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Promoting Healthy Communities and Reducing Childhood Obesity Legislative Options



PROMOTING HEALTHY COMMUNITIES AND REDUCING CHILDHOOD OBESITY

LEGISLATIVE OPTIONS

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INTRODUCTION

State legislatures are taking a more active role in considering policies to promote healthier communities and reduce obesity among residents, particularly school-age children. In the past, legislatures often deferred policy development to local governments and school districts, recognizing that those entities were closest to the affected populations. Because evidence demonstrates that growing public health effects and rising health care costs are associated with poor nutrition and inadequate physical activity, legislatures have begun to partner more with cities, counties and schools to create and fund programs designed to make active living and access to healthy food more a part of daily life. This increased level of interest is illustrated by the volume of state legislation proposed and enacted during 2007 and 2008.

Promoting Healthy Communities and Reducing Childhood Obesity: Legislative Options documents that trend during the 2007 and 2008 state legislative sessions. It builds on earlier reports prepared by the National Conference of State Legislatures that tracked healthy community design, access to healthy food and childhood obesity legislation in 2005 and 2006.¹ This report summarizes state legislation proposed and passed in two broad policy categories—Healthy Eating and Physical Activity and Healthy Community Design and Access to Healthy Food—divided into 17 topic areas. The first category addresses policy approaches aimed primarily at nutrition and physical education in schools. The second category focuses on the built environment—land use, transportation and agriculture options.

The number of topics is evidence of greater direct policy involvement by state legislatures, although in partnership with cities, counties and schools that are primarily responsible for implementing state policy. The fact that legislatures are broadening the range of issues addressed through legislation shows an equal understanding of how states can leverage local action. During the last two years, for example, state legislation was proposed or enacted in 37 states on issues that dealt with physical activity or physical education in schools. Thirty-two states considered bills on school nutrition issues. On the built environment side of the active living/healthy eating equation, state legislatures have considered or adopted laws on complete streets, transit-oriented development, food deserts and farm-to-school programs. In the past, these topics would have been left to local governments under broad land use authority. The legislature's guidance has become more focused on specific policy options, recognizing the essential role that other entities play in working directly with populations that stand most to benefit from policy interventions.

CATEGORIES OF LEGISLATION

This section describes the basic elements that comprise two broad policy areas—Healthy Eating and Physical Activity and Healthy Community Design and Access to Healthy Food—and the policy pathways available to legislatures that choose to address them.

The first policy area—Healthy Eating and Physical Activity—focuses on nutrition and physical activity/physical education issues, primarily in schools. It is divided into 10 specific topics:

- School Nutrition
- Nutrition Education
- Body Mass Index Measurement for Students
- Diabetes Screening and Management at School
- Insurance Coverage for Obesity Prevention and Treatment
- School Wellness
- Physical Activity or Physical Education in Schools
- Taxes and Tax Credits
- Task Forces, Commissions, Studies, Grants and Other Special Programs
- Raising Awareness

The second section—Healthy Community Design and Access to Healthy Food—deals with changes in the built environment that can create more walkable/bikeable communities that have greater access to healthy food. It is comprised of seven issue areas:

- Bicycling and Walking
- Complete Streets
- Transit-Oriented Development
- Health Impact Assessments
- Farm-to-School
- Food Deserts—Access to Healthy Food
- Local Food—Direct Marketing

The category descriptions are followed by 50-state comparative tables of proposed and enacted legislation during the 2007 and 2008 legislative sessions. Summaries of that legislation are contained in the following section of the report.

HEALTHY EATING AND PHYSICAL ACTIVITY

SCHOOL NUTRITION

Since more than 53 million young people spend 13 formative years in the nation's 121,000 schools,² policymakers have taken note that schools are an appropriate place to address healthy eating and to establish healthy habits for life. Providing children with healthy food and beverage options at school has been the focus of a great deal of legislation during the past few years. Policy efforts in this arena aim to prevent childhood obesity by 1) setting nutrition standards for school foods and beverages; 2) creating multidisciplinary committees or task forces to promulgate such standards; and 3) delegating the task of setting these standards to state executive agencies such as the department of agriculture or the department of education. Some states also have focused on increasing participation rates in federal school meals programs to provide more nutritious foods to children and adolescents of low-income families and to bring federal meal reimbursement funds into the state. Students from low-income households often consume both breakfast and lunch at school.

Long-standing evidence documents the developmental and cognitive benefits of adequate nutrition, and many studies confirm that proper nutrition enhances academic achievement. Legislators also face a challenge in some schools that have come to rely on supplemental revenue from vending machine contracts. Preliminary studies generally indicate, however, that school food revenue remains steady or increases when schools sell healthy foods, and federal school meal reimbursements to states actually may increase.³

NUTRITION EDUCATION

Many states have school health education requirements. In recent years, legislators have gone further and have considered and enacted bills that specifically require nutrition education to prevent childhood obesity as a component of school health curriculum or to train school personnel about child nutrition. A U.S. Department of Agriculture (USDA) contracted review of 217 studies found that nutrition education is a significant factor in improving dietary practices when behavior change is the goal and educational strategies are designed with those goals as a purpose.⁴ Nutrition education programs of longer duration, more contact hours and more components—such as parent involvement and changes in school meals—result in more positive outcomes, concluded another study.⁵

BODY MASS INDEX MEASUREMENT FOR STUDENTS

Body mass index (BMI) is a measure of whether a person's weight is healthy in proportion to height. For children, the calculations also take into consideration age and gender to account for "baby fat." Body mass index is widely accepted as a reliable indicator of body fat content and a screening tool for weight categories that can lead to health problems. The ease of measuring height and weight, without use of expensive equipment, makes body mass index screening convenient. Schools are an excellent screening site because virtually all children can participate. Screenings at schools can help motivate families to adopt healthier habits that can reduce childhood obesity, especially when results are clearly explained to parents and suggestions for making healthy changes are communicated. When obesity-related health risks are identified, screening reports also should provide parents with information about how to seek further evaluation and appropriate follow-up.

Legislation addresses individual student body mass index measurement in some states and aggregate BMI data reporting requirements in other states. Some BMI programs also include screening for specific health risks associated with obesity, such as type 2 diabetes. When schools measure individual body mass index, they generally send the information to parents in a confidential letter that explains the results and indicates whether the child's body mass index poses a health risk. Some letters also encourage parents to discuss screening results with their child's health care provider. States that collect aggregate BMI data typically report the information anonymously. Aggregate body mass index screening data from a specific school district, city, county, region or state can help assess a community's risk for weight-related health problems, monitor statewide obesity trends, or evaluate the results of programs intended to reduce or prevent obesity.

DIABETES SCREENING AND MANAGEMENT AT SCHOOL

As the number of obese and overweight children continues to rise, type 2 diabetes (formerly called adult-onset diabetes) increasingly is being diagnosed in children and adolescents. As a result, states are beginning to grapple with the health implications of diabetes in school-age children, and some have passed legislation to require risk screening. Others have created policies to facilitate responding to diabetic students, while limiting the liability of caregivers and schools.

INSURANCE COVERAGE FOR OBESITY PREVENTION AND TREATMENT

Legislation in this category generally requires that insurance carriers or public insurance programs such as Medicaid or SCHIP (State Children's Health Insurance Programs) provide or strengthen health insurance coverage for obesity prevention or treatment, especially for the morbidly obese (those with a body mass index of 40 or higher). State legislation does not always specifically refer to childhood obesity. Private insurance coverage for families, however, generally includes children, and some states specifically address insurance coverage for childhood obesity. In July 2004, Medicare recognized obesity as a medical condition, opening the door for greater coverage for obesity treatments that are demonstrated to be scientifically effective.

SCHOOL WELLNESS

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/or Breakfast Program 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 in developing wellness policies and to set goals for nutrition education, physical activity, campus food provision and other school-based activities designed to promote student wellness. Plans for measuring policy implementation were required. Statewide legislation in support of wellness policies or related school health efforts has included efforts to support school and state wellness policies through approaches such as the following:

- Encouraging or requiring local school districts to adopt wellness policies that comply with the requirements of the federal law or with recommendations of the Centers for Disease Control and Prevention.

- Establishing state multidisciplinary wellness or advisory councils, including members from schools, industry, parents, teachers, medical associations, school boards, physical education associations and other stakeholders.
- Facilitating cooperation among state agencies for wellness policies by creating a School Wellness Policy Task Force to identify barriers to implementing wellness policies and recommend how to reduce those barriers.
- Establishing a specific, dedicated state office or an interagency council to coordinate wellness activities.
- Directing local school districts to establish wellness councils with broad stakeholder participation.
- Establishing mechanisms for state oversight of wellness policy implementation.
- Establishing statewide information clearinghouses for wellness policies and information.

Legislators also have acted on individual policies that are part of school wellness goals, such as improving the nutritional quality of school foods, providing greater opportunities for physical activity, and ensuring that adequate nutrition education is part of the school curriculum.

PHYSICAL ACTIVITY OR PHYSICAL EDUCATION IN SCHOOLS

In October 2008, the U.S. Department of Health and Human Services issued its first set of *Physical Activity Guidelines for Americans*. The *Guidelines*, developed by experts in exercise science and public health, review research findings about the benefits of physical activity and recommend activity levels. Research highlighted in the *Guidelines* concludes that most health benefits of physical activity occur with at least 150 minutes per week of moderate intensity physical activity.

For children, the new *Guidelines* recommend 60 minutes per day of moderate to vigorous physical activity that is age-appropriate, enjoyable and varied. Muscle and bone strengthening exercises are recommended three days per week. Before the new *Guidelines* were issued, the National Association for Sport and Physical Education (NASPE) already recommended that all children—from pre-kindergarten through grade 12—receive daily physical education taught by certified specialists, and that schools have appropriate class sizes, facilities and equipment. The association specifically recommends that elementary school students participate in physical education for 150 minutes per week at school, and that middle and high school students participate for 225 minutes per week. The association also recommends that qualified physical education teachers provide a developmentally appropriate program, and that a teacher/student ratio similar to other classroom settings is maintained (no greater than one teacher for each 25 students in elementary school and one teacher per 30 students in middle and high school). The goal is to make all children lifelong exercisers, regardless of their athletic ability.

Currently, however, almost 30 percent of children do not exercise even three days per week. Legislators have considered and enacted laws to support physical education programs in schools to bridge this gap and help kids reap the benefits of exercise in healthy bones, muscles and joints, increased academic achievement and reduced risk for depression. Although 49 states—every state except Colorado—have some type of statewide standards for physical education, their scope varies greatly. Many states still lack physical education time standards at all grade levels, daily physical education, and classes that keep kids moving and having fun in a variety of activities. States also have considered legislation to preserve recess as time for physical activity

during the school day. Emphasis on academics has sometimes been considered a barrier to increasing physical education in schools. Many now recognize that physical activity during the school day can increase student achievement.

TAXES AND TAX CREDITS

States continue to consider fiscal options to encourage healthy lifestyles. Examples include tax credits for fitness or wellness choices; tax relief for grocery purchase by exempting groceries from the sales tax; taxing or increasing taxes on foods and beverages that have minimal nutritional value to discourage their consumption; and, in a few states, directing tax revenues raised to fund obesity or health-related services or programs.

TASK FORCES, COMMISSIONS, STUDIES, GRANTS AND OTHER SPECIAL PROGRAMS

Legislation or resolutions have created obesity-related task forces, commissions, studies, strategic plans or other special programs in several states, mainly as an initial approach to state action. A wide variety of approaches encourage healthy lifestyles and prevent obesity and chronic disease. Although the purpose and activities of task forces are not uniform, states often require representation on the task force of many sectors and stakeholders.

RAISING AWARENESS

Public education to raise awareness and encourage healthy lifestyles is a continuing strategy used by public health officials to encourage citizens to adopt healthier behaviors. Health officials frequently turn to media-based public education campaigns to address public health issues of all kinds, including childhood obesity. Efforts to raise public awareness also involve legislators who serve as role models for healthy lifestyles and include resolutions that honor local or community-based initiatives. In 2007 and 2008, many state legislatures sought to raise public awareness of childhood obesity and related health conditions such as diabetes, and to respond to the problem with wellness, nutrition and physical activity initiatives.

State	School Nutrition	Nutrition Education	Body Mass Index	Diabetes Screening	Insurance Coverage	School Wellness	Physical Education, Physical Activity	Taxes/Tax Credits	Task Forces, Studies	Raising Awareness
Alabama	Proposed	Proposed					Proposed		Enacted	
Alaska										
Arizona	Proposed			Enacted			Proposed			
Arkansas	Enacted		Enacted				Enacted			
California	Enacted	Proposed		Proposed			Enacted		Enacted	Enacted
Colorado	Enacted	Enacted				Enacted	Enacted			Enacted
Connecticut	Proposed		Proposed				Proposed			
Delaware										
Florida	Proposed	Proposed	Proposed			Proposed	Enacted			Enacted
Georgia			Proposed			Proposed			Enacted	Enacted
Hawaii	Proposed	Proposed					Proposed			
Idaho	Proposed									
Illinois		Proposed		Proposed	Proposed		Proposed	Proposed	Enacted	
Indiana	Proposed			Enacted						
Iowa	Proposed	Proposed					Proposed		Enacted	
Kansas			Proposed		Proposed	Proposed	Proposed			
Kentucky							Proposed			
Louisiana					Proposed		Proposed		Enacted	Enacted
Maine	Proposed		Proposed				Proposed	Proposed		
Maryland			Enacted			Proposed	Enacted	Proposed	Enacted	Enacted
Massachusetts	Enacted	Proposed		Proposed		Proposed	Proposed			
Michigan	Enacted			Proposed			Proposed			Enacted
Minnesota	Proposed		Proposed			Proposed	Proposed		Enacted	
Mississippi	Enacted	Enacted	Proposed			Enacted	Enacted			
Missouri	Proposed	Proposed		Proposed	Proposed	Proposed	Proposed			
Montana	Proposed									
Nebraska										
Nevada		Enacted					Enacted			
New Hampshire	Enacted						Enacted		Enacted	
New Jersey	Enacted	Proposed	Proposed	Proposed	Proposed		Proposed			Enacted
New Mexico	Proposed	Proposed					Enacted	Proposed	Enacted	Enacted
New York	Proposed	Proposed	Enacted	Proposed		Proposed	Proposed	Proposed		
North Carolina	Enacted						Proposed			

Table 1. Healthy Eating and Physical Activity Legislation, 2007-2008 (continued)

State	School Nutrition	Nutrition Education	Body Mass Index	Diabetes Screening	Insurance Coverage	School Wellness	Physical Education, Physical Activity	Taxes/Tax Credits	Task Forces, Studies	Raising Awareness
North Dakota							Enacted		Enacted	
Ohio	Proposed	Proposed				Proposed	Proposed			
Oklahoma		Enacted	Enacted				Enacted			Enacted
Oregon	Enacted				Proposed		Enacted			
Pennsylvania				Proposed	Proposed		Enacted	Proposed		Enacted
Rhode Island	Enacted			Enacted			Enacted			
South Carolina	Proposed						Proposed			
South Dakota				Proposed						
Tennessee	Enacted				Proposed		Proposed			Enacted
Texas	Proposed	Proposed	Enacted	Enacted			Enacted		Enacted	Enacted
Utah					Proposed					Enacted
Vermont			Enacted							Enacted
Virginia	Enacted	Proposed	Proposed	Enacted		Proposed	Enacted		Enacted	Enacted
Washington	Proposed					Proposed	Proposed			Enacted
West Virginia	Proposed									
Wisconsin								Proposed		Enacted
Wyoming		Proposed								

Source: National Conference of State Legislatures, 2009.

HEALTHY COMMUNITY DESIGN AND ACCESS TO HEALTHY FOOD

BICYCLING AND WALKING

Bicycling and walking can significantly improve the health of adults and children, but many communities do not have the proper infrastructure and programs to encourage these activities. States have taken a wide variety of approaches to ensure that bicyclists and pedestrians of differing ages and skill levels can safely use the street system and off-street trails. Legislators have sought to increase physical activity and active commuting options by funding infrastructure programs, integrating transit with bicycling, developing design and planning standards to accommodate bikes and pedestrians, and providing incentives for bicycling and walking to work. Forty percent of trips in the United States are two miles or less, which are considered appropriate for walking and especially bicycling. Nine out of 10 of these trips, however, still are made by car.⁶

COMPLETE STREETS

A recent and growing movement at the state, municipal and federal levels is for departments of transportation to adopt “complete streets” policies. Complete streets refers to a transportation system that takes into account the needs and safety of all users: bicyclists, pedestrians, transit users, the disabled, children and senior citizens. Multiple studies have shown that people are more likely to walk and bicycle in neighborhoods that make a conscious effort to create safe, effective networks for doing so. Complete streets have been adopted through department of transportation policies and state legislation. This legislation usually requires the department of transportation to accommodate all users whenever possible in the planning, construction and reconstruction of transportation networks, with exceptions for significant cost and safety concerns. Some legislation emphasizes urban communities, where the need for and challenges associated with accommodating all users is much greater.

TRANSIT-ORIENTED DEVELOPMENT

Policymakers are recognizing that, to create more physically active, friendly communities, funding and planning must emphasize creating more human-scaled, multi-use developments with a variety of transportation choices. Transit-oriented development does this by integrating compact clusters of mixed housing, employment, civic and retail services within a short distance of a transit center. Such developments offer greater opportunities for bicycling and walking. They also include transit, which usually is reached by walking. States have passed funding and planning requirements to encourage this type of development, sometimes in specific communities or areas with certain characteristics.

HEALTH IMPACT ASSESSMENTS

To further gauge the potential public health effects of proposed land use, transportation and related public policies, state and local governments are beginning to examine the role of health impact assessments. A health impact assessment may be defined as “...a combination of procedures, methods, and tools by which a policy, program, or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.”⁷

FARM-TO-SCHOOL

State legislators have shown particular interest in bringing fresh local foods to schoolchildren for several reasons. Studies have shown that students who eat more nutritious foods perform better academically, have fewer behavioral issues, and have better knowledge of agriculture, nutrition and environmental issues. State-level farm-to-school programs run the gamut from pilot programs to statewide efforts that seek to fundamentally reorient how school lunches are planned and prepared. The programs typically include some mechanism to better link farmers and school food service directors; ensure that school kitchens and staff can process fresh food; develop curriculum that incorporates food and the local farmer's experiences; and efforts to ease the bureaucratic tangle associated with purchasing local food.

FOOD DESERTS—ACCESS TO HEALTHY FOOD

Many communities—whether an inner-city neighborhood or an isolated rural town— have difficulty accessing affordable fresh and nutritious foods. Commonly referred to as “food deserts,” residents of these areas suffer disproportionately from the effects of a poor diet. They have few markets for groceries beyond gas stations or other outlets that often offer unhealthy, processed foods. This lack of access leads to higher prices and poor health for affected citizens.

Fewer residents own automobiles in most low-income communities, and using public transit for family grocery shopping can be difficult. Food options may be available in some areas, but prices are high and the selection of nutritious foods is limited. Rural residents face different and perhaps even more intractable issues. A community or household that is 10, 20 or even 50 miles from a grocery store might be able to shop only every few weeks, which reduces the availability of fresh food over time. Innovative solutions can include financial incentives to attract grocery stores and mobile farmers' markets. Food deserts also are an economic development issue, since grocery stores often serve as community magnets and anchors for other retail, housing and employment. An area with no full-service grocery store is less likely to offer good jobs and housing.

LOCAL FOOD—DIRECT MARKETING

Creating a stronger local food system is generating interest among state lawmakers who are aware of the possible health and economic benefits. Large-scale, processed agricultural production has become more common during the last 50 years, and market demand for fresh, local food is increasing. Local foods also are more likely to retain their peak nutritious content. Rebuilding a local food system requires attention to multiple components, including providing the proper processing and storage facilities for local farmers; creating transportation and distribution networks; and ensuring viable outlets for local foods, such as farmers' markets, grocery stores and government institutions.

State legislatures have used various strategies to help market local foods, including state-local food branding campaigns, agritourism marketing and expansion of farmers' markets. States also have tried to model behavior by encouraging government agencies to purchase local food and relaxing procurement laws. Financial assistance to establish the necessary processing infrastructure for local farmers also has been approved.

State	Bicycling and Walking	Complete Streets	Transit-Oriented Development	Health Impact Assessments	Farm-to-School	Food Deserts	Local Food/ Direct Marketing
Alabama							Proposed
Alaska							
Arizona							
Arkansas							Enacted
California	Enacted	Enacted	Enacted	Proposed		Enacted	Enacted
Colorado	Proposed						
Connecticut	Proposed	Proposed	Enacted			Proposed	Enacted
Delaware							
Florida					Proposed		Enacted
Georgia							
Hawaii	Enacted	Proposed	Proposed		Proposed		Enacted
Idaho							
Illinois	Proposed	Enacted	Enacted		Proposed		Enacted
Indiana							
Iowa		Proposed			Enacted		Proposed
Kansas							
Kentucky		Proposed			Enacted		Enacted
Louisiana		Enacted				Enacted	Proposed
Maine	Proposed		Enacted		Proposed		
Maryland	Enacted		Enacted	Proposed	Enacted		
Massachusetts	Enacted		Enacted	Proposed	Proposed		Proposed
Michigan			Proposed		Enacted	Enacted	Proposed
Minnesota	Proposed	Proposed			Proposed		Proposed
Mississippi							Enacted
Missouri	Proposed	Proposed					Proposed
Montana	Proposed				Proposed		Enacted
Nebraska							Proposed
Nevada						Enacted	
New Hampshire	Enacted						
New Jersey	Proposed		Enacted		Proposed		Proposed
New Mexico	Enacted				Enacted	Enacted	Enacted
New York	Enacted				Proposed	Proposed	Enacted
North Carolina	Enacted				Enacted		Proposed

Table 2. Healthy Community Design and Access to Healthy Food Legislation, 2007-2008 (continued)							
State	Bicycling and Walking	Complete Streets	Transit-Oriented Development	Health Impact Assessments	Farm-to-School	Food Deserts	Local Food/ Direct Marketing
North Dakota							Proposed
Ohio					Proposed	Proposed	Proposed
Oklahoma					Enacted	Enacted	Enacted
Oregon	Enacted				Enacted		Proposed
Pennsylvania	Enacted					Enacted	
Rhode Island	Enacted				Proposed		Proposed
South Carolina	Proposed				Proposed		Proposed
South Dakota							Proposed
Tennessee	Proposed				Enacted		Enacted
Texas	Proposed					Proposed	
Utah							Enacted
Vermont	Enacted	Enacted			Enacted		Enacted
Virginia	Proposed		Enacted		Enacted		
Washington				Enacted	Enacted		Enacted
West Virginia		Proposed					
Wisconsin							Proposed
Wyoming							

Source: National Conference of State Legislatures, 2009.

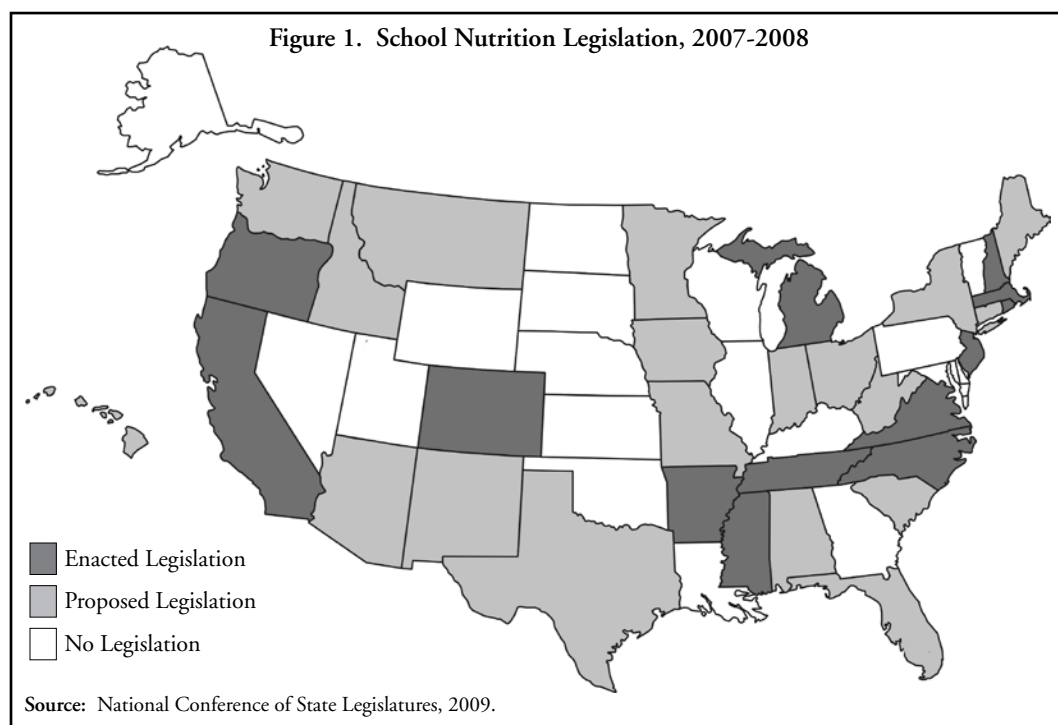
LEGISLATION SUMMARIES

This section summarizes a representative sample of bills and resolutions that were proposed and enacted by state legislatures during the 2007 and 2008 sessions. Not all proposed and enacted legislation is summarized, however. The intent of this section is to document trends in legislation by highlighting examples of bills that illustrate legislative activity in each category. Proposed bills are included because they often serve as precursors to later enactments. The summaries track activity in the two broad categories and 17 specific topics described in the preceding section. An overview of legislative activity precedes the summaries in each issue area to place the bills in context.

HEALTHY EATING AND PHYSICAL ACTIVITY

SCHOOL NUTRITION

In 2007 and 2008, at least 32 states considered some type of school nutrition legislation, and at least 13 enacted new or additional policies or studies designed to help ensure that students have access to healthier food and beverage options at school.



Arkansas

HB 2255 (2007, Enacted)

Provides greater flexibility to school districts in using excess federal funds provided through the National School Lunch Program.

California

SB 80 (2007, Enacted)

Requires schools and school districts, beginning in the 2007–2008 fiscal year, to comply with specified nutrition-related prohibitions and requirements for meals and food items sold or served as part of a free or reduced-price meal program. Prohibits food items containing artificial trans fats and items that have been deep fried, flash fried or par fried. Encourages schools to meet developmentally and programmatically appropriate meal pattern and planning requirements developed by the USDA or menu planning options of Shaping Health as Partners in Education developed by the state (SHAPE California network).

SB 490 (2007, Enacted)

Prohibits K-12 schools from making food containing artificial trans fat available to pupils in vending machines or school food service establishments. Prohibits the use of artificial trans fat in the preparation of a food item served to pupils, but excludes food provided as part of a USDA meal program.

Colorado

SB 129 (2008, Enacted)

Requires each school district board and the State Charter Institute by Sept. 1, 2008, to adopt and implement a beverage policy that prohibits the sale of certain beverages to students without first establishing nutritional guidelines; creates an exception for beverages sold during specified school events; and specifies maximum portion sizes for beverages sold at elementary, middle and high schools.

SB 59 (2007, Enacted)

Creates the Start Smart Nutrition Program and fund to eliminate the reduced price paid by children who are eligible for reduced price breakfasts under federal law and allow school districts to provide free breakfasts. Appropriates funds for the Start Smart Nutrition Program.

Massachusetts

HB 4900 (2008, Enacted)

Appropriates \$150,000 for the Childhood Obesity School Nutrition Project to initiate or maintain school lunch programs that can help diminish the epidemic of childhood obesity. Allows food service providers working with public schools to institute or maintain a school nutrition program designed to reduce childhood obesity to submit an application to the department indicating the nutritional and educational steps the school plans to implement with the grant, not to exceed \$10,000 per school per year.

Michigan

HB 6365 (2008, Enacted)

Relates to school district and public school academy purchases. Increases the sum that can be expended in a single transaction for purchasing food without requiring competitive bidding, and specifies a sum that can be expended on food in a single transaction without requiring a competitive bid.

HB 6366 (2008, Enacted)

Relates to intermediate school district purchases. Increases the sum that can be expended in a single transaction for purchasing food without competitive bidding; specifies the sum that can be expended on food in a single transaction without requiring a competitive bid.

HB 6368 (2008, Enacted)

Requires the State Department of Education to investigate the potential of various procurement procedures and tools for school authorities to purchase local farm products; educate food service directors on the small purchase threshold and other such procedures and promote their use for farm to school initiatives; implement food preparation training for food service staff workers; and encourage inclusion of local farmers, processors and suppliers when taking bids for farm products.

Mississippi*SB 2369 (2007, Enacted)*

Enacts the Mississippi Healthy Students Act in support of school wellness policies. Provides that, beginning in the 2008-2009 school year, local school wellness plans must promote increased physical activity, healthy eating habits, and abstinence from use of tobacco or illegal drugs. Among other provisions, directs the State Board of Education to adopt regulations addressing healthy food and beverage choices; healthy food preparation; marketing of healthy food choices to students and staff; food preparation ingredients and products; availability of food items during lunch and breakfast periods; minimum and maximum time allotments for student and staff lunch and breakfast periods; and methods to increase participation in the child nutrition and school breakfast and lunch programs. Requires the state superintendent of public instruction to appoint an advisory committee to assist in developing the regulations. Changes from permissive to mandatory the statutory duties of local school health councils.

New Hampshire*HB 1422 (2008, Enacted)*

Establishes the multi-disciplinary Commission on the Prevention of Childhood Obesity. Requires the commission to identify and consider legislative and policy strategies that can be effective in preventing childhood obesity in New Hampshire, including, among others, developing recommendations to help schools adopt and implement school nutrition standards.

New Jersey*AB 883, SB 1218 (2007, Enacted)*

Establishes certain nutritional restrictions on food and beverages served, sold or given away to pupils in public and certain nonpublic schools. Prohibits serving, selling or giving away as a free promotion anywhere on school property at any time before the end of the school day, or in the reimbursable After School Snack Program: 1) foods of minimal nutritional value, as defined by the USDA; 2) all food and beverage items that list any form of sugar as the first ingredient; and 3) all forms of candy as defined by the New Jersey Department of Agriculture. Directs schools to reduce the purchase of any products containing trans fats beginning Sept. 1, 2007.

North Carolina*HB 1473 (2007, Enacted)*

Includes school nutrition standards requiring the State Board of Education, in direct

consultation with a cross-section of local directors of child nutrition services, to establish statewide nutrition standards for school meals, a la carte foods and beverages, and items served in the After School Snack Program administered by the Department of Public Instruction, and child nutrition programs of local school administrative units. Nutrition standards will promote gradual changes to increase use of fruits, vegetables and whole grain products and decrease foods high in total fat, trans fat, saturated fat and sugar. Effective in 2008-2009 for elementary schools, followed by middle and high school implementation.

Oregon

HB 2650 (2007, Enacted)

Specifies minimum standards for food and beverages sold in public schools and prohibits trans fat in school foods. Allows school district boards to adopt more restrictive standards.

Rhode Island

HB 5050, SB 81 (2007, Enacted)

Requires all Rhode Island senior high schools that sell or distribute beverages and snacks on their premises, including those sold through vending machines, to offer only healthier beverages and snacks, effective Jan. 1, 2008.

Tennessee

SB 3341 (2008, Enacted)

Relates to nutritional breakfast and lunch programs. Provides that each local school board submit a plan for compliance that considers the availability and cost of local agriculture products; allows a flexible bidding process to help farmers bid on portions of a nutrition plan; and requires that the food meet or exceed food safety standards for commercial food operations.

Virginia

HB 246 (2008, Enacted)

Requires the state Department of Education to develop and maintain a nutrition and physical activity best practices database that contains the results of any wellness-related fitness testing conducted by local school divisions and information on successful programs and policies implemented by local school divisions to improve nutrition and physical activity in the public schools. This information may include 1) program or policy description; 2) advice on implementation; 3) any program or policy assessment; 4) a local school division contact; and 5) other appropriate information. Database must be readily accessible to all local school divisions and the state Department of Health. Local school divisions are encouraged, but not required, to submit information to the database.

NUTRITION EDUCATION

Many states have school health education requirements, but in recent years legislators have considered or enacted bills that specifically require nutrition education aimed at preventing childhood obesity as a component of school health curricula or to train school personnel about child nutrition. Laws in California, Colorado, Indiana, Louisiana, Maine, New Hampshire, South Carolina, Texas, Vermont and West Virginia require some form of nutrition education in schools. Colorado enacted school wellness program legislation in 2008 that encourages expanded health education and nutrition services, while Oklahoma enacted an after-school initiative to reduce childhood obesity to include evidence-based nutrition education. Alabama,

California, Florida, Hawaii, Massachusetts, Missouri, Ohio and Texas considered but did not enact nutrition education legislation in 2008.

Mississippi and Nevada passed nutrition education bills or resolutions in 2007. California, Hawaii, Illinois, Iowa, Massachusetts, New Jersey, New Mexico, New York, Ohio, Texas, Virginia and Wyoming considered but did not pass similar measures in 2007.

Alabama

HB 767 (2008, Proposed)

Would provide for employment of a service center nutritionist in each of the state's 11 child nutrition service centers to provide assistance and suggestions for improvement to local child nutrition program directors in menu development, food preparation, financial management, and analysis of nutritional content based upon state and federal requirements. Would also require service center nutritionists to participate in in-service training for child nutrition program directors, child nutrition program staff, school administrators and teachers.

California

AB 898 (2008, Proposed)

Would require the state Department of Public Health, until Jan. 1, 2015, to establish and administer a pilot grant program to award three-year grants to at least three but not more than five school health centers that use the "Promotores de Salud" model to administer a nutrition education and diabetes and obesity prevention program.

Colorado

HB 1224 (2008, Enacted)

Encourages school districts to expand their local wellness policies to adopt goals for several areas to emphasize healthy choices and lifestyles, including increasing health education, nutrition services, physical education and mental health counseling. Expands the Colorado Comprehensive Health Education Act to include local student wellness programs, and allows funding for such programs.

Florida

SB 1708 (2008, Proposed)

Would enact the "Florida Healthier Child Care and School Nutrition Act" to provide requirements for foods served in child care facilities and school food service programs. Also would require a school district's health education curriculum to include nutrition education. Would also require a study by the Department of Agriculture and Consumer Services and the Department of Education of the fiscal impact of establishing a statewide farm-to-school program.

Hawaii

HB 539, SB 1178 (2008, Proposed)

Would establish public school nutrition standards and food service manager nutrition training requirements. Would require the Department of Education to encourage schools to provide culturally appropriate nutrition education and farm-to-table education programs.

Massachusetts

HB 483 (2008, Proposed)

Would direct the State Board of Education, in collaboration with the Department of Public

Health, to require school districts to convene a school wellness advisory committee to develop and recommend a policy to address school nutrition, nutrition education and physical activity, to be reviewed every three years.

Mississippi

SB 2369 (2007, Enacted)

Enacts the Mississippi Healthy Students Act to support school wellness policies. Provides that, beginning in the 2008-2009 school year, local school wellness plans also must promote increased physical activity, healthy eating habits, and abstinence from use of tobacco and illegal drugs through programs that incorporate healthy lifestyle choices into core subject areas.

Missouri

HB 1834 (2008, Proposed)

Would establish the Missouri Commission on Prevention and Management of Obesity within the Department of Health and Senior Services. Duties would include collecting and analyzing data on the extent to which Missourians suffer from obesity and on the economic effects in the state of failure to treat obesity. Would list programs and services available to address the needs of overweight children and adults and identify funding sources.

Nevada

SCR 27 (2007, Adopted)

Resolves that state agencies, school districts and organizations that provide nutrition education—especially to new and expectant parents and early childhood caregivers—be encouraged to develop a coordinated plan to provide appropriate nutrition education to Nevadans to reduce obesity and encourage other healthy lifestyle choices.

Ohio

HB 341, SB 288 (2008, Proposed)

Would establish the Healthy Farms and Healthy School grant program to provide grants to schools to establish nutrition education and agricultural education programs for kindergarteners.

Oklahoma

SB 1612 (2008, Enacted)

Creates the Oklahoma Quality After-School Opportunities Initiative to Reduce Childhood Obesity and Improve Academic Performance. It establishes and maintains a program to award grants to comprehensive, community-based after-school programs that include evidence-based obesity reduction components.

BODY MASS INDEX MEASUREMENT FOR STUDENTS

In 2008, at least eight states considered legislation related to student body mass index (BMI) or fitness screening, including Florida, Georgia, Maryland, Minnesota, New Jersey, New York, Oklahoma and Vermont. Of those, New York appropriated \$1.98 million for expenses related to reporting body mass index on school physical forms, and Oklahoma and Vermont passed legislation to require development of student BMI screening tools. Oklahoma's requirement is part of a more comprehensive student fitness assessment. Maryland legislators established a multi-disciplinary committee on childhood obesity to provide recommendations to the governor and the General Assembly on methods to increase the rate of obesity screening for children. In 2007, Arkansas amended its BMI screening and reporting requirements, and

Texas passed legislation that includes BMI screening for students at risk for type 2 diabetes. Connecticut, Kansas, Maine, Mississippi, New Jersey and Virginia considered but did not enact student BMI reporting requirements in 2007.

Arkansas

HB 1173 (2007, Enacted)

Changes requirement for student body mass index screenings to every other year, beginning in kindergarten and continuing in even-numbered grades. By providing a written refusal to the school, parents can refuse to have their child's BMI percentile for age assessed and reported. Exempts students in grades 11 and 12 from BMI requirements. (Arkansas Act 1220 of 2003 required annual body mass index screenings for all public school students, with results reported to parents confidentially by letter as part of a more comprehensive approach that halted the increase of childhood obesity in the state.) Assigns all community health nurses under its supervision to work with schools to ensure that BMI for age assessment protocols are followed by school employees or their designees who conduct such assessments and other student health screenings.

New York

SB 6804 (2008, Enacted)

Among other provisions, makes an appropriation of \$1.98 million to pay for expenses related to reporting body mass index on school entry physical forms.

AB 4308 (2007, Enacted)

Among other budget bill provisions, requires that school entry health certificates include the student's BMI and weight status category as defined by the commissioner of health.

Oklahoma

SB 519 (2008, Enacted)

Directs the state departments of education and health to facilitate development of a physical fitness assessment software program customized for public schools that can track the five components of student health-related physical fitness: aerobic capacity; muscular strength; muscular endurance; flexibility; and a weight status assessment that includes height and weight measurement, BMI calculation, and plots these measures on standard growth charts. Requires the software program to create a confidential individual student report for parents that includes an explanation of the data. Also requires the software program to be developed and made accessible to school districts at no cost.

Texas

SB 415 (2007, Enacted)

Establishes a student risk assessment program for type 2 diabetes in certain regions of the state that includes BMI screening for students identified as at risk for type 2 diabetes.

Vermont

HB 887 (2008, Enacted)

Requires the commissioner of health to develop a plan to promote measurement and track BMI percentile for children and adolescents, by collecting data relating to BMI, lack of physical exercise, and inappropriate diet and eating habits, for example.

DIABETES SCREENING AND MANAGEMENT AT SCHOOL

Two types of legislation to address diabetes in school children have recently been proposed or enacted in several states. Recognizing that rising childhood obesity rates put children at risk for an earlier onset of type 2 diabetes, some states have, by law, begun non-invasive risk screening for type 2 diabetes in school children. Other states, responding to the needs of children already diagnosed with diabetes, are creating policies to facilitate diabetic care for students at school or who are transported to and from school, and to limit the liability of caregivers and schools that provide such care.

In 2008, at least two states—Missouri and New York—considered legislation to require non-invasive screening, risk analysis or testing of school children for diabetes. Student diabetes risk screening legislation was enacted in 2007 in Texas and proposed in Massachusetts and Pennsylvania. California legislation that required non-invasive screening of students in specific pilot locations for risk of type 2 diabetes was in effect between 2003 and 2008 (California Education Code §49452.6); the law, which expired in 2008, will be replaced by statewide distribution of diabetes risk information to students beginning July 1, 2010 (California Education Code §49452.7).

Legislation providing for student diabetes care or self-care at school or permitting medication administration by, and/or liability protections for, school personnel responding to diabetic students was considered in at least nine states—Arizona, California, Illinois, Michigan, New Jersey, Pennsylvania, Rhode Island, South Dakota and Virginia—in 2008; was enacted in at least three—Arizona, Rhode Island and Virginia—and remains pending in New Jersey, where legislation carries over from 2008 to 2009. In 2007, Indiana enacted legislation related to school diabetes care.

Arizona

SB 1229 (2008, Enacted)

Authorizes a school district governing board or a charter school governing body to adopt policies and procedures that outline the process for pupils diagnosed with diabetes to manage their diabetes in the classroom, on school grounds and at school-sponsored activities. Stipulates the components of such policies and procedures.

Indiana

HB 1116 (2007, Enacted)

Requires that a diabetes management and treatment plan be prepared and implemented for a student with diabetes for use during school hours or at a school-related activity. The plan must be developed by the licensed health care practitioner responsible for the student's diabetes treatment and the student's parent or legal guardian. It must 1) identify the health care services or procedures the student should receive at school; 2) evaluate the student's ability to manage and level of understanding of diabetes; and 3) be signed by the student's parent or legal guardian and the licensed health care practitioner responsible for the student's diabetes treatment. Establishes a training program for school nurses and school employees who volunteer to help students who have diabetes manage and treat it.

Rhode Island

HB 7014, Sub. A (2008 Enacted)

Requires school departments to develop policies and procedures for administering glucagon

injections to diabetic students in the event of an emergency. Includes parent authorization and training for school personnel.

Texas

HB 1363, SB 415 (2007, Enacted)

Establishes a student risk assessment program for type 2 diabetes in certain regions of the state that includes body mass index screening for students identified as at risk for type 2 diabetes.

Virginia

HB 1445, SB 271 (2008, Enacted)

Authorizes administration of prescription drugs to a resident of a private children's residential facility that provides 24-hour care, guidance and protection to children by a person who has completed an approved training program and is licensed by the Department of Social Services, Department of Education, or Department of Mental Health, Mental Retardation and Substance Abuse Services, or a student in a school for students with disabilities and licensed by the Board of Education. The person administering the drugs must 1) have satisfactorily completed a training program approved by the Board of Nursing; 2) administer such drugs in accordance with the physician's instructions pertaining to dosage, frequency and manner of administration; and 3) comply with security and record keeping regulations promulgated by the Board of Pharmacy.

INSURANCE COVERAGE FOR OBESITY PREVENTION AND TREATMENT

Existing Maryland law requires insurers to cover morbid obesity treatment including surgery, while Georgia, Indiana and Virginia require private insurers to offer general coverage for morbid obesity as an option. No additional laws requiring insurance coverage for obesity prevention or treatment were enacted in 2008, although legislation regarding obesity and insurance coverage was considered in 2008 in at least three states—Kansas, Louisiana and Missouri. In 2007 at least seven states considered such legislation. Much of this legislation would have provided or strengthened private insurance coverage for obesity prevention or treatment, especially for the morbidly obese (those with a body mass index of 40 or higher), without specific reference to childhood obesity treatment. Louisiana legislation proposed in 2008, however, would have required Medicaid coverage for the treatment of obesity in children. Illinois legislation proposed in 2007 would have established a weight loss and management pilot program, in partnership with a private entity specializing in weight loss and weight control, for individuals enrolled in the state's Covering ALL KIDS health insurance program or the Medicaid program. Tennessee's proposed law would have required insurers to provide non-obese premium discounts to insured people.

Illinois

SB 468 (2007, Proposed)

Would amend the Covering ALL KIDS Health Insurance Act and the Illinois Public Aid Code to require the Department of Healthcare and Family Services to establish a weight loss and management pilot program in partnership with a private entity that specializes in weight loss and weight control for morbidly obese individuals enrolled in the Covering ALL KIDS health insurance program or the Medicaid program who demonstrated a commitment to weight loss.

Louisiana

HB 1241 (2008, Proposed)

Would require Medicaid coverage for the treatment of obesity in children.

Tennessee

HB 2220, SB 2315 (2007, Proposed)

Would require insurers to provide non-smoking and non-obese premium discounts to insured people and mandated such discounts for state employees.

SCHOOL WELLNESS

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/or Breakfast program 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. Plans for measuring policy implementation were required. In 2008, statewide legislation in support of wellness policies or related school health efforts was enacted in Colorado and considered in at least 10 other states, including Florida, Georgia, Kansas, Maryland, Massachusetts, Missouri, New York, Ohio, Virginia and Washington. In 2007, statewide legislation in support of wellness policies was enacted in Mississippi and considered in at least five other states, including Florida, Massachusetts, Minnesota, Ohio and Washington. Legislators also have acted on individual policies that are part of school wellness goals, such as improving the nutritional quality of school foods, providing greater opportunities for physical activity, and ensuring that adequate nutrition education is part of the school curriculum.

Colorado

HB 1224 (2008, Enacted)

Encourages school districts to expand their local wellness policies by adopting goals to increase health education and nutrition services, physical education and mental health counseling. Expands the Colorado Comprehensive Health Education Act to include local student wellness programs and allows funding for such programs.

Mississippi

SB 2369 (2007, Enacted)

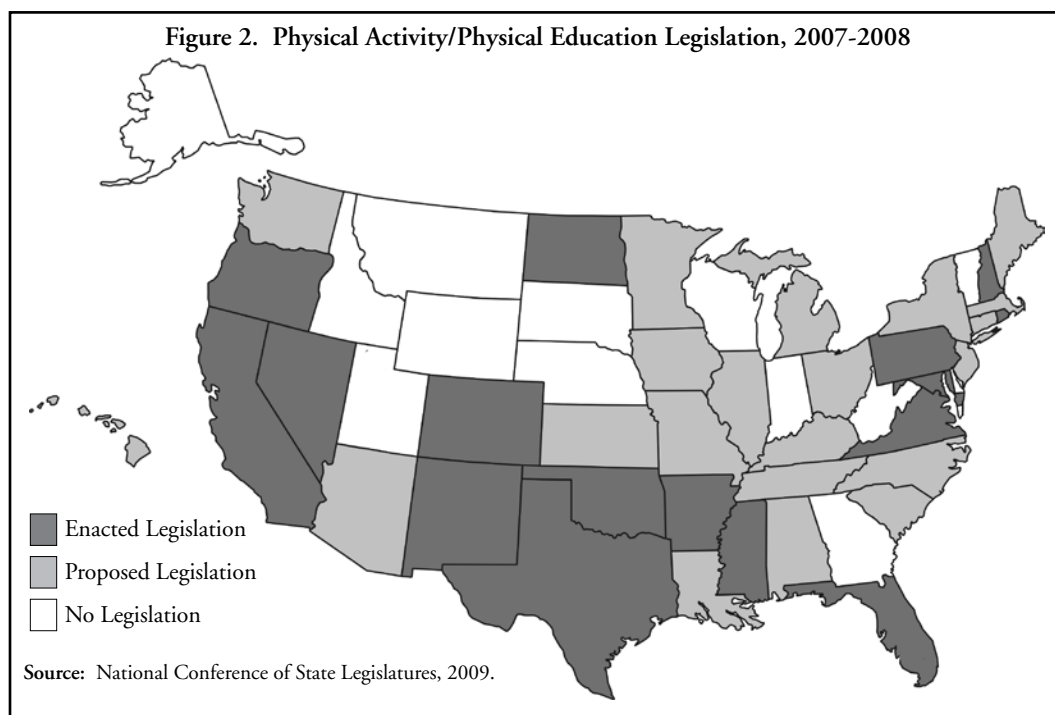
Enacts the Mississippi Healthy Students Act to support school wellness policies. Provides that, beginning in the 2008-2009 school year, local school wellness plans must promote increased physical activity, healthy eating habits, and abstinence from use of tobacco or illegal drugs. Directs the state Board of Education to adopt regulations to address healthy food and beverage choices; healthy food preparation; marketing of healthy food choices to students and staff; food preparation ingredients and products; availability of food items during lunch and breakfast periods; minimum and maximum time allotments for student and staff lunch and breakfast periods; and methods to increase participation in the child nutrition and school breakfast and lunch programs. Requires appropriation of sufficient state funds for the state Department of Education to employ a physical activity coordinator to help school districts implement physical education programs. Changes from permissive to mandatory the statutory duties of local school health councils.

PHYSICAL ACTIVITY OR PHYSICAL EDUCATION IN SCHOOLS

Forty-nine states—every state except Colorado—require physical education in schools, but the scope of the requirement varies greatly. In 2007 and 2008, at least 37 states considered physical education or physical activity legislation or resolutions, and at least 16 enacted laws.

States also have considered legislation to preserve time for physical activity during the school day through recess. In 2008, state legislation regarding recess was enacted in Oklahoma and recess legislation or resolutions were considered in Missouri and New Jersey. In 2007, Oklahoma enacted state legislation regarding recess, a recess resolution was adopted in Arkansas, and recess legislation or resolutions were considered in eight states.

Both the cost of physical education programs and an emphasis on academics have sometimes been considered barriers to increasing physical education in schools, but recognition is growing that physical activity during the school day can increase student achievement.⁸



Arkansas

HB 1039 (2007, Enacted)

Sets physical education and physical activity requirements for students. Requires 60 minutes per calendar week of physical education instruction for kindergarten through grade six, and 90 minutes per week of physical activity, which may include physical education, daily recess or intramural sports. Requires 60 minutes per week of physical education instruction for students in schools organized to teach any combination of grades five through eight with no additional requirement for physical activity. Requires one and one-half units of physical education instruction for graduation for students in grades nine through 12, with no additional requirement for physical activity. Elective participation in physical education is not affected by these requirements. School districts can impose additional requirements.

HR 1023 (2007, Adopted)

Urges school districts to provide a mid-morning and mid-afternoon recess of at least 10 minutes to all students in kindergarten through grade six. Recognizes that recess creates a supportive environment for children and allows them to incorporate regular physical activity into their daily lives; provides children with discretionary time and opportunities to engage in physical activities that lead to healthy bodies and enjoyment of movement; results in enhanced cognitive abilities and facilitates improved attention in the classroom; is an essential component in the development of interpersonal communication skills because it provides an unstructured environment in which children can interact, and is an avenue for creativity.

California*SB 601 (2007, Enacted)*

Requires an annual report on each school's compliance with the state's minimum physical education time and fitness testing requirements. Clarifies exemptions for grades 10 through 12 when students pass a fitness test, but requires elective physical education in high school.

Colorado*HB 1224 (2008, Enacted)*

Encourages school districts to expand their local wellness policies to adopt goals for increasing the availability of courses in physical education and ensuring school districts that enroll more than 1,500 students offer physical education classes taught by licensed and endorsed instructors.

Florida*SB 610 (2008, Enacted)*

Requires physical education in grades six through eight beginning with the 2009-2010 school year at the equivalent of one class period per day of physical education for one semester each year. Students in grade six who are enrolled in a school that contains one or more elementary grades must have at least 30 consecutive minutes per day of physical education on any day during which physical education instruction is conducted. Provides waivers under certain circumstances and requires schools to notify parents of waiver options.

HB 967 (2007, Enacted)

Requires 150 minutes of physical education each week for students in kindergarten through grade five. Also requires review and revision of the Sunshine State Standards for physical education to emphasize the role of physical education in promoting knowledge, skills and attitudes that prepare students to make healthy life-long nutrition and physical fitness choices. Further requires the commissioner of the Department of Education to make prominently available on the department's website links to an Internet-based clearinghouse for physical education professional development.

Maryland*HB 1411 (2008, Enacted)*

Requires schools to provide students with disabilities an equal opportunity to be included in mainstream physical education and athletic programs.

SB 955 (2008, Enacted)

Establishes a task force on student physical fitness in state public schools and requires the task force to study the advisability of requiring all public schools to provide a minimum amount of physical activity or education to students; the effects on childhood obesity and related health issues of such requirements; the costs of such requirements and how they can be minimized; and results obtained by local school systems in the state or other states that have such requirements.

Mississippi*SB 2369 (2007, Enacted)*

Enacts the Mississippi Healthy Students Act to support school wellness policies. Requires appropriation of sufficient state-source funds for the state Department of Education to employ a physical activity coordinator to help school districts implement physical education programs. Changes from permissive to mandatory the statutory duties of local school health councils. Adopts guidelines for school districts that require students in kindergarten through grade eight to participate in 150 minutes per week of physical activity-based instruction and 45 minutes per week of health education. Also requires one-half unit of physical education or physical activity in grades nine through 12 for graduation.

Nevada*SCR 9 (2007, Adopted)*

Urges state public schools and school districts to preserve and strive to expand the amount of time allocated for physical education.

New Hampshire*HB 927 (2007, Enacted)*

Includes physical education as an element of an adequate education.

New Mexico*HB (2008, Enacted)*

Appropriates \$8 million for the second-year implementation of elementary physical education for students in kindergarten through grade six.

SB 460 (2008, Enacted)

Adds one unit in physical education as a requirement for graduation for students entering the ninth grade beginning in the 2009-2010 school year.

HB 208 (2007, Enacted)

Creates a phased-in elementary school physical education program, subject to funding, without time requirements for physical education.

North Dakota*SB 2354 (2007, Enacted)*

Requires that high school physical education be available.

Oklahoma

SB 1186 (2008, Enacted)

Beginning in the 2008-2009 school year, requires school boards, as a condition of accreditation for public elementary schools, to provide students in full-day kindergarten and grades one through five an average of 60 minutes per week of physical activity. Allows this physical activity to include, but not be limited to, physical education, exercise programs, fitness breaks, recess, classroom activities, and wellness and nutrition education. Each school district board of education must determine the specific activities and means of compliance with the requirements and must consider the recommendations of each school's Healthy and Fit Schools Advisory Committee.

HB 1601 (2007, Enacted)

Creates the "Fit Kids Physical Education Task Force" regarding school physical education. Encourages school districts to incorporate physical activity into the school day by providing to students in full-day kindergarten and grades one through five with at least a 20-minute daily recess, in addition to the 60 minutes of required physical education; and by allowing all students brief physical activity breaks throughout the day, physical activity clubs and special events. Requires a report to parents summarizing how physical activity is incorporated into the school day and its benefits.

Oregon

HB 3141 (2007, Enacted)

Requires school districts, within the next decade, to provide a minimum of 150 minutes per week of physical education in elementary schools and 210 minutes per week in middle schools. Also provides \$860,000 for grants to help districts train physical education teachers and \$140,000 for the state Department of Education to gather information from districts about current physical education programs.

Pennsylvania

HR 244 (2007, Adopted)

Observes May 1-7, 2007, as National Physical Education and Sports Week and the month of May 2007, as National Physical Fitness and Sports Month in Pennsylvania.

Rhode Island

HB 5900 (2007, Enacted)

Establishes a pilot program to encourage physical exercise and promote healthy weight levels in children. Pilot programs are to incorporate, but are not limited to, a combination of exercise and nutrition plans, including walking and jogging—and information about healthy food choices.

Texas

HB 1257, SB 530 (2007, Enacted)

Requires 30 minutes daily of moderate to vigorous physical activity for public school students in grades kindergarten through six, and at least four semesters of 30 minutes daily of moderate to vigorous physical activity for grades six through eight. Also requires each district to annually assess the physical fitness of students in grades three through 12 using an instrument adopted by the commissioner of education. Requires districts to compile assessment results and provide a summary, aggregated by grade level and any other category identified by commissioner rule, to the Texas Education Agency. The summary cannot contain names of individual students

or teachers. Requires the agency to analyze the results and identify, for each district, any correlation between the results and academic achievement, school attendance, student obesity, disciplinary problems and school meal programs.

Virginia

HB 242 (2008, Enacted)

Requires local school boards to provide a physical fitness program with a goal of 150 minutes per week for all students.

TAXES AND TAX CREDITS

States continue to consider various fiscal options to encourage healthy lifestyles. In 2008, states considered tax credits for fitness or wellness choices, as well as taxing foods and beverages with minimal nutritional value and, in a few states, directing the revenues raised to fund obesity or health-related services or programs. In Maine, a November 2008 referendum overturned a law passed in April that imposed a tax on syrup used to make soda in restaurants, bottled soft drinks, beer and wine, and on claims paid by insurance companies. It directed the tax revenues be used to pay for a government-sponsored health insurance program.

Illinois

HB 1722 (2007, Proposed)

Would create the Illinois Junk Food Tax Act.

HB 3584 (2007, Proposed)

Would create an individual income tax credit for taxpayers who paid costs for an eligible child to enroll in a qualified physical fitness program.

Maine

LD 2247 (2008, Enacted; Repealed by Referendum 1, November 2008)

Would have imposed a tax on syrup used to make soda in restaurants, bottled soft drinks, beer and wine, and on claims paid by insurance companies. Tax revenues are to pay for a government-sponsored health insurance program.

Maryland

HB 39 (2007, Proposed)

Would repeal an exemption under the sales and use tax for specified snack food sold through vending machines.

New Mexico

HB 148, SB 148 (2008, Proposed)

Would provide an income tax credit for employers to defray a portion of the costs of providing employee wellness programs. Wellness programs could include self-help behavioral change components for altering employee lifestyles to encourage healthy living. Programs could use counseling, seminars, on-line programs or self-help materials to address obesity, nutrition, physical fitness and policies and services at work to promote healthy lifestyles.

New York

SB 2595 (2007, Proposed)

Would provide a tax credit of up to \$200 per employee to businesses for qualified expenses relating to occupational wellness, not to exceed \$10,000 per employer.

Pennsylvania

SB 1041 (2007, Proposed)

Among other provisions, would exclude from the state's sales tax exemption for food soft drinks and foods sold at snack bars.

Wisconsin

AB 235 (2007, Proposed)

Would create an income and franchise tax credit for workplace wellness programs equal to 30 percent of the amount an employer paid in the taxable year to provide such a program, defined as a health or fitness program provided with health risk assessments.

**TASK FORCES, COMMISSIONS, STUDIES, GRANTS
AND OTHER SPECIAL PROGRAMS**

Legislation or resolutions to create obesity-related task forces, commissions, studies, strategic plans or other special programs were introduced in at least 11 states in 2008, and in at least 11 states in 2007.

Alabama

HJR 306 (2007, Adopted)

Establishes a legislative task force on morbid obesity to study the feasibility of implementing a pilot program to increase the funding formula of the State Employees' Health Insurance Plan and the Public Education Employees' Health Insurance Plan for bariatric surgery in the morbidly obese. Will study the long-term cost of coverage for morbid obesity versus the cost of bariatric surgery.

California

ACR 134 (2008, Adopted)

Establishes the Legislative Task Force on Summer and Intersession Enrichment. Requires the task force to study ways to provide summer enrichment and wellness programs to low-income children, promote good health and combat obesity by increasing awareness of the benefits of good nutrition and regular physical exercise and activity.

Georgia

SR 517 (2007, Adopted)

Creates a Senate Study Committee on Childhood Obesity and Diabetes to study the conditions, needs, issues and problems associated with the increasing incidence of diabetes and childhood obesity in Georgia and to recommend any action or legislation.

Illinois

SB 2012 (2008, Enacted)

Creates the Chronic Disease Prevention and Health Promotion Task Force to study diseases such as cancer, diabetes, cardiovascular disease, arthritis and other preventable non-communicable

diseases associated with risk factors such as poor nutrition, physical inactivity, tobacco or alcohol abuse, and other social determinants of chronic illness, with consideration to racial and socioeconomic disparities.

Iowa

HB 2539 (2008, Enacted)

Establishes a Governor's Council on Physical Fitness and Nutrition consisting of 12 members appointed by the governor to develop a strategy to increase physical activity, improve physical fitness and nutrition, and promote healthy behaviors.

Louisiana

HCR 68 (2008, Adopted)

Requests the House Committee on Health and Welfare and the Senate Committee on Health and Welfare to function as a joint committee to study childhood obesity in the state.

HR 169, SR 160 (2008, Adopted)

Requests the Office of Group Benefits to study the bariatric surgery demonstration program initiated in 2004 and report the results of the study to the Senate Committee on Health and Welfare no later than Jan. 5, 2009.

SCR 98 (2008, Adopted)

Creates the Healthy People of Louisiana Task Force to make recommendations about the current and future effects of chronic diseases that significantly affect the citizens, commerce, workforce, social fabric and insurance costs. Requires a study of innovative ways to combat such diseases across all age groups and socioeconomic classes.

Maryland

HB 1176 (2008, Enacted)

Creates a Committee on Childhood Obesity to provide recommendations to the governor and the General Assembly.

SB 955 (2008, Enacted)

Establishes a Task Force on Student Physical Fitness in State Public Schools. Requires the task force to study the advisability of requiring all public schools to provide minimum physical activity or education to students; the effects on childhood obesity and related health issues of such requirements; the costs of such requirements and how they can be minimized; and results obtained by local school systems in the state or other states that have such requirements.

Minnesota

SB 3780 (2008, Enacted)

Creates a Statewide Health Improvement Program and grants to local communities. Establishes health care homes and reporting requirements; payment restructuring and care coordination payments; payment reform; a health care workforce shortage study; free and reduced school lunch program data sharing; and state health care program automation and coordination.

New Hampshire

HB 1422 (2008, Enacted)

Establishes a multi-disciplinary commission on the prevention of childhood obesity. Requires the commission to identify and consider legislative and policy strategies that could effectively

prevent childhood obesity in New Hampshire, including, but not limited to: a) the efficacy of current laws, regulations, education and certification standards, and clinical protocols in promoting physical activity and healthy eating; b) an examination of evidence-based or promising practices from other states and jurisdictions relative to statewide policy, local ordinance, and educational programming strategies; c) the health consequences and economic effects of childhood obesity in the state and the economic impact of any prevention policies or strategies; d) strategies to address the needs of particular regions of the state or certain populations within the state that are most effected by childhood obesity; and e) developing recommendations to help schools adopt and implement school nutrition standards.

New Mexico

SB 129 (2008, Enacted)

Establishes a Healthy New Mexico task force to devise a plan to implement disease prevention and chronic condition and disease management measures, and to reduce overall demand for high-cost medical and behavioral health treatments.

SB 165 (2008, Enacted)

Appropriates \$50,000 for a preventive health pilot program in rural areas of northwestern New Mexico to identify and improve the health of those suffering from diabetes, heart disease, obesity or other preventable health conditions.

North Dakota

HCR 3046 (2007, Adopted)

Directs the Legislative Council to study how various public and private entities can cooperate with families to promote healthy lifestyles for children and create awareness about the interplay of healthy lifestyle choices and educational success. Recognizes that a child's choices regarding diet, exercise and substance use affect his or her overall well-being and success in an educational environment; that smart choices help alleviate various conditions, including obesity, diabetes, heart disease, high blood pressure, stroke, osteoporosis, and cancer; and that parents, teachers, health care professionals, and representatives of public and private entities can provide useful information and guidance to children.

Texas

SB 556 (2007, Enacted)

Creates an interagency obesity council composed of the commissioner of agriculture, commissioner of state health services and commissioner of education to discuss the status of each agency's programs that promote better health and nutrition and prevent obesity among children and adults; consider the feasibility of tax incentives for employers that promote activities designed to reduce obesity in the workforce; and submit a report every other year to the governor, the lieutenant governor, and the speaker of the House of Representatives about the council's activities, including any recommendations for program improvements, goals or legislation.

Virginia

HJR 637 (2007, Adopted)

Establishes a joint subcommittee to determine ways to combat childhood obesity in Virginia public schools and examine the relationship between the health and physical education curriculum; public health policies; social, economic and cultural influences and media messages; and the incidence of overweight and obese students in public schools.

RAISING AWARENESS

In both 2007 and 2008, many states sought to raise public awareness of childhood obesity, related health conditions such as type 2 diabetes, and efforts to respond to the problem with wellness, nutrition and physical activity initiatives.

California

SCR 76 (2008, Adopted)

Proclaims the month of May 2008 as California Fitness Month.

SCR 18 (2007, Adopted)

Proclaims the month of May 2007 as California Fitness Month and encourages all Californians to enrich their lives through proper diet and exercise.

SCR 28 (2007, Adopted)

Recognizes the importance of quality youth sports experiences, and the important role local park and recreation agencies play by providing safe and enjoyable youth sports. Recognizes their role in addressing the state's childhood obesity epidemic, related health conditions and associated costs.

Colorado

SJR 1004 (2008, Adopted)

Resolves that Colorado legislators will be leaders in encouraging health and wellness in their communities by challenging both themselves and their colleagues nationwide to participate in the "Legislators Step to Health" program, a partnership among the American Diabetes Association, AstraZeneca, America On the Move, the Colorado Department of Public Health and Environment, Kaiser Permanente and Thrive.

Florida

HB 9101 (2008, Enacted)

Recognizes April 10, 2008, as Obesity Awareness Day.

Georgia

SR 930 (2008, Adopted)

Recognizes Feb. 25, 2008, as the kickoff for the 2008 Legislative Fitness Challenge.

SR 1044 (2008, Adopted)

Recognizes Feb. 28, 2008, as the kickoff for the 2008 Legislative Fitness Challenge.

SR 1092 (2008, Adopted)

Recognizes March 6, 2008, as Diabetes Awareness Day.

Louisiana

HR 43 (2008, Adopted)

Designates May 6, 2008, as "Legislative Wellness Day" at the Louisiana House of Representatives.

SCR 29 (2008, Adopted)

Designates May 12, 2008, as "Obesity Awareness Day" at the Legislature.

SR 53 (2008, Adopted)

Commends the efforts of various organizations and recognizes May 6, 2008, as “Legislative Wellness Day” at the Louisiana Senate.

HB 883 (2007, Enacted)

Provides powers, duties and functions of the Louisiana Diabetes Initiatives Council, including:

- Raising awareness of the prevalence of diabetes;
- Promoting nutrition, body weight and lifestyle as risk factors that are strongly linked to development of diabetes and complications;
- Stressing the importance of testing, screening and measuring treatment goals;
- Educating people about the signs and symptoms of diabetes;
- Identifying cardiovascular disease risk factors for people with diabetes; and
- Advocating the benefits of moderate weight loss.

Maryland*HB 1311, SB 437 (2008, Enacted)*

Designates walking as the state exercise.

Michigan*HR 327 (2008, Adopted)*

Observes April 16, 2008, as Michigan Kidney Disease and Diabetes Awareness Day.

New Jersey*AR 86 (2008, Adopted)*

Recognizes November 2008 as American Diabetes Month.

New Mexico*HM 21, SM 78 (2007, Adopted)*

Supports continued funding of the Indian Health Services’ special diabetes program for Native Americans and urges Congress and the president to fund the program beyond 2008 to support culturally appropriate diabetes prevention and treatment within New Mexico’s Native American communities.

Oklahoma*SR 52 (2008, Adopted)*

Encourages local and state elected officials and government agencies to educate and create infrastructures and incentives through parks and schools to lead awareness campaigns to build a healthier state.

HCR 1022 (2007, Adopted)

Designates March 26, 2007, as Diabetes Awareness Day in Oklahoma. Affirms that the state is committed to becoming the nation’s model to conduct cutting-edge research related to diabetes and its complications, promoting education related to diabetes and its prevention, and providing optimal treatment for individuals with diabetes.

Pennsylvania

HR 386 (2007, Adopted)

Encourages individuals to seek early screening and treatment of diabetic conditions and health care providers to improve care to better control diabetes. Commends the governor's diabetes initiatives.

Tennessee

HJR 258 (2007, Adopted)

Expresses concern about identification and treatment of diabetes.

Texas

SR 820 (2007, Adopted)

Commends members of the Texas Juvenile Diabetes Research Foundation for their dedication to fund research and support policies to find a cure for juvenile diabetes

Utah

SCR 1 (2008, Adopted)

Designates April 2008 as Obesity Awareness Month in Utah and urges health care suppliers, communities, businesses and schools throughout the state to develop awareness campaigns and voluntary programs that focus on obesity and its prevention.

Vermont

HR 34, SR 27 (2008, Adopted)

Designates April 30, 2008, as Walk at Lunch Day, recognizing that 30 minutes of moderate physical activity such as a brisk walk at least five times a week offers significant health benefits.

Virginia

HJR 726 (2007, Adopted)

Designates the third week in September 2007, and in each succeeding year, as Healthy Virginians/Healthy Students Week in Virginia.

Washington

SR 8615 (2007, Adopted)

Recognizes Diabetes Day at the Capitol. Encourages individuals to seek early screening and treatment and urges health care providers to improve care for the control of diabetes and treatment of major complications in order to reduce the rate of diabetes and its complications among high-risk populations. Encourages adoption of generally recognized clinical practice guidelines such as the American Diabetes Association goals, recommendations and standards that identify reduction of body mass index, cardiovascular risk issues and glycemic control as key factors in managing diabetes.

Wisconsin

AJR 75, SJR 65 (2007, Adopted)

Recognizes November as Diabetes Awareness Month in Wisconsin. Recognizes the work and success of the Wisconsin Diabetes Prevention and Control Program to educate citizens and health providers about diabetes and the latest diagnosis, treatment and control guidelines. Urges continued funding for the program.

HEALTHY COMMUNITY DESIGN AND ACCESS TO HEALTHY FOOD

BICYCLING AND WALKING

State legislatures have given considerable attention to bicycling and walking issues during the last two years. Higher gas prices, transportation gridlock and childhood obesity have created interest in alternative transportation such as walking and bicycling, and in the recreational benefits these activities provide. Many cities have shown that investments in infrastructure for these activities lead to greater use. In 2007, 17 states considered legislation that would help build bicycling and walking facilities or encourage these activities, and 18 states considered such legislation in 2008. Six states passed legislation in 2007, and 11 did so in 2008. These measures include directly funding projects, designing and planning transportation projects to include the needs of these users, and possible financial incentives for employees and employers to encourage bicycling and walking.

Connecticut

HB 5914 (2007, Proposed)

Would establish a grant program for towns to provide funds for multi-use bikeways, that would promote healthy lifestyles, encourage people to exercise, provide safe transportation routes separated from traffic, reduce transportation gridlock and sprawl, and encourage family activities.

Hawaii

HB 497 (2007, Enacted)

Encourages construction of bike and pedestrian pathways, including designating 2 percent of eligible federal funds for multi-use paths and bikeways. Planning for any mass transit system must include appropriate accommodation for bicycle lanes, bikeways and bicycle routes, including bicycle racks on mass transit vehicles, to enable mass transit users to connect conveniently by bicycle to transit stations and bus stops. The Department of Transportation must involve representatives of the bicycling community when determining exemptions to this law.

New Hampshire

HB 1203 (2008, Enacted)

Requires the Department of Transportation to develop and implement standards that follow federal guidelines for design and placement of rumble strips, drain grates and road surface treatments that eliminate foreseen hazards for bicyclists.

New Jersey

SB 1925 (2008, Proposed)

Would allow a state income tax deduction of 10 cents per mile traveled to and from work by bicycle. Suitable records of the commuting must be maintained.

New York

AB 2343, SB 3216 (2008, Enacted)

Includes bicycle and pedestrian paths within the types of construction and improvement projects of the Department of Transportation that are eligible for specified state funds.

SB 8204 (2008, Proposed)

Would create a tax credit of up to \$250 for purchase of a new bicycle.

Virginia*SB 6014 (2008, Proposed)*

Would allow an individual to deduct up to 50 percent of the expenses incurred in commuting to and from work on public transportation. Would allow a \$500 deduction for those who use ridesharing to commute to and from work, or who bicycle or walk to work. To be eligible for the \$500 deduction, the individual must use such modes of transportation at least 100 days annually. Would direct the Department of Taxation to develop guidelines to implement the deductions.

HB 1826 (2007, Proposed)

Would create two separate tax credits to encourage bicycle commuting. Employees would be allowed a credit of up to \$5,000 for providing bicycle racks and showers in the place of business for use by employees who bicycle to work. Individuals would be allowed a credit of \$15 for every month he or she rides a bicycle to and from work for at least 10 days.

COMPLETE STREETS

Legislation to adopt complete streets policies has increased significantly, especially in 2008. In 2007, Illinois and Iowa considered such bills. The Illinois law was enacted by overriding the governor's veto. In 2008, as awareness and interest in complete streets spread, nine states considered bills, and three enacted laws. A wide variety of states that have varied transportation challenges and cultures considered complete streets legislation. The language for these measures is similar, although Illinois gives special attention to urban areas. The bills contain exceptions to providing facilities for bicyclists, pedestrians and transit users if the project would be cost prohibitive or there are safety issues.

California*AB 1358 (2008, Enacted)*

The California Complete Streets Act of 2008 requires the legislative body of a city or county, upon any revision of the "circulation element" of its general plan, to modify it to specify how the element will provide routine accommodation of all users of a highway, including motorists, pedestrians, bicyclists, those with disabilities, senior citizens and public transit riders.

Illinois*SB 314 (2007, Enacted)*

Institutes complete streets guidelines to give bicycle and pedestrian ways full consideration in planning and developing transportation facilities, including their incorporation into state-funded transportation plans and programs. Requires bicycle and pedestrian ways be established in conjunction with construction, reconstruction or other change of any state transportation facility. Special emphasis must be given to projects in or within one mile of an urban area.

Kentucky*SB 145 (2008, Proposed)*

Would seek to implement complete streets policies by requiring bicycle and pedestrian ways to be given full consideration in planning and developing state transportation facilities. Would

also require the state to establish design and construction standards for bicycle and pedestrian ways.

Minnesota

SF 3545 (2008, Proposed)

Would authorize the commissioner of transportation to study the benefits, feasibility and cost of adopting a complete streets policy. The policy would include safe access for all users, including pedestrians, bicyclists, motorists and transit riders. Would include paved shoulders on rural roads and bicycle and pedestrian ways in urbanized areas, with exceptions for safety, cost and lack of need.

Missouri

HB 2206 (2008, Proposed)

Would require that bicycle and pedestrian ways be given full consideration in planning and developing transportation facilities by the Department of Transportation, including the incorporation of such ways into state plans and programs. Reasonable funds would be expended to provide appropriate accommodations for bicyclists, pedestrians, the disabled, transit riders and other users of public roadways, with exceptions for cost and absence of need.

Vermont

SB 350 (2008, Enacted)

Limits the emission of greenhouse gases and includes a complete streets provision. Requires the Vermont Agency of Transportation to support and plan for complete streets components such as rideshare, public transit, park and ride, employer-based incentives, and bicycle and pedestrian planning; to invest at state, regional and local levels; and to create or expand regional connections within the state or local or regional government. Construction or reconstruction on highways must include paved shoulders, unless the agency determines sections to be cost prohibitive, and must maintain or improve existing access and road surface conditions for bicycles and pedestrians along the shoulders of these highways, unless the area is adequately served by such paths that are located elsewhere, or unless the agency deems it to be cost-prohibitive. Establishes a policy to maintain and improve intercity bus and rail and freight and commuter rail services.

West Virginia

HB 4006 (2008, Proposed)

Would ensure that bicycle and pedestrian ways be given full consideration in planning and developing state roads, including their incorporation into state plans and programs. Special emphasis would be given to state roads in or within one mile of an urban area. Exceptions could be made based upon documented safety issues, excessive cost or absence of need as determined by the commissioner of highways. The Division of Highways would establish design and construction standards for bicycle and pedestrian ways.

TRANSIT-ORIENTED DEVELOPMENT

States want to diversify transportation options to decrease congestion and increase choice and efficiency. Some legislatures have acknowledged that certain areas are better suited as dense, multi-use developments that can more easily accommodate transit, bicycling and walking for transportation. In 2007, five states considered transit-oriented development legislation, and

two states passed measures. In 2008, eight states considered such measures, and six passed laws.

Maryland, Michigan and New Jersey attempted to define the necessary features of a transit-oriented development. New Jersey's legislation designated as "Urban Transit Hubs" areas within a half-mile radius around rail stations. Massachusetts allocated \$20 million more for its transit-oriented development program, which has spent \$30 million since 2004 to plan and build eligible projects. The Massachusetts program includes a significant affordable housing component, which takes into account the fact that low-income citizens are most likely to rely on public transportation.

Connecticut

HB 5734 (2008, Enacted)

Creates the "Buses for 21st Century Mobility" program to fund new and expanded bus transportation services. Prioritizes projects, including developing new commuter rail stations and improving bicycle access to, and storage facilities at, transportation centers.

Maine

LD 2019 (2008, Enacted)

Beginning July 1, 2009, dedicates 50 percent of the revenue from the tax imposed on car rentals to the State Transit, Aviation and Rail Transportation Fund to support transit, aeronautics and rail transportation, including the Downeaster train service.

Maryland

HB 373 (2008, Enacted)

Defines transit-oriented development as a land parcel within a half-mile of a transit station that is planned to maximize use of transit, walking and bicycling by residents and employees. Allows the state and a local government with planning responsibility to designate a transit-oriented development.

Massachusetts

HB 5039 (2008, Enacted)

Contains funding for multiple transit projects and programs, including \$20 million for a transit-oriented development program. The program provides grants for preliminary design of bicyclist and pedestrian facilities, and to build housing, bicyclist, parking and/or pedestrian facilities to serve a mixed-use development within one-quarter mile of a transit station. Also requires that 25 percent of housing must be affordable to households making no more than 80 percent of area median income.

Michigan

HB 6114 (2008, Proposed)

Would create the Transit Revitalization Investment Zone Act to create a new kind of tax increment finance authority. Would promote development, including "transit revitalization improvements," within a specially designated transit revitalization zone. Would define "Transit oriented development" as development that is concentrated around and oriented to transit stations to promote transit ridership or passenger rail use. Transit-oriented development would include, but not limited to, single projects and collections of projects, including neighborhood mixed-use projects.

New Jersey*SB 3043 (2007, Enacted)*

The “Urban Transit Hub Tax Credit Act” directs the New Jersey Commerce Commission to designate areas in a one-half mile radius around rail stations in nine communities as an “urban transit hub.” A business that makes \$75 million of qualified capital investment in a business facility in an urban transit hub and employs at least 250 at that facility can qualify for tax credits equal to 100 percent of the qualified capital investment that can be applied against the corporate business tax, insurance premiums tax or gross income tax liability. Taxpayers can use a credit equal to 10 percent of the qualified capital investment annually for 10 years.

Virginia*SB 1199 (2007, Enacted)*

Establishes the Intermodal Office of Intermodal Planning and Investment of the Secretary of Transportation. Goals of the office are to provide solutions that link existing systems; reduce congestion; improve safety, mobility and accessibility; and provide greater travel options. Included is coordination of adequate pedestrian, bicycle and other forms of non-motorized transportation in the six-year improvement program and other state and regional transportation plans.

HEALTH IMPACT ASSESSMENTS

Legislative activity to assess the health impacts of proposed land use developments and transportation projects has been sparse. Four bills were introduced in 2007-2008 and one was enacted. Washington’s health impact assessment was mandated for reconstruction of a large bridge to ensure health considerations were taken into account and a mitigation plan was put in place for any adverse effects.

California*AB 1472 (2007, Proposed)*

Would establish the California Healthy Places Act of 2008. A program within the State Department of Public Health would guide and support cities and counties in conducting health impact assessments. Also would require the department to develop guidelines relating to creation of a local entity’s health impact assessments of land use, housing, and transportation policy and plans.

Maryland*HB 1196 (2008, Proposed)*

Would require the secretary of health and mental hygiene to establish a pilot program to provide funding and technical assistance to eligible entities to prepare health impact assessments. The department would develop guidance for the assessment of the potential health effects of land use, housing, and transportation policy and plans.

Massachusetts*SB 2572 (2008, Proposed)*

Would require a health impact assessment if the proposed project is in or might affect a vulnerable community. A petition by 10 or more people could trigger an assessment for a project in a vulnerable community that does not require an environmental notification. A health impact assessment would be defined as “...a combination of procedures, methods, and tools by which a regulation, program, or other project is assessed as to its potential effects on

the health of a population, and the distribution of those effects within the population.” These health effects would include obesity, physical inactivity, asthma, injuries and social equity.

Washington

SB 6099 (2007, Enacted)

Requires a health impact assessment to determine a major transportation project’s effect on public health issues.

FARM-TO-SCHOOL

Considerable farm-to-school legislative activity has taken place in the last few years. Six states enacted farm-to-school legislation in 2007, and eight did so in 2008. Seventeen states considered farm-to-school legislation in 2007, and 13 did so in 2008. Seventeen states now have some form of statewide farm-to-school program. Perhaps most notable among the enacted bills is Washington’s 2008 legislation, which links farmers and schools; identifies curricula; establishes a fresh fruit and vegetable grant program; requires revision of food procurement laws to ease purchasing of local food; and aids other sectors of the local food economy, such as food processors and food banks.

A few of the enacted bills are small, often establishing a mission to link farmers and schools, and a staffer to carry out duties, such as in Oregon. Maryland, Michigan and Virginia mandated that a mechanism, such as a website, be established to help match farmers and schools. Several states sought to include price preferences for local food or relax procurement standards for local purchases. Michigan raised the amount a school can bid without using competitive bids from \$19,650 to \$100,000. Increased paperwork and staff time is one of the main barriers to local food purchased by schools, so reducing red tape and allowing more discretionary spending is an important step. Vermont’s 2007 law created a mini-grant program that recognizes the multiple barriers to creating a successful farm-to-school program. The grants can be used to address various issues, including purchasing equipment so school kitchens can more easily prepare local foods or providing new funding to try the wares of local farmers.

Florida

HB 1251 (2008, Proposed)

Would create the Florida Farm Fresh Schools Program within the Department of Agriculture and Consumer Services. Would require the department to provide outreach and training to districts, schools, school food service directors, parent and teacher organizations and students about the benefits of fresh food products from Florida farms. Would exempt from certain bid limits procurement of fresh fruits and vegetables purchased for the program. Would require the Department of Agriculture to work with the Department of Education to encourage purchasing products from Florida farmers by requiring school districts and schools to buy fresh, and high- quality Florida-grown foods when feasible, and by encouraging and soliciting farmers to sell their products to school districts and schools. Would encourage school districts and schools to demonstrate a preference for competitively priced organic food products.

Illinois

HB 5949 (2008, Proposed)

Would create the Farm Fresh Schools Program and Program Fund in the Department of Agriculture, with cooperation from the Illinois State Board of Education and the Department of Public Health. The purpose of the program would be to reduce obesity and improve nutrition

and public health, while strengthening local agricultural economies by increasing access to and promoting the consumption of locally grown fruits and vegetables in schools. The Department of Agriculture and the Illinois State Board of Education would jointly administer a process to review proposals and award grants.

Iowa

SF 551 (2007, Enacted)

Appropriates \$80,000 for the farm-to-school program.

SF 601 (2007, Enacted)

Establishes an Iowa farm-to-school program administered statewide by the Department of Agriculture and Land Stewardship. The purpose of the program is to provide for purchase of locally and regionally produced or processed food to improve child nutrition in the public and nonpublic schools and strengthen local and regional farm economies. The department must appoint a coordinator to administer the program. The program must link state elementary and secondary public and nonpublic schools with Iowa farms so schools can obtain fresh, minimally processed food for school meals and snacks.

Kentucky

HB 484 (2008, Enacted)

Encourages governing boards of public postsecondary institutions to purchase Kentucky-grown agricultural products if the vendor can meet quality and pricing requirements and if the institutions purchase agricultural products.

Maryland

HB 696, SB 158 (2008, Enacted)

Establishes the “Jane Lawton Farm-to-School Program” in the Department of Agriculture to promote the sale of state-grown farm products to schools. This includes developing a database of farmers interested in selling their products to schools, creating a promotional event entitled “Maryland Homegrown School Lunchweek,” and arranging for experiential learning for students, such as trips to local farms.

HB 906, SB 496 (2007, Proposed)

Would require each county school board to establish a 5 percent price preference for the purchase by schools of Maryland-grown food.

Massachusetts

HB 4376 (2007, Proposed)

Would require the Department of Agricultural Resources and the Department of Education to investigate the feasibility of establishing a farm-to-school program in the state and encourage purchase of Massachusetts-grown food products. Required components would include examining purchasing methods that would facilitate local purchases; the cost, infrastructure and workload needed to make such a program feasible in public schools; and the ability to promote a comprehensive approach to nutrition and curriculum activities, such as school gardens and farm tours with a farm-to-school program. The Department of Agricultural Resources also would collect data on potential buyers and sellers and the amounts of food needed and would create a mechanism to connect schools and agricultural producers. Also would require that fresh fruit and non-fried vegetables be offered for sale at schools, that free water be available, and that sales of certain foods and beverages on school grounds be limited.

Michigan

HB 6365, HB 6366 (2008, Enacted)

Allows a school district or public school academy to make food purchases without using competitive bids unless the amount in a single transaction is more than \$100,000. The current ceiling is \$19,650.

HB 6368 (2008, Enacted)

Requires the Michigan Department of Agriculture and the Michigan Department of Education to investigate the potential of various procurement procedures and tools for school food authorities to purchase local farm products. This includes educating food service directors about the small purchase threshold and other procurement procedures that promote the use of local food; implementing food preparation training for food service staff to accommodate fresh and local foods; encouraging school food service directors to include local farmers, processors and suppliers when taking bids for farm products that fall under the small purchase threshold; and encouraging all new school construction projects to consider kitchen facilities that can be used to prepare fresh school meals and offer opportunities for hands-on learning. The Department of Agriculture must hire a staff member to coordinate efforts and disseminate information about the school food procurement process to help farmers, processors and suppliers learn more about it. The staff member would link school food service directors and farmers, possibly through a web-based directory of farmers that is searchable by location.

North Carolina

HB 705 (2007, Enacted)

Permits local boards of education to enter into lease purchase or installment purchase contracts for food service equipment.

Ohio

SB 288 (2008, Proposed)

Would create the Healthy Farms and Healthy Schools Grant Program, administered by the director of agriculture, to educate kindergarten students and their families about the importance of choosing healthy, locally grown or produced foods and to increase awareness of agriculture in the state. Grants could be used to purchase agricultural products that are grown or produced in the state; training teachers and other educational staff on nutrition education and agricultural education; and direct agricultural educational experiences that teach children about sources of food, nutrition and agriculture. The director of agriculture would maintain a list of those involved in agriculture in the state who have agreed to supply food products and other materials to help grant recipients in the educational process. Would create in the state treasury the Healthy Farms and Healthy Schools Grant Fund.

Oregon

HB 3601 (2008, Enacted)

Requires the Department of Education to establish the Oregon Farm-to-School and School Garden Program. The program would help schools use Oregon food products and produce from school gardens, promote food- and garden-based educational activities, and work with the state Department of Agriculture to develop farm-to-school related programs.

Rhode Island

HB 5811, HB 5845 (2007, Proposed)

Would give a 5 percent tax credit for the cost of farm products grown or produced in the state and sold to local education agencies in Rhode Island.

South Carolina

HB 4833, SB 1231 (2008, Proposed)

Would create the South Carolina Farm to School Program within the South Carolina Department of Agriculture. The program would conduct workshops and technical assistance for school food services directors, personnel, farmers, and produce distributors and processors regarding the demand for and availability of South Carolina farm products. The program would establish a South Carolina Farm to School Program website on the home pages of the state Department of Education and the South Carolina Department of Agriculture.

Tennessee

SB 3341 (2008, Enacted)

Specifies that each local school board's plan for compliance with nutritional breakfast and lunch programs include specific provisions to encourage purchase of local agriculture products. This would include setting preferences for use of agriculture products from each local school board's county or geographical region, and would allow flexible bidding processes to help farmers to bid competitively on portions of a given nutrition plan.

Vermont

HB 91 (2007, Enacted)

Aims to make permanent the mini-grant Farm-to-School Program created by Act 145 of 2006. The program would allow local school districts to apply for grants of \$15,000 or less that will enable a school to develop relationships with local farmers and producers; purchase equipment, resources and materials to help increase use of local foods in the school food service program; and purchase items—including local farm products—that will help teachers use hands-on techniques to teach children about nutrition.

Virginia

SB 797 (2007, Enacted)

Requires the commissioner of agriculture and consumer services to establish a website to promote Virginia farm products to educational institutions, including contact information for farmers and types and amounts of products available.

Washington

SB 6483 (2008, Enacted)

Creates a farm-to-school program in the Department of Agriculture to facilitate school purchase of Washington-grown food by linking school districts and local producers and by integrating curricula and programs that demonstrate the benefits of local food. Creates the Washington-Grown Fresh Fruit and Vegetable Grant Program in the office of the superintendent of public instruction to facilitate consumption of Washington-grown nutritious snacks to improve student health and expand the market for locally grown fresh produce. Requires revision of food procurement and food contract procedures to facilitate maximum purchase of Washington-grown food by state agencies and institutions. School districts can develop and implement policies and procedures to facilitate and maximize purchases of Washington-grown food. School districts can operate school gardens or farms as appropriate to grow fruits and vegetables to

be used for educational purposes. Creates the Washington State Farmers' Market Technology Improvement Pilot Program to lend technological hardware to farmers' markets to help develop capability to accept electronic payment cards, including electronic benefits transfers. Creates the Farmers-to-Food-Banks Pilot Program. The office of financial management must develop measures to report changes and trends in the purchase of Washington-grown food by state agencies, institutions of higher education and schools.

FOOD DESERTS—ACCESS TO HEALTHY FOOD

As policymakers become more aware of food deserts and their effect on health and quality of life, the number of bills to study food access and bolster access in food-insecure areas has increased. In 2007, seven states considered legislation dealing with access to food, and bills were enacted in three. In 2008, eight states introduced food desert measures, and five were adopted.

Some legislatures have determined the importance of understanding the scope and location of the problem. This often is done by conducting a study and/or "food mapping" in an area to discern where food deserts exist. New Mexico created a statewide Food Gap Task Force to study the issue, determine areas of need, and develop solutions for food deserts in a variety of settings, such as among rural, urban and Native American populations. Legislators have attempted to increase access, which often involves offering financial incentives and technical assistance to stores and municipalities and increasing availability of farmers' markets and community gardens. California, Connecticut, Michigan, Nevada, New York, Ohio, Pennsylvania and Texas considered some type of financial incentive to increase food access in disadvantaged areas.

California

AB 2726 (2008, Enacted)

Extends the repeal date of the Healthy Food Purchase pilot program from 2011 to 2012 and stipulates that the program can be funded by any available source. The Healthy Food Purchase pilot program is to increase sale and purchase of fresh fruits and vegetables in low-income communities. Administered by the Department of Health Services, the program targets low-income grocers to increase their offerings of fresh fruits and vegetables. It will attempt to increase food stamp recipient purchase of fresh fruits and vegetables by making those products more affordable by development and implementation of financial incentives.

SB 48, SB 107 (2007, Proposed)

Would require the state Department of Public Health to establish the Healthy Food Retail Innovations Fund to provide residents of underserved communities with retail food markets that would offer high-quality fruit, vegetables and other healthy foods and encourage retail innovation. Also would require the department to provide competitive grants and loans for land acquisition, business plan development, feasibility studies, refrigeration units, outside technical assistance and other startup costs.

Connecticut

HB 7196 (2007, Proposed)

Would provide a personal property tax abatement for supermarkets.

Michigan

SB 294 (2008, Enacted)

Allows grocery stores or markets that offer fresh fruits and vegetables and other food products to receive tax abatements to locate in an underserved area.

Nevada

SB 352 (2007, Enacted)

Extends the temporary tax abatement for grocery stores that locate or expand in the Southern Nevada Enterprise Community.

New Mexico

HB 180 (2008, Vetoed)

Would have appropriated \$10 million to the Healthy Food Initiatives Fund for expenditure in FY 2009 and subsequent fiscal years for expenditures pursuant to the Manny Herrera Access to Healthy Foods Act. The act is meant to improve New Mexicans' access to healthy foods by providing financial assistance to approved applicants for qualified projects chosen by the healthy food initiatives board.

HJM 10 (2007, Adopted)

Creates a statewide Food Gap Task Force to investigate ways to improve rural and underserved New Mexicans' access to sources of healthy and affordable foods. This includes investigating economic incentives for grocery stores, improving transportation and distribution services, and initiatives to rebuild New Mexico's food and farming capacity. Suggestions for pilot projects would be included in task force recommendations; it was to report to the Legislature by Oct. 30, 2007.

New York

AB 3680, SB 7570 (2008, Proposed)

Would establish a kitchen incubator/shared-use kitchen facility program within the urban development corporation to provide grant funding to municipalities, educational institutions and not-for-profit entities to develop or expand such facilities that make available services such as food production, business management and marketing, distribution, storage and retailing assistance, particularly in economically distressed areas.

Ohio

HB 469 (2008, Proposed)

Would amend existing law to allow loans and loan guarantees to establish supermarkets and grocery stores in underserved communities.

Pennsylvania

HB 2233 (2008, Enacted)

Amends various aspects of the Elm Street Program, including making grocery stores eligible for grants. The program, designed to revitalize downtowns, includes grants for planning, reinvestment and operations, thus opening another revenue stream for grocery redevelopment in the state.

Texas

HB 2629 (2007, Proposed)

Would require the Department of Agriculture to develop and implement a Small Retailers

Competitive Grant Pilot Program through which the department would award grants to small retailers in certain low-income communities to increase their access to fresh produce. The department would operate the program in each school district in which at least 60 percent of the students who reside in that district participate in the national free or reduced-price lunch program.

LOCAL FOOD—DIRECT MARKETING

States have shown sustained interest in initiatives to promote local food products during the last few years. In 2007, 27 states considered legislation to bolster local food, and 13 passed such measures. The following year, 21 states considered local food bills, and eight adopted some type of local food assistance.

The growing economic drawing power of farmers' markets has not gone unnoticed at state capitols; Arkansas, California, Iowa, Kentucky, New York, Oklahoma and Tennessee attempted to strengthen these markets. Some measures directly allocated funds or tax breaks for farmers' markets. Arkansas and Hawaii showed interest in funding and building the processing and storage infrastructure needed to create a viable local food economy. Some states—including Kentucky, Montana, New Jersey and Vermont—encouraged state agencies to purchase local food. Missouri and Rhode Island unsuccessfully attempted to create tax credits for a grocery store or restaurant that purchased state-grown food.

Arkansas

SB 504 (2007, Enacted)

Appropriates \$750,000 for construction and associated expenses for farmers' markets in the state.

SB 719 (2007, Enacted)

Appropriates \$160,000 to establish a vegetable value-added facility.

California

AB 2168 (2008, Enacted)

Encourages establishment of farm stands to help farmers sell directly to the public. The stands must comply with health and sanitation standards for retail food facilities established by the State Department of Public Health.

Florida

HB 1427 (2007, Enacted)

Directs the Department of Agriculture and Consumer Services to provide agritourism-related marketing advice, technical expertise, promotional support and product development.

Hawaii

SB 2559 (2008, Proposed)

Would create the Hawaii Agricultural Micro Loan Program and appropriate \$250,000. The Department of Agriculture would make loans of up to \$25,000 for agricultural projects by producers of Hawaii-grown produce that will be marketed and consumed in Hawaii.

HB 1221 (2007, Enacted)

Creates a dairy and poultry farm revitalization and food security program to encourage increased local consumption of these goods and enhance food security. Appropriates \$3.3 million for program administration.

Illinois*HB 1300 (2007, Enacted)*

Creates the Illinois Food, Farms, and Jobs Act and the Illinois Local and Organic Food and Farm Task Force. The task force must develop a plan to expand and support a statewide local and organic food system and must assess and overcome obstacles to increase locally grown food and local organic food production.

Iowa*HF 2447 (2008, Proposed)*

Would establish a fresh fruits and vegetables loan program. A loan could be made to those who market fresh fruits and vegetables to consumers who reside in the community where the fresh fruits or vegetables are produced. The loans could be used to finance projects associated with farmers' markets, the WIC farmers' market nutrition program, the senior farmers' market nutrition program, and the farm-to-school program.

Kentucky*HB 626 (2008, Enacted)*

Amends current law concerning the Kentucky Proud program. Creates a Kentucky Proud Advisory Council and a Kentucky Proud promotion fund, with a grant program using available funds. Before a state agency can purchase Kentucky-grown agricultural products, the vendor must participate in the Kentucky Proud program, which requires state agencies to purchase Kentucky-grown agricultural products if the vendor can meet quality and pricing requirements. Prospective vendors that participate in the Kentucky-grown labeling and logo program also can apply for marketing assistance from the state.

SB 25 (2007, Enacted)

Creates the Kentucky Farmers' Market Nutrition Program within the Department of Agriculture, in collaboration with the Cabinet for Health and Family Services. The program will attempt to provide fresh, locally grown produce to low-income seniors and recipients of the federal Special Supplemental Nutrition Program for women, infants and children. It also will establish strategies to introduce fresh, locally grown fruits and vegetables to school nutrition programs. The program must collaborate with the United States Department of Agriculture Senior Farmers' Market Nutrition Program and other relevant programs.

Missouri*HB 2167 (2008, Proposed)*

Would establish the Promoting Missouri Food Products Act, which would authorize a tax credit for purchases of Missouri food products by any taxpayer who owns a retail grocery store or similar establishment where sales of Missouri food products total at least 15 percent of gross annual sales. The tax credit would be 10 percent of the food purchase price paid to a Missouri farmer or producer.

Montana

SB 328 (2007, Enacted)

Allows Montana-grown agricultural products to be purchased when they do not exceed or reasonably exceed the lowest bid or price quoted for similar food products produced outside the state. A bid reasonably exceeds the lowest bid or price quoted when the higher bid is reasonable and can be paid from a public agency's existing budget without further supplemental or additional appropriation.

New Jersey

AB 2016 (2008, Proposed)

Would require the director of the Division of Purchase and Property, to the maximum extent possible, to purchase "Jersey Fresh," "Jersey Grown" and other agricultural food products and commodities grown or raised in New Jersey for use by various state agencies and departments.

New York

AB 7339 (2007, Enacted)

Allows any municipal corporation, regional market authority, public benefit corporation, not-for-profit corporation or agricultural cooperative to submit an application for state assistance to promote farmers' markets.

Oklahoma

HB 2833 (2008, Enacted)

Continues the Oklahoma Food Security Act until Dec. 2012. The Food Security Committee will continue to meet and work on issues such as supporting community food security initiatives and encouraging local food production, supporting efforts to provide farmers' markets with the technology for accepting food stamps, encouraging use of home and community gardens for food production, and supporting creative transportation methods to connect at-risk populations with nutritious foods.

Rhode Island

HB 7639 (2008, Proposed)

Would allow any drinking and/or eating establishment required to collect the 1 percent meals tax to earn a state income tax credit of 5 percent of the cost of farm products grown or produced in the state, up to \$1,000.

Tennessee

SB 131 (2007, Enacted)

Exempts from sales taxes farm products that are marketed and sold directly by farmers to consumers via a nonprofit online farmers' market.

Vermont

HB 522 (2007, Enacted)

Attempts to ensure the long-term viability of Vermont agriculture by establishing state goals. This includes establishing a system through which the state follows its "buy local" campaign by purchasing local food and dairy products; establishing a system for local producers and processors to market their products to state agencies; and establishing a system for state agencies to advertise to and connect with local producers and processors. Also establishes a program in the Agency of Agriculture, Food and Markets to provide strategic and technical assistance to

local producers and processors to create or enlarge the facilities necessary to produce or process food for sale to the state or other expanded markets.

CONCLUSION

State legislatures have become increasingly active in developing policies designed to achieve healthier communities and reduce childhood obesity. They have chosen a diverse array of options, many of which will require strengthened relationships with the local governments and school districts that are responsible for implementing state policy. Research that can document ties between specific policy approaches and resulting health benefits—including reduced health care costs and academic achievement—can help support state and local action.

NOTES

1. L. Robbins, D. Shinkle, and L. Morandi, *The Legislative Role in Healthy Community Design* (Denver: National Conference of State Legislatures, May 2006); A. Winterfeld, *Childhood Obesity: Legislative Policy Approaches and the Evidence Base to Date* (Denver: National Conference of State Legislatures, July 2006); A. Winterfeld, *Childhood Obesity: Update of Policy Options and Research* (Denver: National Conference of State Legislatures, June 2007).
2. L. Kolbe et al., “Enabling the nation’s schools to help prevent heart disease, stroke, cancer, COPD, diabetes, and other serious health problems,” *Public Health Report* 119, no. 3 (2004).
3. Center for Science in the Public Interest, “Schools and School Districts That Have Improved School Foods and Beverages and Not Lost Revenues” (Washington, D.C.: CSPI, 2005).
4. I. Contento, “The effectiveness of nutrition education and implications for nutrition education policy, programs, and research: A review of research,” *Journal of Nutrition Education* 27, no. 6 (December 1995).
5. L. Lytle, “Nutrition Education for School-aged Children,” *Journal of Nutrition Education* 27, no. 6 (December 1995).
6. U.S. Department of Transportation, *Nationwide Personal Transportation Survey* (Washington D.C.: U.S. Department of Transportation, 1995).
7. Centers for Disease Control and Prevention, *Health Impact Assessment*, www.cdc.gov/healthyplaces/hia.htm.
8. D.P. Coe et al., “Academic Achievement Higher Among Most Active Kids—Vigorous Physical Activity Linked to Better Grades,” *Medicine & Science in Sports & Exercise* 38, no. 8 (2006).

State Net and TrendTRACK were among the sources used in bill tracking.

Promoting Healthy Communities and Reducing Childhood Obesity Legislative Options

State legislatures are taking a more active role in developing policies to promote healthier communities and reduce childhood obesity. This interest has grown in recent years as research indicates positive links between physical activity and healthy eating on the one hand, and public health benefits, lower health costs and academic achievement on the other.

Legislation considered and enacted during the 2007 and 2008 sessions spans a diverse range of topics, from nutrition standards and physical education in schools, to land use and transportation measures designed to make the built environment more accessible for walking and biking. These options recognize the important partnership between legislatures—that often set state policy—and state agencies, local governments and schools—that are responsible for implementing state policy.



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