

MAINE STATE LEGISLATURE

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L.D. 471

DATE: 5-19-03

(Filing No. H-464)

HEALTH AND HUMAN SERVICES

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
121ST LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 363, L.D. 471, "Resolve, To Study Obesity and Methods To Decrease the Cost of Health Care and Increase the Public Health"

Amend the resolve by striking out everything after the title and before the summary and inserting in its place the following:

Sec. 1. Commission established. Resolved: That the Commission to Study Public Health, referred to in this resolve as "the commission," is established to study the causes of obesity and methods to decrease the cost of health care and increase the public health; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 31 members appointed as follows:

1. Fourteen members appointed by the President of the Senate as follows:

A. Two Senators, at least one of whom serves on the Joint Standing Committee on Health and Human Services;

B. Two representatives of nutrition or health advocacy organizations; and

C. One representative from each of the following organizations or professions:

(1) Secondary school administrators;

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- (2) A cancer society;
- (3) A heart association;
- (4) A diabetes association;
- (5) An advocacy group for affordable health care;
- (6) School health professionals;
- (7) Physical education educators;
- (8) The food industry;
- (9) The Maine dairy industry; and
- (10) A physical activity organization;

2. Fourteen members appointed by the Speaker of the House as follows:

A. Two members of the House of Representatives, at least one of whom serves on the Joint Standing Committee on Health and Human Services; and

B. One representative from each of the following organizations or professions:

- (1) An organization of school principals;
- (2) An organization of allopathic physicians;
- (3) A public health advocacy organization;
- (4) Providers of oral health care;
- (5) An organization of osteopathic doctors;
- (6) Food service workers;
- (7) Nurses;
- (8) Health insurers;
- (9) Dieticians;
- (10) A parent-teacher organization;
- (11) Maine bottlers and distributors of beverages; and

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- (12) A doctoral-level nutritionist;
- 3. The Attorney General or a designee;
- 4. The Commissioner of Education or a designee; and
- 5. The Commissioner of Human Services or a designee.

The Commissioner of Education and the Commissioner of Human Services or their designees serve as nonvoting members; and be it further

Sec. 3. Appointments; chairs; convening of commission. Resolved:

That all appointments must be made no later than 30 days following the effective date of this resolve. The first-named Senate member and the first-named House of Representatives member shall serve as cochairs of the commission. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. The cochairs shall convene the first meeting of the commission no later than 15 days after appointment of all members; and be it further

Sec. 4. Duties. Resolved:

That the commission shall study obesity in the State and methods to decrease the cost of health care and improve the public health. The commission shall specifically include in its study:

- 1. An analysis of whether schools are meeting modern nutrition standards for school meals and food and drink offered on school property and, if not, an analysis of what strategies are available to encourage more nutritious offerings;
- 2. Options for the adoption of a nutrition pyramid, with emphasis on increased consumption of vegetables, whole grains, milk, beans, soy products and nuts;
- 3. An analysis of physical education standards in Maine schools from 1970 to the present, including a review of the Maine system of learning results and standards in other states. A review of general trends in Maine toward a less active and more sedentary lifestyle, including the contribution of these trends to the rising rates of obesity in the State and the nation and strategies for addressing physical activity issues, must be included in the analysis;
- 4. An analysis of whether advertising targeted at children is contributing to the rising rates of obesity in Maine and the nation and, if so, an analysis of possible strategies to address this issue;

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2 5. Methods of encouraging healthy food purchasing by
4 families using public benefit programs, including the possibility
of requiring purchases of some healthy foods in public benefit
6 programs;

8 6. An analysis of discrimination based on personal size,
using the Michigan human rights law as an example and consulting
10 with the Attorney General regarding legal issues;

12 7. An analysis of the potential savings in health care
costs and decreases in lost work time from the creation of
14 fitness centers in major centers of state employment and the
savings over time from the fitness centers;

16 8. An analysis of whether food offered for sale in places
of state employment contributes to the rising rate of obesity in
18 Maine and whether food and drinks offered for sale in state
institutions and buildings present a variety of healthy options,
20 including 100% juices, nonfat milk, fruits, vegetables and
healthy snacks. Possible strategies to address these issues must
22 accompany the analysis; and

24 9. An analysis of the costs, benefits and potential savings
of providing insurance or health coverage for obesity prevention
26 and nutrition counseling for state employees, retirees and
MaineCare enrollees and of providing health coverage by carriers
28 licensed under the Maine Revised Statutes, Title 24 or Title
24-A; and be it further

30 **Sec. 5. Staff assistance. Resolved:** That the commission may
32 request staffing and clerical assistance from the Legislative
Council; and be it further

34 **Sec. 6. Compensation. Resolved:** That the legislative members
36 of the commission are entitled to receive the legislative per
diem, as defined in the Maine Revised Statutes, Title 3, section
38 2, and reimbursement for travel and other necessary expenses
related to their attendance at meetings of the commission. Public
40 members not otherwise compensated by their employers or other
entities that they represent are entitled to receive
42 reimbursement of necessary expenses and, upon a demonstration of
financial hardship, a per diem equal to the legislative per diem
44 for their attendance at authorized meetings of the commission;
and be it further

46 **Sec. 7. Report. Resolved:** That the commission shall submit
48 its report with any accompanying legislation to the Second
Regular Session of the 121st Legislature by December 1, 2003.
50 The commission is authorized to introduce legislation related to

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its report to the Second Regular Session of the 121st Legislature. The report and legislation must have as goals improving public health, including cardiovascular health, decreasing rates of obesity, decreasing the cost of health care, increasing the physical activity of youth and increasing awareness of healthy eating choices; and be it further

Sec. 8. Extension. Resolved: That, if the commission requires a limited extension of time to complete its study and make its report, it may apply to the Legislative Council, which may grant an extension; and be it further

Sec. 9. Commission budget. Resolved: That the chairs of the commission may seek and accept outside funding. Prompt notice of solicitation and acceptance of funds must be sent to the Legislative Council. Expenses that have an effect on the General Fund may not be incurred by the commission.

All funds accepted must be forwarded to the Executive Director of the Legislative Council along with an accounting that includes the amount, the date received, from whom the funds were received, their purpose and any limitation on use of the funds. The Executive Director of the Legislative Council administers any funds received.

Upon request from the commission, the Executive Director of the Legislative Council or the executive director's designee shall promptly provide the commission chairs and staff with a status report on the budget, expenditures incurred and paid and available funds; and be it further

Sec. 10. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Commission to Study Public Health

Initiative: Allocates funds for the postage, printing, legislative per diem and other expenses of the commission.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$880	\$0
All Other	6,400	0
Other Special Revenue Funds Total	\$7,280	\$0'

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SUMMARY

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This amendment makes a number of changes in the resolve. The amendment adds 17 members to the study commission, broadening the representation. The amendment alters the duties of the commission, removing the duty to include in its report and any suggested legislation options for the labeling of fats on all packaged food and the requirement to use in the report and legislation the food pyramid associated with the Harvard School of Public Health and providing focus for other duties. The amendment also adds authority to seek outside funds and prohibits any expenditures that have an effect on the General Fund.

FISCAL NOTE REQUIRED

(See attached)

COMMITTEE AMENDMENT

**121st Maine Legislature
Office of Fiscal and Program Review**



LD 471

**Resolve, To Study Obesity and Methods To Decrease the Cost of Health
Care and Increase the Public Health**

LR 0602(02)

Fiscal Note for Bill as Amended by Committee Amendment " "

Committee: Health and Human Services

Fiscal Note Required: Yes

Fiscal Note

Current Costs - Legislative Study

	2003-04	2004-05	Projections 2005-06	Projections 2006-07
Appropriations/Allocations				
Other Special Revenue Funds	\$7,280	\$0	\$0	\$0

Legislative Study

The projected cost to fund this study is \$7,280 in fiscal year 2003-04. This bill as amended includes an allocation of Other Special Revenue funds in that amount to fund all costs of the commission. Although this legislation states that General Fund expenses may not be incurred by the commission, if outside funding is not received the payment of per diem and expenses for legislative members and printing and postage will be paid from the General Fund. These costs are estimated to be \$2,480. The Legislature has budgeted \$30,000 in fiscal year 2003-04 for legislative studies. Whether that amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

The additional costs associated with serving on the commission can be absorbed by the Department of Education, the Department of Human Services and the Department of the Attorney General utilizing existing budgeted resources.