC B 856 (2013, enacted)** – Both bills authorize the District Department of Transportation to plan, develop, operate and regulate a bike-sharing program and to establish and administer the Bicycles Sharing Fund to fund the program.

**DC B 475 (2013, enacted)** – Adds to the Assault of Bicyclists Prevention Act of 2011 by specifying the damages, costs and reasonable attorney’s fees available to anyone who, while riding a bicycle, is the victim of and prevailing party in a civil action for an assault or battery by a motorist. Provides for statutory damages of $1,000 or actual damages, whichever is greater.

**DC B 1108 (2013, enacted)** – Provides for Safety-Based Traffic Enforcement by requiring the mayor to assess the potential safety impact from lower fines, post general automated enforcement warning signs, evaluate existing speed limits, revise existing speed limits, and submit an automated enforcement expansion plan. Also relates to enforcement of pedestrian right-of-way, failure to completely stop before turning right on a red light, and failure to stop at a no turn on red sign. Provides for determination of speed limits based on safety factors that include safety and mobility needs of pedestrians, bicyclists, transit drivers and all other potential road users, as well as input from local neighborhood representatives and organizations that promote road safety.

**DC B 1013 (2013, enacted)** – For Safety-Based Traffic Enforcement Act purposes, reduces the automated traffic enforcement fines for certain moving violations; requires evaluation of the appropriateness of existing speed signs; and requires that a certain percentage of revenue from automated enforcement fines be deposited into a fund dedicated to improving and expanding the system, adding traffic safety and education, and improving road safety design.

**DC B 204 (2013, enacted)** – Requires the mayor to assess the potential safety impact from lower traffic fines, to post general automated enforcement warning signs, to evaluate existing speed limits and revise existing speed limits through rulemaking, and to submit an automated traffic safety enforcement expansion plan. Prohibits the mayor from adopting an order, regulation or rule concerning posted speed limits by emergency rulemaking.

**DC B 337 (2013, enacted)** – Allocates budget funds for fiscal year 2014, including funding for election of a bicycle advisory council chair and for priority sidewalk assurance.
Illinois

**IL HB 215 (2013, enacted)** – Makes fiscal year 2014 budget appropriations that include $1 million to the Department of Natural Resources for grants to units of local government for acquisition and development of bicycle paths; $750,000 to the Department of Natural Resources for land acquisition, development and maintenance of bicycle paths and all other related expenses connected with the acquisition, development and maintenance of bicycle paths; and $2 million from the Park and Conservation Fund to the Department of Natural Resources for development, maintenance, and other related expenses of recreational trails and trail-related projects authorized under the Intermodal Surface Transportation Efficiency Act of 1991, as long as that amount does not exceed funds to be made available for such purposes from state or federal sources. Also provides funds to the Chicago Park District for costs associated with repairs to the walking and bicycle paths in Legion Park.

**IL HB 214 (2013, enacted)** – Allocates $20,000 to the Share the Road Fund for grants to the League of Illinois Bicyclists for educational programs to instruct bicyclists and motorists about how to legally and more safely share the roadways.

Iowa

**IA HB 215 (2013, enacted)** – Provides for driver education courses to include instruction about, among other topics, awareness of sharing the road with bicycles.

Kansas

**KS SB 171 (2013, enacted)** – Among other items in this appropriations bill, creates a bicycle helmet revolving fund supported by federal funds and provides for no limit for bicycle helmet distribution funded by this money.

Louisiana

**LA HB 1 (2013, enacted)** – Among other appropriations for the ordinary operating expenses of state government for fiscal year 2012-2013, provides $10,000 to the Education Center Fund Bicycle Safety and Pedestrian Fund.

Minnesota

**MN HB 1070 (2013, enacted)** – Among other appropriations for capital improvements, approves the sale of bonds to renovate or replace the Old Cedar Avenue bridge for use by bicycle commuters and recreational users, as well as a $321,000 for a grant to Ramsey County to construct a bicycle and pedestrian trail.

**MN HB 1444 (2013, enacted)** – Among other transportation appropriations, provides $250,000 for a variety of Safe Routes to School non-infrastructure activities to encourage bicycling and walking to school, including: 1) planning activities; 2) public awareness campaigns and outreach to press and community leaders; 3) traffic education and enforcement in the vicinity of schools; 4) student sessions on bicycle and pedestrian safety, health and the environment; and 5) financial assistance for training, volunteers and managers of safe routes to school programs.

**MN SB 1270 (2013, enacted)** – Adds provisions for bicycle traffic safety, including a requirement for motorists to yield to bicyclists making a right turn, for bicycles to travel on the right side of the road except when traveling in a bicycle lane or on the shoulder, and for bicycles to be equipped with a rear brake and a red reflector or lamps visible from 500 feet. Permits, but does not require, a bicycle to be equipped with a horn or bell designed to alert motor vehicles, other bicycles and pedestrians of the bicycle’s presence.

Missouri

**MO HB 4 (2013, enacted)** – Among other items in this transportation appropriations bill, provides $50,000 funding for a feasibility study for the addition of a bicycle and pedestrian bridge to a St. Charles bridge.
Oklahoma
OK HB 1257 (2013, enacted) – Creates a Historic Chisholm Trail Bike Route, contingent upon the availability of funding for costs associated with signage, trail markers, and establishment of a shoulder lane for the bicycle route.

Nevada
NV AB 145 (2013, enacted) – Establishes a Complete Streets program for pedestrians, bicycle riders, people with disabilities, public transportation riders and motorists. Authorizes officials in each county responsible for road maintenance and repair to provide for retrofitting certain roads to improve access to those roads by all users. Allows a person registering or renewing a vehicle registration at a kiosk or via the Internet to make a voluntary contribution at that time to the Complete Streets program in his or her county.

Oregon
OR SB 260 (2013, enacted) – Requires the Department of Transportation to use money in the Multimodal Transportation Fund for bicycle and pedestrian projects and to solicit recommendations for such projects from an advisory committee created by statute and according to statutory criteria.

Rhode Island
RI SB 275 (2013, enacted) – Permits use of hearing aids while operating a bicycle or motorcycle and allows bicycle or motorcycle operators to use communication equipment that provides sound only through one ear and allows surrounding sounds to be heard with the other ear.

Utah
UT HB 294. UT HB 297 (similar) (2013, enacted) – Changes traffic laws to provide that, under certain circumstances when overtaking and passing bicycles and mopeds on the highway, a driver may operate a vehicle to the left of the center of the roadway when overtaking and passing a bicycle or moped that is proceeding in the same direction at a speed less than the reasonable speed of traffic, including in a no-passing zone, except when the view is obstructed—for example, at the crest of a hill.

UT HB 316 (2013, enacted) – Prohibits local highway authorities from prohibiting bicycles on any public street or highway without marking a safe alternative route. Specifies affirmative defenses to red light violations for operators of motorcycles, mopeds or bicycles.

UT SB 104 (2013, enacted) – Prohibits drivers from operating a motor vehicle within 3 feet of a vulnerable user of a highway, defined as a pedestrian; a person riding an animal; or a person traveling by skateboard, roller skates, in-line skates, bicycle, electric-assisted bicycle, electric personal assistive device, moped or motor-driven cycle. Also prohibits motor vehicle operators from knowingly, intentionally or recklessly distracting or attempting to distract vulnerable highway users for purposes unrelated to public safety or forcing or attempting to force a vulnerable highway user off the roadway to cause violence or injury to the vulnerable highway user.

UT HB 3 (2013, enacted) – Among other supplemental appropriations for fiscal year 2012-2013, provides $24,000 for the Share the Road Bicycle Support schedule of programs.

Virginia
VA HB 522 (2012, enacted) – Allows the use of wheelchairs or other personal power-driven mobility devices on the statewide system of trails by people with disabilities in accord with the federal Americans with Disabilities Act of 1990.

VA HB 2041 (2013, enacted) – Sets aside $3 million to fund access roads and bikeways to public recreational areas and historical sites, including construction and maintenance of such facilities. Provides that, to maximize
the impact of these funds, no more than $400,000 of recreational access funds may be allocated to each individual access road project.

**West Virginia**

**WV SB 158 (2013, enacted)** – Creates a Complete Streets Act, recognizing that vehicular, public transportation, bicycle and pedestrian modes of travel are integral to the state transportation system. Encourages the division of highways to consider all transportation improvement projects for streets, roads and highways and other transportation infrastructure facilities as opportunities to create a safe, comprehensive, integrated and connected transportation network to improve safety, access and mobility for users of all ages and abilities, including pedestrians, bicyclists, public transportation vehicles and their passengers, motorists, movers of commercial goods, people with disabilities, older adults and children. Provides for drafting model complete streets policies for use by the division of highways, counties and municipalities; establishes a multidisciplinary Complete Streets Advisory Board and requires an annual report by the board to the governor, the commissioner of Highways and the Legislature’s Joint Committee on Government and Finance about Complete Streets implementation.

**Farmers’ Markets/Local Food Marketing/Sustainable Food Systems**

States continue to take a variety of approaches to create a business and physical environment that supports local food production, marketing and consumption. Comprehensive local food initiatives established in 2012-2013 to facilitate increased local food production and consumption included legislation enacted in at least 17 states and the District of Columbia including policies to increase access to farmers’ markets and fresh produce; permit cottage food activities while balancing food safety concerns; or provide funding assistance, loans and grants for transporting and distributing local foods in communities.

Federal support for local food marketing also expanded in May 2014 when the federal Farm Bill tripled federal funds for marketing and promotion of local food enterprises through the U.S. Department of Agriculture’s Farmers Market and Local Foods Promotion Program, administered by the Agricultural Marketing Service (AMS). This new program makes $30 million available annually to farmers’ markets, other direct producer-to-consumer venues, and other businesses in the local food supply chain. The program will provide $15 million for marketing and promotional support specifically for local food businesses, including food hubs, delivery and aggregation businesses, and processing and storage facilities along the local food supply chain, and an additional $15 million for marketing support for farmers’ markets and other direct to consumer retail outlets. The intent is to support local food, give farmers and ranchers more market opportunities, provide consumers with more food choices, and create jobs in both rural and urban communities. An additional $48 million was made available in loan guarantees for local food projects through USDA’s Rural Development’s Business and Industry Guaranteed Loan Program.

**Colorado**

**CO HJR 1018 (2013, resolution adopted)** – Recognizes “National Agriculture Day” on March 19, 2013, in celebration of men and women who strengthen the nation’s agriculture industry; promote a safe, high-quality, sustainable food supply; and protect consumers, the environment and natural resources.

**CO SB 48 (2012, enacted)** – Encourages greater access to markets and consumers for small, local producers of fresh and value-added foods through the Colorado Cottage Foods Act. Fosters direct connections between customers and local agricultural producers to support economic development and agri-tourism in Colorado by encouraging direct-to-consumer sales of locally grown and prepared foods with the aim of creating new jobs; invigorating local food systems by easing impediments to local markets; and increasing the self-reliance of Colorado communities. Provides an exemption from retail food establishment licensure requirements for local farmers and
small-scale producers, including “cottage food” producers who sell products locally from home kitchens. Notes that at least 18 states in which agriculture is important have enacted “cottage food laws” or similar provisions to allow producers of non-potentially hazardous foods in home kitchens to sell that food directly to consumers in order to make fresh, locally sourced foods more easily available to all consumers and to help improve healthy eating habits of all Coloradans. Encourages entities that regulate, affect, or are interested in local food production and related matters to examine ways to revise zoning ordinances, building and health codes, and other legal barriers to accommodate and encourage growing and use of local produce. Also encourages initiation, support and goal-setting for farm-to-school programs, including programs that use produce grown on-site by schools and other public entities and that incorporate it into farm-to-school curriculum knowledge and consumption of locally sourced and distributed foods, including those grown in greenhouses. Provides liability protections for schools and nonprofits that provide community kitchens used to bake or process goods for sale directly to consumers. Also provides specific exemptions for egg producers. Imposes labeling requirements for cottage foods and eggs.

District of Columbia
DC B 743, DC B 796, DC B 859 (2012, enacted, similar) – Among other items in these budget bills, provides for an analysis of how the District of Columbia’s food service programs can become more sustainable.

Hawaii
HI SB 524 (2013 proposed, carryover) – Relates to locally grown foods. Would create and fund an agricultural development and food security program with state planning objectives designed to increase demand for, access to and production of locally grown foods; and provide policy and organizational support for Hawaii to meet food self-sufficiency needs. Includes funding for a farm to school pilot program in charter schools in the state. Recognizes, as part of the proposed legislation, that Hawaii is located approximately 2,506 miles from the continental United States and that 85 percent to 90 percent of Hawaii’s food is imported, making it particularly vulnerable to natural disasters and global events that disrupt shipping and other modes of food transport. Calculates that the economic impact of food import replacement, based on 2004-2005 data, that local consumers expend approximately $3.7 billion annually on imported food. Estimates that, if 85 percent of the food consumed in the state is imported, $3.145 billion in food expenditures leave the state each year. To address this concern, would adopt the 2012 Increased Food Security and Food Self-Sufficiency Strategy prepared by the state planning office and department of agriculture to increase the amount of locally grown food consumed by Hawaii residents. Strategies would include increasing demand for local food by local marketing campaigns to promote the benefits of buying local foods; improving branding and labeling programs to help consumers identify local products at time of purchase; encouraging public institutions, including schools, to purchase locally grown foods; and addressing food safety issues by expanding the number of farm food safety certifiers. Efforts also would be made to increase production of locally grown foods by improving agricultural infrastructure, such as irrigation systems and distribution systems and facilities; supporting the agricultural park program, which provides public lands at reasonable cost and long-term tenure; supporting capital improvement projects to repair and maintain state irrigation systems that provide water at low cost to farmers; encouraging a variety of distribution systems to move goods to the marketplace; supporting multi-functional food hub facilities or food incubator facilities to handle aggregation, processing, treatment and distribution; and building the agricultural workforce.

Iowa
IA HB 2336 (2012, Enacted) – Among other appropriations for agriculture and natural resources for the 2012-2013 fiscal year, beginning July 1, 2012, and ending June 30, 2013, creates and appropriates funds for a local food and farm program and for a local food and farm program coordinator position as part of Iowa State University’s cooperative extension service.

Indiana
IN HB 1312 (2012, enacted) – Directs the Legislative Council to provide for an interim study of obstacles to local food production, processing and distribution in Indiana and to produce recommendations for actions that
will encourage farmers and residents to produce, process and distribute locally grown food. Recommendations are to include any possible legislation on the issue of local food production, processing and distribution. Also directs the state health department to adopt rules allowing limited sales of poultry products slaughtered and processed on a farm at the farm location, a farmers’ market or a roadside stand. Requires that poultry processed under this section of the law be frozen at the point of sale and labeled in accordance with federal health regulations.

**Louisiana**

**LA HB 156 (2013, enacted)** – Repeals certain statutory provisions related to the Louisiana Sustainable Local Food Policy Council.

**Maine**

**ME HB 588 (2013, enacted)** – Reorganizes and clarifies responsibilities in the state Department of Agriculture, Conservation and Forestry. Says that it is state policy to encourage food self-sufficiency for its citizens through five elements: 1. Local control to preserve the ability of communities to produce, process, sell, purchase and consume locally produced foods; 2. Preserve family farms and traditional foodways through small-scale farming and food production; 3. Improve health and well-being by reducing hunger and increasing food security through improved access to wholesome, nutritious foods, support for family farms and sustainable farming and fishing; 4. Promote self-reliance and personal responsibility by ensuring that individuals, families and other entities are able to prepare, process, advertise and sell foods directly to customers for consumption only by the customers or their families; and 5. Enhance rural economic development. Calls on the department to establish a plan to promote land use that conserves the state’s natural resources and supports the work of citizens who derive their livelihood through agricultural, conservation and forest-based interests and who enjoy parks and conservation lands; promotes and protects the public health, the well-being of domestic animals, wise land use and preservation of the state’s key conservation assets; and helps create added value for land- and forest-derived products and creates outdoor-based recreational experiences for local, national and international markets.

**Michigan**

**MI HB 5130 (2012, enacted)** – Modifies the state’s food services laws and regulations to include agricultural products and pesticides, food additives, slaughterhouses, confections, cottage food operations and products, farmer’s markets, shellfish processing and sanitation, state bridge cards, food labeling, perishable foods, vending machine locations, food service training, food-borne illness, mobile and transitory food units, grain dealers, fruit and vegetable processing, prepackaged food, raw animal foods, and egg size and handling requirements. Codifies licensing and regulations for people engaged in processing, manufacturing, production, packing, repacking, canning, preserving, freezing, fabricating, storing, selling, serving or selling food or drink for human consumption; prescribes powers and duties of the state department of agriculture and allows for delegation of certain powers and duties to local units of government; provides for exemptions; and, to protect consumers, regulates labeling, manufacture, distribution and sale of food. Updates regulations for “cottage foods,” defined as foods that are not potentially hazardous and that include, but are not limited to, jams, jellies, dried fruit, candy, cereal, granola, dry mixes, vinegar, dried herbs and baked goods that do not require temperature control for safety. Provides that cottage food products may be sold only directly from the cottage food operator to consumers and not by Internet or mail order and must be labeled: “Made in a home kitchen that has not been inspected by the Michigan Department of Agriculture and Rural Development.” Defines “farmers’ market” as a public, recurring assembly of farmers or their representatives who sell food and products produced by the farmers directly to consumers; may include a variety of other vendors as determined by market management.

**Montana**

**MT HB 630 (2013, enacted)** – Creates a food policy modernization project that requires the departments of public health and human services, agriculture and livestock to coordinate with stakeholders and report to the
Legislature recommending appropriate legislation to regulate community food production, also known as “cottage food” to benefit public health, environmental sustainability and small business entrepreneurs who use their home kitchens to prepare food for sale.

**New York**  
**NY AB 6628, SB 2438 (2013, enacted)** – Combat the incidence of adult and childhood obesity by providing for direct marketing of fresh vegetables and fruits in areas with a high incidence of adult and child obesity. Also direct Cornell University’s cooperative extension program to offer obesity and respiratory disease prevention programs.

**Nevada**  
**NV AB 200 (2013, enacted)** – Allows farms to hold qualified farm-to-fork events without being considered food establishments for the purpose of inspections by the health authority or subject to certain other regulations. Requires farms that hold such events to register with the health authority, allows farm registration fees, and requires compliance with certain restrictions. A farm that holds more than two events in any month that would otherwise qualify as farm-to-fork events becomes a food establishment for the remainder of that calendar year and is subject to all food establishment requirements. Requires a notice to event guests that no health authority inspection was conducted.

**North Carolina**  
**NC SB 491 (2012, enacted)** – Extends the existence of the state’s Sustainable Local Food Advisory Council, a 27-member multidisciplinary council that is charged with developing sustainable local food programs and policies for North Carolina. Includes among council responsibilities an in-depth assessment of the foods that are served in public schools, including the possibility of increasing the amount of sustainable local food used in school food programs; an in-depth analysis of the possibility of making sustainable local food available through public assistance programs by enabling food stamp use at local farmers’ markets; and an in-depth analysis of the possibility of promoting urban gardens and backyard gardens to improve citizens’ health. Provides for an information and engagement center to help entrepreneurs and farmers pursue opportunities related to a sustainable local food economy by identifying any regulatory or policy barriers and developing solutions that support a strong, sustainable local food economy. Directs the council to consider the effects of sustainable local food on economic development in North Carolina, both direct impacts for sustainable local food producers and actual and potential indirect impacts, such as encouraging restaurants that feature locally raised agricultural products and promoting food and wine tourism.

**Oregon**  
**OR HB 2700 (2013, enacted)** – Creates a Beginning and Expanding Farmer Loan Program in response to the recognition that demand for local food is surging, that the interest in farming among younger generations is on the rise, and that access to capital is one of the most important factors contributing to development and success of a local market agricultural sector in the Oregon economy. Also finds that establishing and implementing a federal-state, public-private partnership program to help beginning farmers is a cost-effective way for Oregon to support these farmers and the growth of the local market agricultural sector and to stabilize the agricultural workforce. Concludes that such a program would present no cost or risk to the state and would allow private lenders to earn federally tax exempt interest income on loans to eligible beginning farmers. Directs the Oregon Business Development Department to develop and implement a Beginning and Expanding Farmer Loan Program to help beginning farmers and their families with agricultural land acquisition, agricultural improvements and depreciable agricultural property; requires use of tax-exempt private activity bonds for loans made by private lenders and sellers to beginning farmers; and allows charges and fees to fund the program.
Rhode Island  
**RI HB 7701, RI SB 2611 (2012, enacted, same)**  
Directs the state Department of Environmental Management to establish a local agriculture and seafood small grants and technical assistance program to promote the sale of Rhode Island seafood and farm products and creates an interagency food and nutrition policy advisory council. Charges these entities with providing financial and technical assistance to support organizations and farmers in activities and programs to enhance the economic viability of local agriculture, and to support development of a locally based, safe and sustainable food system. Provides for individual farm grants to small or beginning Rhode Island farmers to support their entry into or sustainability in their respective industries. Encourages collaboration with the state Department of Health to support food safety. Provides for efforts to address policy barriers to developing a strong sustainable food economy and healthful nutrition practices.

Texas  
**TX HB 970 (2013, enacted)**  
Provides for regulation of cottage food products and cottage food production operations by local government authorities. Requires food that is sold by a cottage food producer to be packaged to prevent product contamination and to be labeled—or to display on the receipt for products too large to be packaged—a statement that the food is not inspected by the health department. Includes in cottage food only food sold directly to consumers at the individual producer’s home; a farmers’ market; a farm stand; or a municipal, county or nonprofit fair, festival or event. Requires cottage food producers to successfully complete a basic food safety education or training program. Prohibits cottage food producers from selling potentially hazardous foods that require time and temperature controls for safety, including foods that must be held under proper temperature controls, such as refrigeration, to prevent growth of bacteria that may cause human illness. Also provides that a county zoning ordinance may not prohibit use of a home for cottage food production operations, but does not affect the right of a person under other law to complain about a nuisance arising from an individual’s home used for cottage food production operations.

Utah  
**UT HB 198 (2012, enacted)**  
Prohibits local or federal regulation of foods grown by an individual for their own or their family’s consumption unless the food poses a health risk may spread an insect infestation or agricultural disease, or is unlawfully possessed.

Virginia  
**VA HJR 893 (2013, resolution adopted)**  
Commends Appalachian Sustainable Development for its extraordinary efforts to provide farmers in the state with training and support by operating a social enterprise, Appalachian Harvest, that provides access to large markets for local farmers. In partnership with these farmers and supportive buyers, Appalachian Harvest has generated $5.3 million in revenue for the region since 2001; trains farmers to meet new food safety requirements so they can continue to sell their products; raises money to purchase seconds produce from low-income farmers, which is then donated to area food banks and pantries for those in need; and provides opportunities for regional farmers and food producers to gain access to local restaurants and establishments through its Rooted in Appalachia promotion campaign. Appalachian Harvest also operates a Learning Landscapes program that has, in its 11 years, created and used outdoor classrooms to teach 10,125 children how to garden; teaches food pantry participants how to grow their own food in large gardens at their homes or in container gardens; and supports 33 farmers’ markets in the region by operating the Appalachian Farmers Market Association to provide training and support for farmers’ market managers.

Washington  
**WA SB 6082 (2012, enacted)**  
Provides for the preservation and conservation of agricultural resource lands in quantities sufficient to meet current and future local, regional and national food and fiber needs and the demands of export markets. Declares that it is state policy to identify and take into account that actions by state agencies, local governments and people may have an adverse effect on the preservation and conservation
of agricultural lands and inadvertently result in the conversion of farmland to nonagricultural uses where alternative actions would be preferred. Creates a state policy to consider alternative actions, as appropriate, that could lessen such adverse effects, and to ensure that such actions appropriately mitigate for unavoidable impacts to agricultural resources. By Dec. 31, 2013, the Department of Ecology was to conduct rulemaking to review and consider whether the current environmental checklist form in WAC 197-11-960 ensures consideration of potential impacts on agricultural lands of long-term commercial significance, as that term is used in chapter 36.70A RCW. The review and update was to ensure that the checklist is adequate to allow for consideration of impacts on adjacent agricultural properties, drainage patterns, agricultural soils and normal agricultural operations.

**WA SB 6263 (2012, enacted)** – Creates a comprehensive marine management interagency team to assess and map marine waters and develop a comprehensive marine management plan, including potential economic opportunities.

**West Virginia**

**WV HB 2399 (2013, enacted)** – Includes among the duties of the state’s livestock care standards board maintaining food safety and encouraging locally grown and raised food.

**RAISING AWARENESS**

States continue to adopt legislative resolutions to raise public awareness of childhood obesity and of policy options to address it. A sample of resolutions from 2012 and 2013 is summarized below.

**Idaho**

**ID HCR 19 (2013, resolution adopted)** – States legislative findings that poor nutrition and physical inactivity are putting Idahoans at risk for costly chronic diseases, such as diabetes, heart disease and obesity-related cancers; and that a reduction of 5 percent in the average Body Mass Index of Idaho’s citizens could lead to health care savings of more than $1 billion in 10 years and $3 billion in 20 years. Encourages including wellness classes and nutrition services provided by registered dietitians as integral components of preventing and treating chronic disease.

**Illinois**

**IL SR 624 (2012, resolution adopted)** – Designates September 2012 as Childhood Obesity Awareness Month in Illinois and recognizes multiple strategies to promote health by addressing key components such as physical education, health education, nutrition services, staff wellness, and family and community involvement; daily, quality physical education for early childhood education programs and all students in grades K-12, supplemented with additional school-based physical activity opportunities such as recess, physical activity in the classroom, classroom breaks, intramural sports and walk-to-school programs; and ensuring complete streets for all users, including pedestrians, bicyclists and motorists.

**Louisiana**

**LA HB 214 (2013, enacted)** – Encourages public school governing authorities to create partnerships to increase parental involvement in schools, including encouraging participation in parenting classes that educate parents about, among other topics, the importance of sleep and good nutrition in school performance. Public school governing authorities and the state department of education are to identify available funding sources for these classes.
New Mexico
NM HM 3, SM 10 (2012, resolutions adopted) – Both resolutions support outdoor opportunities for children by encouraging the state land office, the tourism department and the department of health to develop and advertise outdoor programs for children, including opportunities on New Mexico state-owned lands, activities in and around schools such as outdoor gardening and increased physical education, and outdoor and natural resource job and skills training.

North Carolina
NC SB 402 (2013, enacted) – Among other appropriations, funds programs that promote wellness, physical activity and health education programming for North Carolinians.

Tennessee
TN HJR 514 (2013, resolution adopted) – Recognizes the Robertson County Family YMCA for being named the Robertson County Chamber of Commerce Business of the Year and as a leader in the community in the chamber’s effort to facilitate mentoring and after-school and wellness programs to address social and education issues to improve the quality of life in Robertson County.

Texas
TX HCR 101, TX HCR 99 (2013, resolutions adopted) – Resolutions congratulate Burnet Consolidated Independent School District for earning a HealthierUS School Challenge Gold Award of Distinction from the U.S. Department of Agriculture, a voluntary national certification initiative designed to encourage schools to improve the quality of food served in school cafeterias, provide nutrition education, and promote physical education and other opportunities for physical activity for students. Recognizes the district’s food service department and its director for outstanding contributions to this achievement.

Utah
UT HCR 2 (2013, resolution adopted) – Recognizes obesity as a significant public health and economic issue in Utah. Expresses support for improving the health and lifestyles of adults and children in Utah by promoting activities that encourage healthy weight, and supports policies that promote increased access to healthy food and physical activity.

Task Forces, Commissions, Studies, Grants and Other Special Programs

Legislation or resolutions have created obesity-related task forces, commissions, studies and other special programs in several states, both as an initial approach to state action and as a way to provide accountability through reports to the legislature. Task forces sometimes are charged with initiating specific programs to prevent obesity. Although the purposes and activities of task forces are not uniform, states often require representation on the task force of many stakeholders, including legislators, community members, professionals, state agency staff, businesses and others with an interest in the task force topic. Task forces also may be required to achieve specific goals or take specific actions in addition to studying a problem. Task force or commission efforts required by state legislation also may include reporting on the status of obesity prevention benchmarks.

Legislative actions in 2012-2013, including bills enacted or resolutions adopted, resulted in creation of obesity-related task forces, commissions, programs, studies, working groups or the like in Alaska, Colorado, Connecticut, Georgia, Hawaii, Illinois, Kentucky, Louisiana, Maine, Mississippi, Oregon, Pennsylvania, Puerto Rico, South Carolina, Utah and Vermont. In addition, an Executive Order in Washington created a new, comprehensive healthier food service policy for state agencies.
Alaska
AK HCR 1 (2013, resolution adopted) – Establishes a state food resource development working group to work with the Alaska Food Policy Council to identify resources and set policies to build a strong and sustainable healthy food system in the state.

Colorado
CO SB 153 (2013, enacted) – Continues the existence of, and adds new representatives to, Colorado's Farm-to-School Coordination Task Force. Makes tracking progress a group task and requires the task force to report its progress, findings and recommendations to the education committees of the House of Representatives and the Senate, the Senate Agriculture and Natural Resources Committee, and the House Agriculture, Livestock and Natural Resources Committee, or any successor committees, by Feb. 1, 2015, and every February 1 every two years thereafter.

Connecticut
CT HB 6525 (2013, enacted) – Establishes a multidisciplinary task force commencing Oct. 1, 2013, to: 1) Gather and maintain current information regarding childhood obesity that can be used to better understand the effects of obesity on children’s health; 2) examine nutrition standards for all food procured by the state; 3) explore ways to increase physical activity in children; 4) recommend implementation of a pilot program through one local or regional board of education to schedule recess before lunch in elementary school; and 5) advise the legislature and governor about how to coordinate and administer state programs that may reduce childhood obesity. Requires the task force to submit a report to the joint committee on children by Oct. 1, 2014.

Georgia
GA HB 298 (2013, enacted) – Creates a multidisciplinary Agricultural Commodity Commission for Georgia Grown Products to study and promote the marketing of Georgia grown products. Provides for public hearings and marketing orders by the commission. Authorizes the commission to levy assessments on producers or processors that use the Georgia grown trademark. Allows the commission to accept private donations.

Hawaii
HI HCR 23 (2013, resolution adopted) – Requests formation of a task force to develop recommendations for improving obesity prevention-related services and counseling in accordance with implementation of the federal Patient Protection and Affordable Care Act (federal health reform). Directs the task force to: 1) Assess gaps in health care providers’ ability to prevent obesity and provide treatment for obesity-related services and counseling; 2) Investigate providers’ reimbursement options for provision of these services; 3) Educate providers about these reimbursement options; and 4) Encourage providers’ use of reimbursement options. Also instructs the task force to: 1) Research how other states are implementing obesity prevention reimbursement practices; 2) Develop recommendations for increasing the provision of obesity-related services and counseling by health care providers through additional International Classification of Diseases, Ninth Edition and Tenth Edition codes, training and education, or other strategies; and 3) Submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than 20 days prior to the convening of the Regular Session of 2014. Dissolves the task force on June 30, 2014.

HI SB 2778, HI HB 2516 (2012, enacted) – Creates a childhood obesity prevention task force to collect and analyze Hawaii-specific early childhood obesity data to identify children at risk, to increase awareness of childhood obesity health implications, and to promote best practices through community-based initiatives to improve healthy life choices and promote exercise and nutrition best practices.
Illinois
IL HB 3374 (2012, enacted) – Establishes a multidisciplinary Enhance Physical Education Task Force to promote and recommend enhanced physical education programs that can be integrated within a broader wellness strategy and health curriculum in elementary and secondary schools. Defines the task force’s purposes to include educating and promoting leadership among district and school officials, developing and using metrics to measure effectiveness, promoting training and professional development, and identifying resources for enhanced physical education. Requires the task force to report to the governor and the General Assembly with recommendations for updating Illinois’ learning standards for physical development and health by Aug. 31, 2013, based on neuroscience research about the relationship between physical activity and learning.

Kentucky
KY HB 550 (2012, enacted) – Directs the staff of the Kentucky Legislative Research Commission to conduct a comprehensive review of studies or programs that focus on nutritional habits and outcomes for the state’s population to reduce the prevalence of obesity and the risk of chronic disease.

Louisiana
LA SR 5 (2013, enacted) – Requires the state department of education to study public schools’ compliance with state law that requires physical activity in schools and its effectiveness in combating obesity. Directs the department to submit a written report to the Louisiana Senate Select Committee on Women and Children on or before Dec. 31, 2013, and requires the Select Committee to hold a public meeting on the report before March 1, 2014. Recognizes the need for targeted intervention strategies that address and produce sustained results among African-American children who are battling obesity and that reduce childhood obesity by developing and supporting sustainable programs to combat childhood obesity.

LA SR 146 (2012, adopted) – Requests state education agencies to conduct a study or survey to determine compliance with state law regarding vending machines and physical activity requirements in schools.

LA HR 138 (2012, adopted) – Requests the state Department of Health and Hospitals to study the feasibility of establishing a chronic disease database in Louisiana. Recognizes that chronic diseases such as heart disease, stroke, cancer and diabetes are among the most prevalent, costly and preventable of all health problems and that such a database could catalogue existing state risk factors and trends to more appropriately target key areas for research and better prevention, diagnosis and treatment of chronic diseases.

Maine
ME HB 1373 (2012, enacted) – Proposes changes to the Fund for a Healthy Maine, as recommended by the state’s commission to study allocations of the fund, to add prevention, education and treatment activities concerning unhealthy weight and obesity to the health promotion and prevention purposes of the fund. Requires creation of a separate state budget entry for unhealthy weight and obesity prevention activities in the state budget for 2014-2015.

Mississippi
MS HB 718 (2013, enacted) – Creates a Mississippi Farm-to-School Interagency Council to help facilitate procurement and use of locally grown and raised agricultural products in school meals in order to improve the quality of school food statewide.

Oregon
OR HB 2992 (2013, enacted) – Authorizes the Oregon Health Authority to operate both a Farm Direct Nutrition Program and a Senior Farm Direct Nutrition Program to help enable participants in the Women, Infants and Children nutrition program and low-income seniors to purchase fresh produce at farmers’ markets or roadside stands.
Pennsylvania

PA HR 243 (2013, resolution adopted) – Directs the Joint State Government Commission to establish a multidisciplinary advisory committee to conduct a comprehensive study of childhood obesity, to propose strategies for healthier eating and physical activity for children, and to report to the House of Representatives with its findings, recommendations and legislation within 12 months. Notes that the Pennsylvania Department of Health reports that 32.6 percent of children in kindergarten through grade six and 34.1 percent of children in grades seven through 12 in the state are overweight or obese.

Puerto Rico

PR SB 810 (2013, proposed, pending) – Would enact the Puerto Rico Obesity Prevention Act, recognizing obesity and obesity-related complications, such as heart disease and diabetes, which affect one in 10 adults in Puerto Rico, as a public health emergency in Puerto Rico; creating a Puerto Rico Food and Nutrition Commission to establish and recommend healthy eating and physical activity guidelines, educational activities an Action Plan Against Obesity for the Commonwealth; and creating an Obesity Research and Nutrition Surveillance System to compile data about food availability and consumption, obesity causes and trends, and possible preventive or therapeutic actions and evaluation of their effect.

South Carolina

SC HB 3710 (2013, enacted) – Among other measures to address obesity in this appropriations bill, creates a statewide collaborative effort to “fight against Obesity in South Carolina.” Names the Department of Health and Environmental Control, because it is charged with addressing public health of South Carolina’s citizens, as the convener and coordinator of efforts to address obesity in the state. Recognizes that the obesity epidemic also requires behavioral, educational, systemic, medical and community involvement, and directs other state agencies—including the Department of Education; Department of Health and Human Services; Department of Social Services; Department of Mental Health; Medical University of South Carolina; University of South Carolina Arnold School of Public Health; Department of Parks, Recreation and Tourism; Department of Commerce; Department of Transportation; and Commission for the Blind—to use their best efforts to cooperate with the requests of the health department and its partners to facilitate an environment that decreases body mass index.

Utah

UT HJR 20 (2013, resolution adopted) – Among Legislative Management Committee items that may be assigned to interim committees for study and to make recommendations for legislative action, includes the topic of obesity and policies that could be implemented by state and local governments, in partnership with the private sector, to effectively support healthy lifestyle choices and reduce obesity.

UT HCR 2 (2013, enacted, signed by governor) – Recognizes obesity as a significant public health and economic issue in Utah and urges support of policy development to address the obesity problem in Utah and promote public awareness of the adverse effects of obesity on individual health. Expresses support for improving the health and lifestyles of adults and children by promoting activities to encourage healthy weight.

Washington

WA Executive Order 13-06 (issued October 30, 2013) – Establishes a comprehensive food service policy for the state, requiring all executive agencies to adopt the Washington State Healthy Nutrition Guidelines and to fully implement the guidelines by the end of 2016.

Vermont

VT HB 202 (2012, enacted) – As part of the creation of Vermont’s single-payer unified health system, provides for creation of a state health improvement plan and facilitates local health improvement plans to encourage
healthy community design and to promote policy initiatives that contribute to community, school and workplace wellness.

**TAXES, TAX CREDITS, TAX EXEMPTIONS AND OTHER FISCAL INCENTIVES**

States continue to consider fiscal options to encourage healthy lifestyles. Examples include offering tax credits for fitness or wellness choices; offering tax credits or other fiscal encouragement for grocery store development or improvements that allow grocery retailers to offer fresh fruits and vegetables (described in greater detail in the Access to Healthy Foods section of this report); or enacting or increasing taxes on foods and beverages that have minimal nutritional value in order to discourage their consumption or raise revenue.

In 2012-2013, five states—Kentucky, Louisiana, Missouri, Oregon and South Dakota—enacted fiscal incentives to fund food banks or provide emergency food assistance. In 2012, California, Mississippi, Rhode Island and Nebraska considered, but did not enact, proposals to tax soft drinks, sugar-sweetened beverages or foods of minimal nutritional value in order to provide a disincentive for their consumption and/or to raise revenue to fund childhood obesity prevention or wellness efforts. Proposed legislation to fund a childhood obesity reduction program and a wellness trust fund, respectively, by taxing candies, confectionaries and soft drinks in Massachusetts, and sugar-sweetened beverages in Rhode Island, remain pending in those states in the 2013-2014 legislative session as of May 2014. In 2013, Mississippi legislators authorized the city of Pascagoula to tax prepared foods and use the revenue to implement a comprehensive parks and recreation master plan.

**Kentucky**

**KY HB 419 (2012, enacted)** – Creates an income tax check-off for contributions to the farms to food banks trust fund, as renamed from the surplus agricultural commodities fund. Requires an annual report by the fund on its expenditures.

**Louisiana**

**LA HB 458 (2012, enacted)** – Allows taxpayers to check off to donate a portion of their state income tax refund to a new Louisiana Food Bank Association Fund to be disbursed every 60 days to the association by the state treasurer.

**Massachusetts**

**MA HB 2634 (2013, proposed, carryover)** – Would create a program to reduce childhood obesity funded by revenues from taxes on candies, confectionaries and soft drinks. The fund would consist of revenues from: 1) Legislative appropriations specifically designated to be credited to the fund; 2) Excise taxes on the sale of candy, confectionaries or soft drinks; 3) Any fines and penalties allocated to the fund; 4) Any funds from public and private sources such as gifts, grants and donations to further community-based prevention activities; 5) Interest earned on such revenues; and 6) Any funds provided from other sources.

**Missouri**

**MO SB 20 (2013, enacted)** – Provides for tax credits for donations to food pantries equal to 50 percent of the value of the donations. Allows pantries to accept or reject any donation of food. Provides that food accepted by a local food pantry is to be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a retail grocery store, food broker, wholesaler or restaurant.

**Mississippi**

**MS SB 2921 (2013, enacted)** – Authorizes the city of Pascagoula to levy a tax on the gross proceeds derived from the sale of prepared foods in the city; provides that the city may use the revenue from the tax to implement
a comprehensive parks and recreation master plan adopted by the city and for related purposes. States that the tax may not exceed 2 percent of the gross proceeds derived from the sale of prepared food by all restaurants (defined as hotel and motel dining rooms, cafeterias, cafes, lunch stands, grocery and convenience stands where prepared food and beverages are sold for consumption) in the city. Requires a voter referendum in the city before any tax authorized under this law may be imposed.

Oregon
OR HB 2788 (2013, enacted) – Includes donating food to a local food bank or school as a “farm use” for purposes of property tax special assessment.

Rhode Island
RI HB 5228 (2013, proposed, carryover) – Would impose a tax on distributors, manufacturers and wholesalers of sugar-sweetened beverages and would direct the revenue to establish and fund a prevention and wellness trust fund and advisory board.

South Dakota
SD HB 1206 (2012, enacted) – Funds emergency food assistance grants and repeals a sales tax on the food refund program.

Tennessee
TN HB 3761 (2012, enacted) – Provides that retail sales of food and food ingredients tax rate of 5.25 percent.

Urban Agriculture/Community Gardens

Community gardens—smaller plots of land opened to community members to grow fruits and vegetables—continue to sprout up around the United States. According to the American Community Gardening Association, about 18,000 community gardens exist in states and communities. Infrastructure barriers, such as lack of long-term leases or water access, along with liability concerns, may hamper the creation, operation and long-term sustainability of community gardens, but state lawmakers have begun to address these concerns through legislation. In 2013, California and Tennessee enacted legislation to open new sites for urban agriculture and expand opportunities for local residents to market community garden products.

California
CA AB 551 (2013, enacted) – This urban agriculture bill allows cities and counties to create incentive zones in urban areas for local food production. Landowners who agree to designate their land for small-scale agricultural use for five years or more receive a property tax break. Property tax on land used for small urban farming operations, greenhouses, community gardens or the like is assessed based on the average per-acre value of irrigated cropland in California, generally a much lower rate than urban property tax rates. To qualify for the lower property tax, urban agriculture parcels must be at least .10 of an acre and no larger than 3 acres.

Tennessee
TN SB 102 (2013, enacted) – Removes a prohibition against selling produce grown in community gardens.
Notes


27. Ibid.


State Actions to Reduce and Prevent Childhood Obesity in Schools and Communities

Summary and Analysis of Trends in Legislation

Policy options designed to promote healthy communities and prevent childhood obesity continue to offer state lawmakers numerous avenues for taking action. No single template for policies to prevent and reduce childhood obesity and address healthy eating and active living exists, as witnessed by the number of topics addressed in this report. Legislators interested in health, education, land use, transportation and agriculture can develop legislation that addresses economic development, academic achievement and environmental protection, while at the same time benefitting efforts to prevent childhood obesity. These integrated policy avenues should generate continued interest among a diverse set of legislators for years to come.