

Health Policy Tracking Service

published by NETSCAN iPublishing Inc.

December 2004

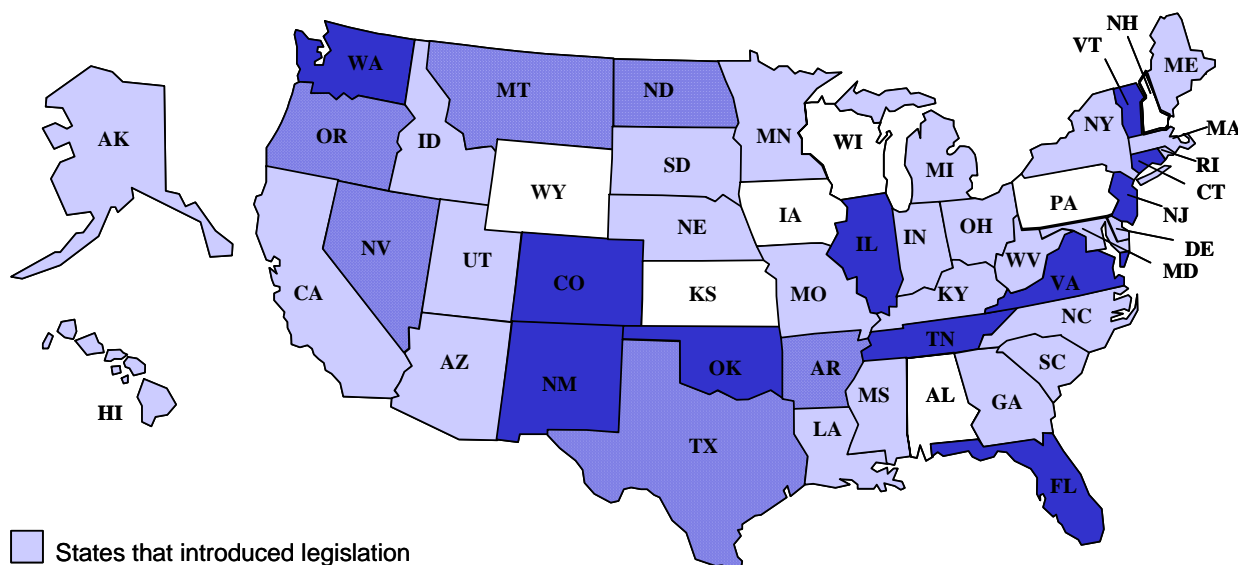
NUTRITION, OBESITY & PHYSICAL EDUCATION: 2004 OVERVIEW

Since 1960, obesity rates have continuously risen among children and adults. During the past three years, the media, food and beverage industry, public health advocates and both federal and state policymakers have devoted significant attention to this escalating American health problem and its associated risk factors. Governors and state legislators alike are considering hundreds of measures of legislation to further prevent obesity by encouraging healthy eating habits and promoting physical activity due to the related health implications and associated costs related to treating overweight and obese individuals. In 2004, the Health Policy Tracking Service noted a considerable increase the amount of legislation introduced and attention the issue received in state houses across the country. The main focus for lawmakers this year was to prevent obesity among children by setting nutritional standards for food and beverage items sold during school meals and/or limiting the items sold through vending machines. In addition, lawmakers worked to increase the level of physical activity among school children. State lawmakers also considered the implication of obesity-related lawsuits that placed food and beverage industries at fault for an individual's unhealthy weight gain.

Improving School Nutrition

Because it is easier to create and foster healthy lifestyle habits in children than to change established adult lifestyles, state legislators are focusing on encouraging and enhancing the nutrition and physical education efforts of state public school systems. Lawmakers in 37 states, as highlighted below, sought to encourage, promote and educate children on the merits of healthy eating and increased physical activity. Hundreds of bills introduced in 2004 attempted to create a healthier, more active school environments for children and adolescents. Access to nutritious food choices and restricting foods and beverages sold in competition with school breakfast and lunch programs continued to be a popular avenue for state legislators to prevent childhood obesity.

2004 State School Nutrition Legislative Activity



One of the more progressive policies put into place this year came from the **Texas** Department of Agriculture. The state's Public School Nutrition Policy went into effect August 1, 2004, for all schools (elementary, middle and high schools) participating in the federal child nutrition programs. The policy restricted the availability of items of minimal nutritional value and set nutritional standards, in particular, limiting the amount of fried foods served to 28 grams of fat per serving size no more than twice a week. Portion size restrictions also were placed on items such as potato chips, cereal bars, muffins, milk, and other beverages. In addition, the policy reduces the amount of sugared, carbonated beverages available for purchase in high schools to 30 percent by the 2005-2006 academic year and restricts access to such beverages in middle/junior high schools until the end of the last lunch period.

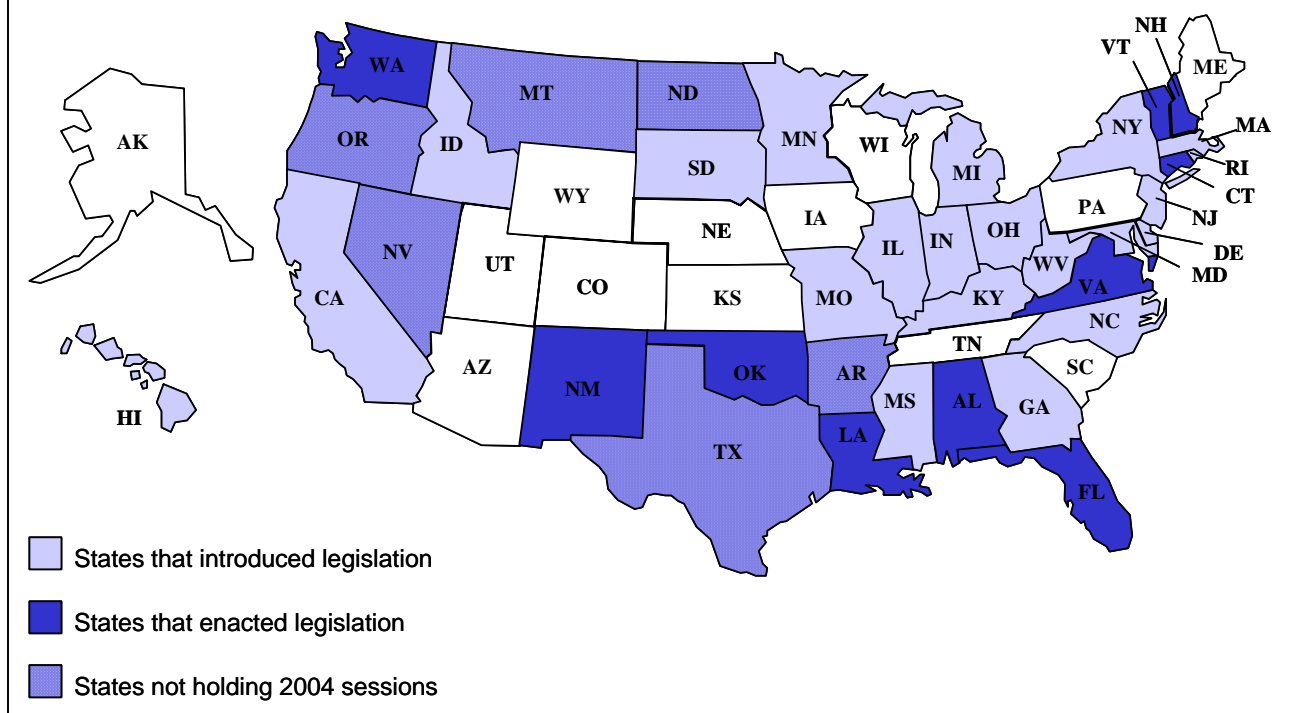
In **Colorado** lawmakers enacted a measure encouraging school boards to adopt policies that require at least 50 percent of the items sold through vending machines to meet specific nutritional standards. In **Tennessee**, the State Board of Education must develop rules by the 2006-2007 academic year that establish minimum nutritional standards for competitive food items sold in grades pre-kindergarten through grade 8. As part of a larger physical education bill, **Connecticut** required school boards to make low-fat, nutritious food and beverage items available for purchase. Additionally, a **Vermont** measure requires the Department of Education to develop a model fitness and nutrition policy for students that includes nutritional guidelines and policies.

Along with state government, local school boards also have taken action. Schools in the Philadelphia school district are no longer allowed to sell sodas in vending machines and lunchrooms; New York City and Los Angeles were among the first large urban school districts to establish such a bans. Chicago's public school district adopted a policy placing strong restrictions on items found in school vending machines. The policy bans the sale of soda, gum, and candy and prohibits the sale of products that have more than 30 percent of their calories from fat and contain more than 40 percent sugar.

Strengthening Physical and Health Education Curriculums

Legislators in 31 states, as highlighted in the map on the following page, also sought to set standards or increase requirements for health and physical education. Because there is no federal mandate, state and local boards of education are free to choose the extent and intensity of the physical education curriculum in schools. As a result, there is significant variation among schools' physical education requirements. Although several measures establishing specific standards were introduced this year, many stalled in the legislative pipeline. The additional costs associated with implementing these standards and the greater emphasis being placed on academic standards, made passage of such measures difficult for legislative sponsors. Of the 76 bills that received consideration by the legislatures, only the measure enacted in **Louisiana** went as far as setting specific requirements for physical education classes (30 minutes of daily physical activity for public school students attending grades K through 6). **Connecticut** enacted a law mandating that school boards offer each student in grades K through 5, a period of physical exercise everyday. **Washington** recently released its model policy as required by SB 5436. **Vermont** is in process of developing a model physical education policy.

2004 State Physical Education Legislative Activity



Establishing Committees and Councils

Several states established commission task forces, committees, or advisory councils to study or address nutrition, obesity, exercise, and wellness programs and policies. Before setting policies, legislators in these states required members of these advisory committees to gather more information, learn what approaches work best, and build a consensus among public and private policymakers and leaders. Legislation enacted in **New Hampshire** requires the Department of Education to develop a policy on physical education recommendations for schools. The **New Mexico** House of Representatives passed a resolution creating a committee to study the effects of the lack of physical and nutrition education and of sales of low-nutrition foods and beverages in schools. **New Jersey** established the New Jersey Obesity Prevention Task Force to expand obesity prevention throughout the state and **Oklahoma** mandated the formation of a committee in each school to address physical education, nutrition, and health.

In other states, related task forces and commissions released their final reports this year. **Florida's** Governor's Task Force on the Obesity Epidemic issued a final report focused on improving nutrition and physical activity and **Maine's** Commission to Study Public Health finalized recommendations most of which addressed health, nutrition and physical activity for the state legislature. **South Carolina's** Department of Education's Task Force on Student Nutrition and Physical Activity released recommendations to assist schools in strengthening their nutritional and physical activity policies.

Measuring Body Mass Index

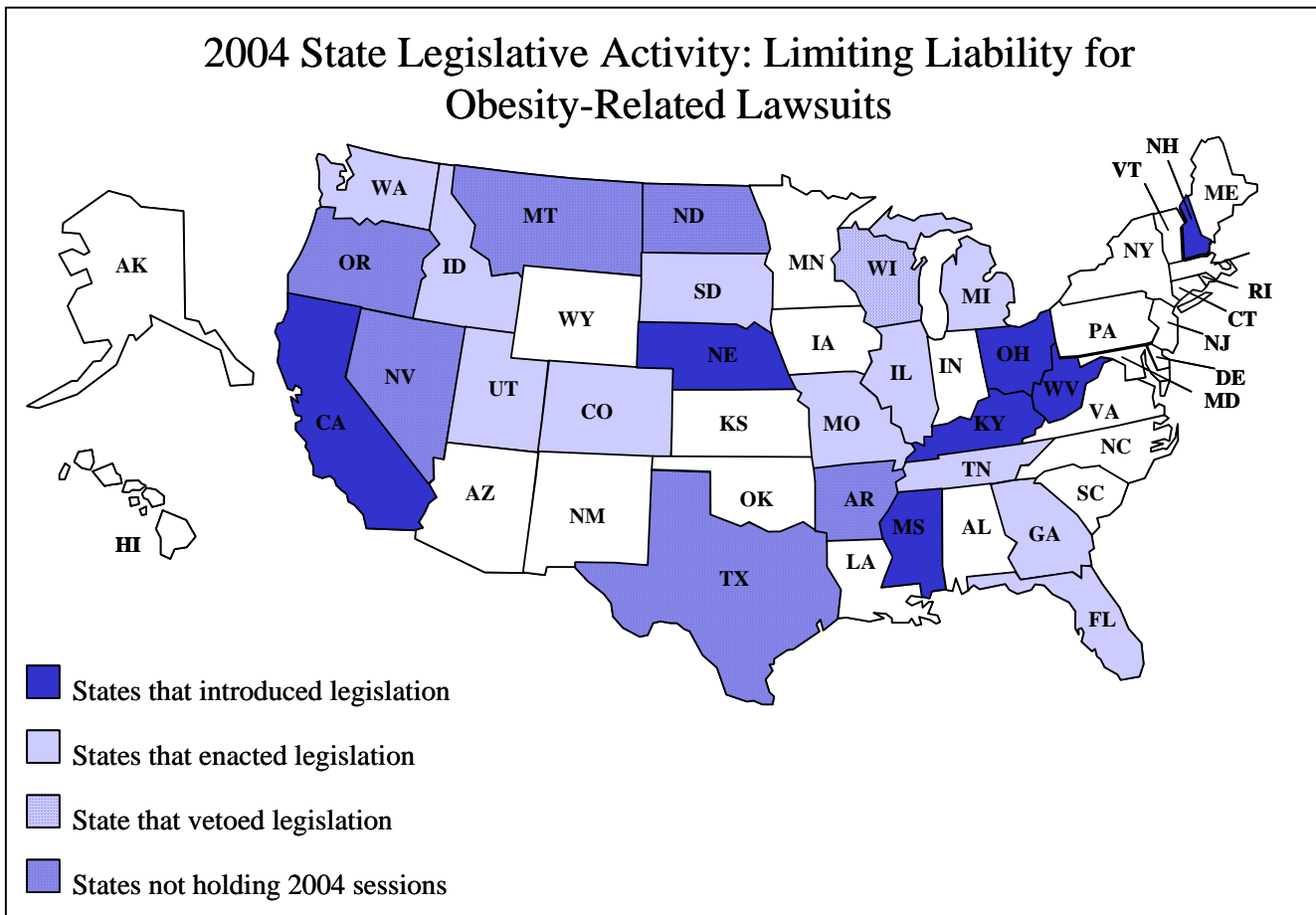
One innovative approach to monitoring and preventing childhood obesity is measuring and reporting the body mass index (BMI) of students. In 2003, Arkansas Governor Mike Huckabee (R) signed legislation that required schools to send health report cards, along with academic reports, to parents. The reports provided information on a student's health status, specifically the student's BMI. Final results of the school-by-school body mass index report showed that 38 percent of Arkansas' public school students are overweight or at risk

for being overweight. **Illinois** enacted similar legislation allowing the department of public health to collect data relating to obesity during the mandatory child health examinations for entrance into public schools. While other states introduced legislation calling for the measurement of body mass index of students, these proposals did not pass.

Regulating Obesity-related Lawsuits

In addition to school- and community-based initiatives, lawmakers in several states considered measures that limit an individual's ability to sue food and beverage companies. Commonly referred to as the Commonsense Consumption Act, these measures limit the civil liability of manufacturers, distributors, sellers, or retailers of food or beverages for claimed damages resulting from weight gain, obesity or obesity-related conditions.

Louisiana was the first state to enact the Commonsense Consumption Act in 2003. Of the 26 states that introduced Commonsense Consumption Acts this year, governors in 11 of the states signed the measure into law in 2004 and **Wisconsin** governor, Jim Doyle (D), vetoed legislation.



Creating Healthy States

Governors, through their personal efforts and actions, sought to motivate their constituents to lead healthier, more active lives. Recently, Governor John Baldacci (D) kicked off his administration's "**Maine in Motion**" program, a statewide initiative aimed at sedentary individuals. Other gubernatorial initiatives included:

- **"Colorado on the Move"** program which encouraged individuals to increase their physical activity by asking them to walk 2000 steps per day and reduced the consumption of 100 calories per person per day. Colorado legislators were among the first to wear electronic step counters to monitor and increase their physical activity.
- **Texas** Governor Rick Perry (R) challenged his residents to participate in the "Texas Round-Up program" a statewide effort to encourage daily physical activity and healthy choices.
- **South Carolina** Governor Mark Sanford (R) embarked on a 2 week, cross-state bike trip and challenged constituents to join him and his family for any part of the journey.

In addition, governors in four states also unveiled their plans to create an overall healthier state. **Michigan's** Governor Jennifer Granholm (D) announced her Prescription for Michigan that focuses on improving the health habits of the state's children by reducing obesity and preventing tobacco use. In **Arkansas**, Governor Mike Huckabee (R) began his sweeping Healthy Arkansas initiative to improve the health of Arkansans statewide. Inspired by Huckabee's efforts, **Virginia** Governor Mark Warner (D) revealed Healthy Virginians to prevent and reduce obesity and other chronic conditions among state employees, school children, and Medicaid families and in **Kansas**, Governor Kathleen Sebelius (D) proposed Healthy Kansas, which includes a plan to reduced obesity; however, funding for this proposal remains in debate.

Analysis of What to Expect in 2005

The Health Policy Tracking Services' survey of *"State Health Care Priorities for 2005"* has identified the cost of state Medicaid, long-term care and prescription drug programs as three of the top four priority issues state legislatures will address in the upcoming sessions. The fourth is access to health insurance.

Analysis of these three issues reveal that chronic illnesses, diseases and conditions, such as diabetes, heart disease, etc., are significant factors in the escalating cost of health care in the states---. Poor nutrition and obesity play a major or contributing role in the onset, severity, and exacerbation of these illnesses and conditions. It comes as no surprise that more than 20 state legislatures identified school nutrition and physical education as priority issue that they expect to address in 2005. These legislative initiatives will take the form of:

- Stricter nutritional standards for school meal programs;
- Stricter nutritional standards for competitive and ala carte food offerings;
- Enhanced physical education programs;
- Banning the sale of soda in public schools; and
- Banning the sale of junk food in public schools.

HPTS will continue to research, monitor, analyze and report on these state-based efforts to address this growing public health concern.