

By: Dawkins

To: Public Health and  
Welfare;  
Appropriations

SENATE BILL NO. 2729

1 AN ACT TO DIRECT THE STATE HEALTH OFFICER TO CLASSIFY OBESITY  
2 AS A DISEASE AND TO ESTABLISH CERTAIN CRITERIA; TO ESTABLISH THE  
3 MISSISSIPPI COUNCIL ON OBESITY PREVENTION AND MANAGEMENT, PROVIDE  
4 FOR ITS MEMBERSHIP AND PROVIDE FOR ITS POWERS, FUNCTIONS AND  
5 DUTIES; AND FOR RELATED PURPOSES.

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

7 SECTION 1. The State Health Officer shall classify obesity  
8 as a disease in all cases where the person's body mass index (BMI)  
9 is thirty (30) kg/m<sup>2</sup>, or where a person's body mass index (BMI) is  
10 twenty-seven (27) kg/m<sup>2</sup> or greater and the person suffers from one  
11 or more of the following conditions or diseases:

- 12 (a) Type II diabetes.
- 13 (b) Impaired glucose tolerance.
- 14 (c) Hyperinsulinemia.
- 15 (d) Dyslipidemia.
- 16 (e) Hypertension.
- 17 (f) Cardiovascular disease.
- 18 (g) Gastric reflux disease.
- 19 (h) Gall bladder disease.
- 20 (i) Osteoarthritis of the hips or knees.
- 21 (j) Sleep apnea.
- 22 (k) Cerebrovascular disease.

23 (2) There is hereby created the Mississippi Council on  
24 Obesity Prevention and Management, hereinafter referred to as the  
25 "council" within the Mississippi Department of Health to be in  
26 existence for the period from July 1, 2000, to July 1, 2002. The  
27 Legislature shall make appropriations as needed to finance the

28 operations of the council. In addition, the council may accept  
29 and expend grants and private donations from any source, including  
30 federal, state, public and private entities, to assist it to carry  
31 out its functions.

32 (3) The powers, functions and duties of the council shall  
33 include, but not be limited to, the following:

34 (a) The collection and analysis of data regarding the  
35 extent to which children and adults in Mississippi suffer from  
36 obesity, and the programs and services currently available to meet  
37 the needs of overweight children and adults, and the funds  
38 dedicated by the state to maintain such programs and services.

39 (b) The collection and analysis of data to demonstrate  
40 the economic impact on the state of treating obesity-related  
41 diseases and the estimated cost savings of implementing a  
42 comprehensive statewide obesity prevention and management model.

43 (c) The establishment and maintenance of a resources  
44 databank containing information about obesity and related subjects  
45 accessible to educational and research institutions, as well as  
46 members of the general public.

47 (d) Consideration of the feasibility of awarding tax  
48 incentives for work sites which promote activities to reduce  
49 obesity in the work force.

50 (e) The establishment of recommendations to enhance  
51 funding for effective prevention and management programs and  
52 services, including Medicaid, private health insurance programs,  
53 and other state and federal funds.

54 (f) The establishment of recommendations designed to  
55 assure that children of school age who may have early indicators  
56 of obesity have access to affordable, effective prevention and  
57 management services.

58 (g) The establishment of recommendations for changes to  
59 statewide elementary and secondary education curricula to  
60 implement comprehensive, coordinated obesity awareness and  
61 education programs.

62 (h) Recommendations to enhance clinical education  
63 curricula in medical, nursing and other schools of higher  
64 education to implement comprehensive, coordinated obesity

65 awareness and education courses.

66 (i) Recommendations to increase education and awareness  
67 among primary care physicians and other health professionals  
68 regarding the recognition of obesity as a disease, and effective  
69 prevention and management.

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

73 (i) A broad-based public education campaign  
74 outlining health risks associated with failure to receive  
75 treatment for obesity.

76 (ii) A health professional training campaign.

77 (iii) A targeted public education campaign  
78 directed toward high risk populations.

79 (k) Coordination with the U.S. Center for Disease  
80 Control, the National Center for Chronic Disease Prevention, the  
81 U.S. Department of Agriculture, the U.S. Department of Health and  
82 Human Services, and the U.S. Department of Education to share  
83 resources and information in order to ensure a comprehensive  
84 approach to the disease of obesity and obesity-related conditions.

85 (l) Coordination with the State Departments of  
86 Education, Health, Human Services and the Division of Medicaid to  
87 share resources and information in order to ensure a comprehensive  
88 approach to the disease of obesity and obesity-related conditions.

89 (m) Identification of and recommendations to reduce  
90 cultural, environmental and socioeconomic barriers to prevention  
91 and management of obesity in Mississippi.

92 (4) The council shall be composed of the following members:

93 (a) The Executive Director of the Department of Health,  
94 or his designee.

95 (b) The Executive Director of the Department of Human  
96 Services, or his designee.

97 (c) The State Superintendent of Education, or his

98 designee.

99                   (d) The Executive Director of the Department of Mental  
100 Health, or his designee.

101                   (e) A representative of the Office of the Governor, to  
102 be appointed by the Governor.

103                   (f) A member of the House of Representatives, appointed  
104 by the Speaker of the House of Representatives.

105                   (g) A member of the Senate, appointed by the President  
106 of the Senate.

107                   (h) Two (2) representatives of the public-at-large to  
108 be selected by the Governor.

109                   (i) The President of the Mississippi Medical  
110 Association, or his designee.

111                   (j) The President of the Mississippi State Nurses  
112 Association, or his designee.

113                   (k) The President of the Mississippi Pharmacists  
114 Association, or his designee.

115                   (l) The President of the Mississippi Chapter of the  
116 American Academy of Pediatrics, or his designee.

117                   (m) The Chancellor of the University of Mississippi  
118 Medical Center, or his designee.

119                   (n) A representative appointed from the Mississippi  
120 state office of the American Association of Retired Persons.

121                   (o) A representative of the Mississippi Dietetic  
122 Association.

123                   (p) A representative of the Mississippi Restaurant  
124 Association.

125                   (q) The President of the Mississippi Physical Therapy  
126 Association, or his designee.

127                   (r) A member appointed by the Mississippi Commissioner  
128 of Insurance.

129                   (5) The council shall meet upon call of the Governor not  
130 later than August 1, 2000, and shall organize for business by

131 selecting a chairman who shall serve for a one-year term and may  
132 be selected for subsequent terms. The council shall adopt  
133 internal organizational procedures necessary for efficient  
134 operation of the council. Council procedures shall include duties  
135 of officers, a process for selecting officers, quorum requirements  
136 for conducting business and policies for any council staff. Each  
137 member of the council shall designate necessary staff of their  
138 departments to assist the council in performing its duties and  
139 responsibilities. The council shall meet and conduct business at  
140 least quarterly. Meetings of the council shall be open to the  
141 public and opportunity for public comment shall be made available  
142 at each such meeting. The chairman of the council shall notify  
143 all persons who request such notice as to the date, time and place  
144 of each meeting.

145 (6) Members of the council shall receive no compensation for  
146 their services, but shall be reimbursed for travel and other  
147 expenses actually incurred in the performance of their official  
148 duties. Such reimbursement shall be paid in accordance with the  
149 provisions of Section 25-3-41, Mississippi Code of 1972, and shall  
150 be approved by the chairman of the council.

151 (7) The council shall submit a report, including proposed  
152 legislation if necessary, to the Governor and to the House and  
153 Senate Health and Welfare Committees prior to the convening of the  
154 2003 legislative session. Such report shall include a  
155 comprehensive state plan for implementation of services and  
156 programs in the State of Mississippi to increase prevention and  
157 management of the disease of obesity in adults and children and an  
158 estimate of the cost of implementation of such a plan.

159 (8) All departments, boards, agencies, officers and  
160 institutions of the state and all subdivisions thereof shall  
161 cooperate with the council in carrying out its purposes pursuant  
162 to this act.

163 SECTION 2. This act shall take effect and be in force from

164 and after July 1, 2000.