

By: Representatives Bondurant, Barnett,
Masterson, Flaggs, Scott

To: Public Health and Human
Services; Appropriations

HOUSE BILL NO. 1046
(As Sent to Governor)

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

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

24 **SECTION 1.** Not later than January 1, 2006, the State
25 Department of Health, in collaboration with the University of
26 Mississippi Medical Center and the Veterans Affairs Medical
27 Center, shall prepare and deliver to the Legislature a statewide
28 Hepatitis C Virus plan.

29 **SECTION 2.** (1) The chairman of the Mississippi Council on
30 Obesity Prevention and Management established under Section
31 41-101-1, with participation from the members of the council, may
32 develop and implement a plan to establish the council as a
33 nonprofit corporation under Mississippi law. For a period of one
34 (1) year after the council is established as a nonprofit
35 corporation, the State Department of Health may continue to
36 support the council by providing meeting space, office space and
37 clerical assistance. After the expiration of the one-year period,

38 the council shall be responsible for obtaining the funds necessary
39 to support the operating needs of the council.

40 (2) After the council is established as a nonprofit
41 corporation, the State Department of Health may execute a contract
42 with the council to develop and implement comprehensive statewide
43 obesity prevention and management programs. The contract shall
44 contain provisions to require that the council will:

45 (a) Encourage and assist local communities, workplaces,
46 health insurance companies, churches, schools and other public and
47 private entities to develop and implement obesity prevention and
48 management programs and services, and encourage cooperative,
49 comprehensive programs that reach across all segments of the
50 population.

51 (b) Encourage and assist health care providers to
52 develop, implement, and track and report the outcomes of effective
53 weight management products and services, and coordinate the
54 efforts of health care providers and health plans in exploring the
55 potential for cost-effective obesity management benefits.

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

59 (d) Implement statewide communication programs to alert
60 people to the problem of obesity and how it can be prevented and
61 treated.

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

64 (f) Establish an annual awards program to recognize
65 individual and community achievement in obesity prevention and
66 management.

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

71 (h) Encourage the donation of funds from the private
72 sector to support the operating costs of the council and to assist
73 in defraying the operation of the programs implemented under this
74 section.

75 The contract may include any additional provisions that the
76 State Department of Health deems necessary to effectuate the
77 obesity prevention and management programs contemplated by this
78 section.

79 The council shall submit to the State Department of Health
80 not later than August 1 of each year a written report detailing
81 the operation of obesity prevention and management programs
82 statewide and its expenditure of monies for those programs during
83 the preceding state fiscal year.

84 (3) After the council is established as a nonprofit
85 corporation:

86 (a) The Division of Medicaid may execute a contract
87 with the council for obesity prevention and management programs
88 that serve the Medicaid population.

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

92 (c) Any other state agency, department or institution
93 may execute a contract with the council for obesity prevention and
94 management programs that serve the target population of the agency
95 department or institution.

96 (4) The obesity prevention and management programs
97 authorized under subsections (2) and (3) of this section may be
98 funded by private grants, federal or state grants obtained by the
99 agency, department or institution, funds appropriated by the
100 Legislature to the agency, department or institution, or private
101 funds obtained by the council.

102 (5) There is established in the State Treasury a special
103 fund to be known as the Statewide Obesity Prevention and

104 Management Fund. Monies may be expended from the fund, upon
105 appropriation by the Legislature to the appropriate agencies,
106 departments and institutions, to implement the statewide obesity
107 prevention and management programs authorized under subsections
108 (2) and (3) of this section. Unexpended amounts remaining in the
109 fund at the end of a fiscal year shall not lapse into the State
110 General Fund, and any interest earned on amounts in the fund shall
111 be deposited to the credit of the fund.

112 **SECTION 3.** Section 41-101-1, Mississippi Code of 1972, is
113 amended as follows:

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

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

125 (a) The collection and analysis of data regarding the
126 extent to which children and adults in Mississippi suffer from
127 obesity, and the programs and services currently available to meet
128 the needs of overweight children and adults, and the funds
129 dedicated by the state to maintain those programs and services.

130 (b) The collection and analysis of data to demonstrate
131 the economic impact on the state of treating obesity and the
132 estimated cost savings of implementing a comprehensive statewide
133 obesity prevention and management model.

134 (c) The establishment and maintenance of a resources
135 data bank containing information about obesity and related

136 subjects accessible to educational and research institutions, as
137 well as members of the general public.

138 (d) Consideration of the feasibility of awarding tax
139 incentives for work sites that promote activities to reduce
140 obesity in the work force.

141 (e) The establishment of recommendations to enhance
142 funding for effective prevention and management programs and
143 services, including Medicaid, private health insurance programs,
144 and other state and federal funds.

145 (f) The establishment of recommendations designed to
146 assure that children of school age who may have early indicators
147 of obesity have access to affordable, effective prevention and
148 management services.

149 (g) The establishment of recommendations for changes to
150 statewide elementary and secondary education curricula to
151 implement comprehensive, coordinated obesity awareness and
152 education programs.

153 (h) Recommendations to enhance clinical education
154 curricula in medical, nursing and other schools of higher
155 education to implement comprehensive, coordinated obesity
156 awareness and education courses.

157 (i) Recommendations to increase education and awareness
158 among primary care physicians and other health professionals
159 regarding the recognition, prevention and effective management of
160 obesity.

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

164 (i) A broad-based public education campaign
165 outlining health risks associated with failure to receive
166 treatment for obesity.

167 (ii) A health professional training campaign.

168 (iii) A targeted public education campaign
169 directed toward high risk populations.

170 (k) Coordination with the United States Department of
171 Agriculture, the United States Department of Health and Human
172 Services, the United States Department of Education, the United
173 States Centers for Disease Control and the National Center for
174 Chronic Disease Prevention to share resources and information in
175 order to ensure a comprehensive approach to obesity and
176 obesity-related conditions.

177 (l) Coordination with the State Departments of
178 Education, Health, Human Services and the Division of Medicaid to
179 share resources and information in order to ensure a comprehensive
180 approach to obesity and obesity-related conditions.

181 (m) Identification of and recommendations to reduce
182 cultural, environmental and socioeconomic barriers to prevention
183 and management of obesity in Mississippi.

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

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

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

189 (c) The State Superintendent of Education, or his
190 designee;

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

193 (e) A representative of the Office of the Governor, to
194 be appointed by the Governor;

195 (f) A member of the House of Representatives, appointed
196 by the Speaker of the House of Representatives;

197 (g) A member of the Senate, appointed by the Lieutenant
198 Governor;

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

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

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

206 (k) The President of the Mississippi Pharmacists
207 Association, or his designee;

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

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

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

214 (o) A representative of the Mississippi Dietetic
215 Association;

216 (p) A representative of the Mississippi Restaurant
217 Association;

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

220 (r) A member appointed by the Mississippi Commissioner
221 of Insurance;

222 (s) A representative from a food processor or food
223 manufacturer; and

224 (t) A representative from the Mississippi Soft Drink
225 Association.

226 (4) The council shall meet upon call of the Governor not
227 later than August 1, 2001, and shall organize for business by
228 selecting a chairman who shall serve for a one-year term and may
229 be selected for subsequent terms. The council shall adopt
230 internal organizational procedures necessary for efficient
231 operation of the council. Council procedures shall include duties
232 of officers, a process for selecting officers, quorum requirements
233 for conducting business and policies for any council staff. Each

234 member of the council shall designate necessary staff of their
235 departments to assist the council in performing its duties and
236 responsibilities. The council shall meet and conduct business at
237 least quarterly. Meetings of the council shall be open to the
238 public and opportunity for public comment shall be made available
239 at each such meeting. The chairman of the council shall notify
240 all persons who request that notice as to the date, time and place
241 of each meeting.

242 (5) Members of the council shall receive no compensation for
243 their services.

244 (6) The council shall submit a report, including proposed
245 legislation if necessary, to the Governor and to the House and
246 Senate Health and Welfare Committees before the convening of the
247 2004 legislative session. The report shall include a
248 comprehensive state plan for implementation of services and
249 programs in the State of Mississippi to increase prevention and
250 management of obesity in adults and children and an estimate of
251 the cost of implementation of such a plan.

252 (7) All departments, boards, agencies, officers and
253 institutions of the state and all subdivisions thereof shall
254 cooperate with the council in carrying out its purposes under this
255 section.

256 **SECTION 4.** This act shall take effect and be in force from
257 and after July 1, 2004.