

SESSION OF 2005

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2417

As Amended by House Committee on
Health and Human Services

Brief*

The bill would enact a new law establishing a 28-member Kansas Council on Obesity Prevention and Management within the Department of Health and Environment. The Council would exist from August 1, 2005 to March 31, 2007 and would be required to meet quarterly during that period. The first meeting of the Council would have to be held by October 1, 2005. Members would serve without compensation.

The Council would be required to submit a report, including recommendations for proposed legislation, to the Governor and to the House and Senate health committees, prior to the start of the 2007 Legislative Session. The report would have to include a comprehensive state plan for implementation of services and programs to increase prevention and management of obesity in adults and children and an estimate of the cost of implementing such a plan. All state and local departments, boards, agencies, officers, and institutions would be required to cooperate with the Council in carrying out its purposes under the Act.

Members of the Council would be:

- ! The Secretary of Health and Environment or the Secretary's designee;
- ! The Secretary of Social and Rehabilitation Services or the Secretary's designee;
- ! The Commissioner of Education or the Commissioner's designee;
- ! The Secretary of Human Resources or the Secretary's designee;
- ! A representative of the Office of the Governor appointed by the Governor;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- ! Two members of the House of Representatives, one each appointed by the Speaker and the Minority Leader;
- ! Two members of the Senate, one each appointed by the President and the Minority Leader;
- ! Two representatives of the public at large to be selected by the Secretary of Health and Environment;
- ! The president of the Kansas State Medical Society or the president's designee;
- ! The president of the Kansas State Nurses Association or the president's designee;
- ! The president of the Kansas Pharmacists Association or the president's designee;
- ! The president of the Kansas Chapter of the American Academy of Pediatrics or the president's designee
- ! The Executive Vice Chancellor of the University of Kansas Medical Center or the Chancellor's designee;
- ! The president of the Kansas Association of Health Plans or the president's designee;
- ! The president of the Kansas Public Health Association or the president's designee;
- ! The president of the Kansas Health Insurance Association or the president's designee;
- ! A representative appointed from the Kansas State Office of the American Association of Retired Persons;
- ! A representative of the Kansas Dietetic Association;
- ! The president of the Physical Therapy Association or the president's designee;
- ! A member appointed by the Commissioner of Insurance;
- ! The president of the Kansas Hospital Association or the president's designee;
- ! A representative of the food processing and manufacturing industry selected by the Secretary of Health and Environment;
- ! A representative of the Kansas National Education Association;
- ! The president of the Kansas Chiropractic Association or the president's designee;
- ! A representative of organizations providing services and programs to youth and young adults selected by the Secretary of Health and Environment; and
- ! A representative of the Kansas Academy of Family Physicians.

The chair and vice-chair of the Council would be appointed by the Secretary of Health and Environment. The Department of Health and Environment would be required to provide administrative assistance to the Council. The bill would grant the Council broad authority to gather data and to study issues associated with obesity, its prevention, and treatment.

Obesity would be defined for purposes of the Act to be a disease characterized by a person having a body mass index of 30 or of 27 combined with the presence of one or more other specific diseases or conditions.

Background

Two sponsors of the bill presented testimony to the House Committee on Health and Human Services in support of the bill. Other proponents who presented testimony to the House Committee included the Secretary of Health and Environment and representatives of the Girl Scouts of Kansas, The Sunflower Foundation, and the Kansas Chiropractic Association. No opponents of the bill presented testimony at the House Committee hearing.

The House Committee amended the bill to include on the Council representatives of youth organizations, chiropractors, and the Academy of Family Physicians.

A number of measures have been introduced this session that would address obesity in one way or another.

- ! SB 75 and HB 2233 would create an immunity from liability for claims relating to obesity or weight gain.
- ! SB 154 would require the State Board of Education to establish nutritional standards for foods and beverages made available to students in public schools during the school day.
- ! SCR 1604 would request the Kansas State Department of Education to take the lead in a study of the state's public schools with regard to: school food programs; the availability of other food on school premises; the availability of classes on health; and physical activities intended to promote healthy bodies and physical fitness.

! HB 2208 would establish a task force on the prevention and treatment of obesity.

The Division of the Budget's fiscal note on the introduced version of the bill states that enactment would have no fiscal impact because members of the Council would serve without compensation. The Division of the Budget is not able to estimate the cost of material and reports, but notes that those costs would be spread among all members of the Council. The House Committee amendment would not materially change that assessment of fiscal impact.