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To: Public Health and Human
 Services; Appropriations

HOUSE BILL NO. 641

1 AN ACT TO AUTHORIZE THE CHAIRMAN OF THE MISSISSIPPI COUNCIL
 2 ON OBESITY PREVENTION AND MANAGEMENT TO DEVELOP AND IMPLEMENT A
 3 PLAN TO ESTABLISH THE COUNCIL AS A NONPROFIT CORPORATION UNDER
 4 STATE LAW; TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH MAY
 5 CONTINUE TO PROVIDE ADMINISTRATIVE SUPPORT TO THE COUNCIL FOR ONE
 6 YEAR AFTER THE COUNCIL IS ESTABLISHED AS A NONPROFIT CORPORATION;
 7 TO PROVIDE THAT AFTER THE COUNCIL IS ESTABLISHED AS A NONPROFIT
 8 CORPORATION, THE STATE DEPARTMENT OF HEALTH, THE DIVISION OF
 9 MEDICAID, THE STATE DEPARTMENT OF EDUCATION AND ANY OTHER STATE
 10 AGENCY MAY EXECUTE A CONTRACT WITH THE COUNCIL TO DEVELOP AND
 11 IMPLEMENT OBESITY PREVENTION AND MANAGEMENT PROGRAMS; TO ESTABLISH
 12 IN THE STATE TREASURY A SPECIAL FUND TO BE KNOWN AS THE STATEWIDE
 13 OBESITY PREVENTION AND MANAGEMENT FUND; TO PROVIDE THAT THE MONIES
 14 IN THE FUND MAY BE EXPENDED BY THE APPROPRIATE STATE AGENCIES TO
 15 IMPLEMENT THE STATEWIDE OBESITY PREVENTION AND MANAGEMENT PROGRAMS
 16 AUTHORIZED UNDER THIS ACT; TO AMEND SECTION 41-101-1, MISSISSIPPI
 17 CODE OF 1972, TO PROVIDE THAT THE STATUTORY COUNCIL ON OBESITY
 18 PREVENTION AND MANAGEMENT SHALL CEASE TO EXIST AT THE TIME THAT
 19 THE COUNCIL IS ESTABLISHED AS A NONPROFIT CORPORATION; AND FOR
 20 RELATED PURPOSES.

21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

22 **SECTION 1.** (1) The chairman of the Mississippi Council on
 23 Obesity Prevention and Management established under Section
 24 41-101-1, with participation from the members of the council, may
 25 develop and implement a plan to establish the council as a
 26 nonprofit corporation under Mississippi law. For a period of one
 27 (1) year after the council is established as a nonprofit
 28 corporation, the State Department of Health may continue to
 29 support the council by providing meeting space, office space and
 30 clerical assistance. After the expiration of the one-year period,
 31 the council shall be responsible for obtaining the funds necessary
 32 to support the operating needs of the council.

33 (2) After the council is established as a nonprofit
 34 corporation, the State Department of Health may execute a contract
 35 with the council to develop and implement comprehensive statewide

36 obesity prevention and management programs. The contract shall
37 contain provisions to require that the council will:

38 (a) Encourage and assist local communities, workplaces,
39 health insurance companies, churches, schools and other public and
40 private entities to develop and implement obesity prevention and
41 management programs and services, and encourage cooperative,
42 comprehensive programs that reach across all segments of the
43 population.

44 (b) Encourage and assist health care providers to
45 develop, implement, and track and report the outcomes of effective
46 weight management products and services, and coordinate the
47 efforts of health care providers and health plans in exploring the
48 potential for cost-effective obesity management benefits.

49 (c) Serve as the state clearinghouse for information on
50 ideas, projects and outcomes to make local and statewide programs
51 more effective.

52 (d) Implement statewide communication programs to alert
53 people to the problem of obesity and how it can be prevented and
54 treated.

55 (e) Coordinate an annual statewide project that will
56 heighten public awareness of the problem of obesity.

57 (f) Establish an annual awards program to recognize
58 individual and community achievement in obesity prevention and
59 management.

60 (g) Serve as the authority that approves and disburses
61 financial assistance to any nonprofit corporation, county or
62 municipality that, in a written application, seeks that assistance
63 to implement a local obesity prevention or management program.

64 (h) Encourage the donation of funds from the private
65 sector to support the operating costs of the council and to assist
66 in defraying the operation of the programs implemented under this
67 section.

68 The contract may include any additional provisions that the
69 State Department of Health deems necessary to effectuate the
70 obesity prevention and management programs contemplated by this
71 section.

72 The council shall submit to the State Department of Health
73 not later than August 1 of each year a written report detailing
74 the operation of obesity prevention and management programs
75 statewide and its expenditure of monies for those programs during
76 the preceding state fiscal year.

77 (3) After the council is established as a nonprofit
78 corporation:

79 (a) The Division of Medicaid may execute a contract
80 with the council for obesity prevention and management programs
81 that serve the Medicaid population.

82 (b) The State Department of Education may execute a
83 contract with the council for obesity prevention and management
84 programs that serve the school population.

85 (c) Any other state agency, department or institution
86 may execute a contract with the council for obesity prevention and
87 management programs that serve the target population of the agency
88 department or institution.

89 (4) The obesity prevention and management programs
90 authorized under subsections (2) and (3) of this section may be
91 funded by private grants, federal or state grants obtained by the
92 agency, department or institution, funds appropriated by the
93 Legislature to the agency, department or institution, or private
94 funds obtained by the council.

95 (5) There is established in the State Treasury a special
96 fund to be known as the Statewide Obesity Prevention and
97 Management Fund. Monies may be expended from the fund, upon
98 appropriation by the Legislature to the appropriate agencies,
99 departments and institutions, to implement the statewide obesity
100 prevention and management programs authorized under subsections

101 (2) and (3) of this section. Unexpended amounts remaining in the
102 fund at the end of a fiscal year shall not lapse into the State
103 General Fund, and any interest earned on amounts in the fund shall
104 be deposited to the credit of the fund.

105 **SECTION 2.** Section 41-101-1, Mississippi Code of 1972, is
106 amended as follows:

107 41-101-1. (1) There is created the Mississippi Council on
108 Obesity Prevention and Management, hereinafter referred to as the
109 "council," within the State Department of Health to be in
110 existence for the period from July 1, 2001, until July 1, 2006, or
111 until the council is established as a nonprofit corporation,
112 whichever is the earlier date. The council may accept and expend
113 grants and private donations from any source, including federal,
114 state, public and private entities, to assist it to carry out its
115 functions.

116 (2) The powers, functions and duties of the council shall
117 include, but not be limited to, the following:

118 (a) The collection and analysis of data regarding the
119 extent to which children and adults in Mississippi suffer from
120 obesity, and the programs and services currently available to meet
121 the needs of overweight children and adults, and the funds
122 dedicated by the state to maintain those programs and services.

123 (b) The collection and analysis of data to demonstrate
124 the economic impact on the state of treating obesity and the
125 estimated cost savings of implementing a comprehensive statewide
126 obesity prevention and management model.

127 (c) The establishment and maintenance of a resources
128 data bank containing information about obesity and related
129 subjects accessible to educational and research institutions, as
130 well as members of the general public.

131 (d) Consideration of the feasibility of awarding tax
132 incentives for work sites that promote activities to reduce
133 obesity in the work force.

134 (e) The establishment of recommendations to enhance
135 funding for effective prevention and management programs and
136 services, including Medicaid, private health insurance programs,
137 and other state and federal funds.

138 (f) The establishment of recommendations designed to
139 assure that children of school age who may have early indicators
140 of obesity have access to affordable, effective prevention and
141 management services.

142 (g) The establishment of recommendations for changes to
143 statewide elementary and secondary education curricula to
144 implement comprehensive, coordinated obesity awareness and
145 education programs.

146 (h) Recommendations to enhance clinical education
147 curricula in medical, nursing and other schools of higher
148 education to implement comprehensive, coordinated obesity
149 awareness and education courses.

150 (i) Recommendations to increase education and awareness
151 among primary care physicians and other health professionals
152 regarding the recognition, prevention and effective management of
153 obesity.

154 (j) Consideration of a state prevention campaign to
155 increase public awareness of the need for early prevention and
156 management of obesity, possibly including:

157 (i) A broad-based public education campaign
158 outlining health risks associated with failure to receive
159 treatment for obesity.

160 (ii) A health professional training campaign.

161 (iii) A targeted public education campaign
162 directed toward high risk populations.

163 (k) Coordination with the United States Department of
164 Agriculture, the United States Department of Health and Human
165 Services, the United States Department of Education, the United
166 States Centers for Disease Control and the National Center for

167 Chronic Disease Prevention to share resources and information in
168 order to ensure a comprehensive approach to obesity and
169 obesity-related conditions.

170 (1) Coordination with the State Departments of
171 Education, Health, Human Services and the Division of Medicaid to
172 share resources and information in order to ensure a comprehensive
173 approach to obesity and obesity-related conditions.

174 (m) Identification of and recommendations to reduce
175 cultural, environmental and socioeconomic barriers to prevention
176 and management of obesity in Mississippi.

177 (3) The council shall be composed of the following members:

178 (a) The Executive Director of the State Department of
179 Health, or his designee;

180 (b) The Executive Director of the Department of Human
181 Services, or his designee;

182 (c) The State Superintendent of Education, or his
183 designee;

184 (d) The Executive Director of the State Department of
185 Mental Health, or his designee;

186 (e) A representative of the Office of the Governor, to
187 be appointed by the Governor;

188 (f) A member of the House of Representatives, appointed
189 by the Speaker of the House of Representatives;

190 (g) A member of the Senate, appointed by the Lieutenant
191 Governor;

192 (h) Two (2) representatives of the public-at-large, to
193 be selected by the Governor;

194 (i) The President of either the Mississippi Medical
195 Association or the African-American Obesity Research and Treatment
196 Association (AAORTA), or his designee;

197 (j) The President of the Mississippi State Nurses
198 Association, or his designee;

199 (k) The President of the Mississippi Pharmacists
200 Association, or his designee;

201 (l) The President of the Mississippi Chapter of the
202 American Academy of Pediatrics, or his designee;

203 (m) The Vice Chancellor of the University of
204 Mississippi Medical Center, or his designee;

205 (n) A representative appointed from the Mississippi
206 state office of the American Association of Retired Persons;

207 (o) A representative of the Mississippi Dietetic
208 Association;

209 (p) A representative of the Mississippi Restaurant
210 Association;

211 (q) The President of the Mississippi Physical Therapy
212 Association, or his designee;

213 (r) A member appointed by the Mississippi Commissioner
214 of Insurance;

215 (s) A representative from a food processor or food
216 manufacturer; and

217 (t) A representative from the Mississippi Soft Drink
218 Association.

219 (4) The council shall meet upon call of the Governor not
220 later than August 1, 2001, and shall organize for business by
221 selecting a chairman who shall serve for a one-year term and may
222 be selected for subsequent terms. The council shall adopt
223 internal organizational procedures necessary for efficient
224 operation of the council. Council procedures shall include duties
225 of officers, a process for selecting officers, quorum requirements
226 for conducting business and policies for any council staff. Each
227 member of the council shall designate necessary staff of their
228 departments to assist the council in performing its duties and
229 responsibilities. The council shall meet and conduct business at
230 least quarterly. Meetings of the council shall be open to the
231 public and opportunity for public comment shall be made available

232 at each such meeting. The chairman of the council shall notify
233 all persons who request that notice as to the date, time and place
234 of each meeting.

235 (5) Members of the council shall receive no compensation for
236 their services.

237 (6) The council shall submit a report, including proposed
238 legislation if necessary, to the Governor and to the House and
239 Senate Health and Welfare Committees before the convening of the
240 2004 legislative session. The report shall include a
241 comprehensive state plan for implementation of services and
242 programs in the State of Mississippi to increase prevention and
243 management of obesity in adults and children and an estimate of
244 the cost of implementation of such a plan.

245 (7) All departments, boards, agencies, officers and
246 institutions of the state and all subdivisions thereof shall
247 cooperate with the council in carrying out its purposes under this
248 section.

249 **SECTION 3.** This act shall take effect and be in force from
250 and after July 1, 2004.