

**As Amended by House Committee**

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*Session of 2005*

**HOUSE BILL No. 2417**

By Representatives Ballard, Burroughs, Carlin, Crow, Davis, Faust-Goudeau, Flaharty, Garcia, Gatewood, Gordon, Grant, Hawk, Henderson, Henry, Holland, Huntington, Jack, Kirk, Kuether, Lane, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, Jim Morrison, O'Malley, Owens, Pauls, Phelps, Pottorff, Ruff, Ruiz, Sawyer, S. Sharp, Showalter, Storm, Svaty, Swenson, Thull, Treaster, Ward, Williams, Winn and Yonally

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16 AN ACT creating the council on obesity prevention and management.

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18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. (a) There is hereby created the Kansas council on obesity  
20 prevention and management, hereinafter referred to as the "council",  
21 within the department of health and environment. The council shall be  
22 in existence for the period from August 1, 2005 to March 31, 2007. In  
23 addition to any legislative appropriation, the council may accept and ex-  
24 pend grants and private donations from any source, including federal,  
25 state, public and private entities, to assist the council to carry out the  
26 council's functions.

27 (b) For the purposes of this act, obesity is classified as a disease in all  
28 cases where the person's body mass index (BMI) is 30 kg/m<sup>2</sup>, or where  
29 a person's body mass index (BMI) is 27 kg/m<sup>2</sup> or greater and the person  
30 suffers from one or more of the following conditions or diseases:

31 (1) For an adult:

- 32 (A) Type II diabetes;
  - 33 (B) impaired glucose tolerance;
  - 34 (C) hyperinsulinemia;
  - 35 (D) dyslipidemia;
  - 36 (E) hypertension;
  - 37 (F) cardiovascular disease;
  - 38 (G) gastric reflux disease;
  - 39 (H) gallbladder disease;
  - 40 (I) osteoarthritis of the hips or knees;
  - 41 (J) sleep apnea;
  - 42 (K) cerebrovascular disease.
- 43 (2) For a child:

- 1 (A) Type II diabetes;
  - 2 (B) impaired glucose tolerance;
  - 3 (C) insulin resistance;
  - 4 (D) metabolic syndrome;
  - 5 (E) menstrual irregularities;
  - 6 (F) cardiovascular disease;
  - 7 (G) accelerated growth;
  - 8 (H) bowed legs;
  - 9 (I) hip disorders;
  - 10 (J) social discrimination;
  - 11 (K) depression;
  - 12 (L) low self-esteem;
  - 13 (M) substance use;
  - 14 (N) asthma;
  - 15 (O) sleep apnea.
- 16 Sec. 2. The powers, functions and duties of the council shall include,  
17 but not be limited to, the following:
- 18 (a) The collection and analysis of data regarding the extent to which  
19 children and adults in Kansas suffer from obesity, and the programs and  
20 services currently available to meet the needs of overweight children and  
21 adults, and the funds dedicated by the state to maintain such programs  
22 and services.
  - 23 (b) The collection and analysis of data to demonstrate the economic  
24 impact on the state of treating obesity-related diseases and the estimated  
25 cost savings of implementing a comprehensive statewide obesity preven-  
26 tion and management model.
  - 27 (c) The establishment and maintenance of a resource databank con-  
28 taining information about obesity and related subjects accessible to ed-  
29 ucational and research institutions, as well as members of the general  
30 public.
  - 31 (d) Consideration of the feasibility of awarding tax incentives for work  
32 sites which promote activities to reduce obesity in the work force.
  - 33 (e) The establishment of recommendations to enhance funding for  
34 effective prevention and management programs and services, including  
35 medicaid, private health insurance programs and other state and federal  
36 funds.
  - 37 (f) The establishment of recommendations designed to assure that  
38 children of school age who may have early indicators of obesity have  
39 access to affordable, effective prevention and management services.
  - 40 (g) The establishment of recommendations for changes to statewide  
41 elementary and secondary education curricula to implement comprehen-  
42 sive, coordinated obesity awareness and education programs.
  - 43 (h) Recommendations to enhance clinical education curricula in

- 1 medical, nursing and other schools of higher education to implement  
2 comprehensive, coordinated obesity awareness and education courses.
- 3 (i) Recommendations to increase education and awareness among  
4 primary care physicians and other health professionals regarding the rec-  
5 ognition of obesity as a disease, and effective prevention and  
6 management.
- 7 (j) Consideration of a state prevention campaign to increase public  
8 awareness of the need for early prevention and management of obesity,  
9 including:
- 10 (1) A broad-based public education campaign outlining health risks  
11 associated with failure to receive treatment for obesity.
- 12 (2) A health professional training campaign.
- 13 (3) A targeted public education campaign directed toward high risk  
14 populations.
- 15 (k) Coordination with the United States center for disease control,  
16 the national center for chronic disease prevention, the United States de-  
17 partment of agriculture, the United States department of health and hu-  
18 man services and the United States department of education to share  
19 resources and information in order to ensure a comprehensive approach  
20 to the disease of obesity and obesity-related conditions.
- 21 (l) Coordination with the state departments of education, human re-  
22 sources, health and environment, and social and rehabilitation services to  
23 share resources and information in order to ensure a comprehensive ap-  
24 proach to the disease of obesity and obesity-related conditions.
- 25 (m) Identification of and recommendations to reduce cultural, envi-  
26 ronmental and socioeconomic barriers to prevention and management of  
27 obesity in Kansas.
- 28 Sec. 3. (a) The council shall convene for its first meeting no later  
29 than October 1, 2005. The chairperson and vice-chairperson of the coun-  
30 cil shall be appointed by the secretary of health and environment. The  
31 department of health and environment shall provide such administrative  
32 assistance as maybe requested by the council. The council may adopt such  
33 rules of procedure as are necessary to facilitate orderly conduct of its  
34 business.
- 35 (b) The council shall be composed of the following members:
- 36 (1) The secretary of health and environment or the secretary's  
37 designee.
- 38 (2) The secretary of social and rehabilitation services or the secre-  
39 tary's designee.
- 40 (3) The state commissioner of education or the commissioner's  
41 designee.
- 42 (4) The secretary of human resources or the secretary's designee.
- 43 (5) A representative of the office of the governor, to be appointed by

1 the governor.

2 (6) Two members of the house of representatives, one appointed by  
3 the speaker and one by the minority leader.

4 (7) Two members of the senate, one appointed by the president and  
5 one by the minority leader.

6 (8) Two representatives of the public-at-large to be selected by the  
7 secretary of health and environment.

8 (9) The president of the Kansas state medical society or the presi-  
9 dent's designee.

10 (10) The president of the Kansas state nurses association or the presi-  
11 dent's designee.

12 (11) The president of the Kansas pharmacists association or the presi-  
13 dent's designee.

14 (12) The president of the Kansas chapter of the American academy  
15 of pediatrics or the president's designee.

16 (13) The executive vice chancellor of the university of Kansas medical  
17 center or the chancellor's designee.

18 (14) The president of the Kansas association of health plans or the  
19 president's designee.

20 (15) The president of the Kansas public health association or the  
21 president's designee.

22 (16) The president of the Kansas health insurance association or the  
23 president's designee.

24 (17) A representative appointed from the Kansas state office of the  
25 American association of retired persons.

26 (18) A representative of the Kansas dietetic association.

27 (19) The president of the physical therapy association or the presi-  
28 dent's designee.

29 (20) A member appointed by the commissioner of insurance.

30 (21) The president of the Kansas hospital association or the presi-  
31 dent's designee.

32 (22) A representative of the food processing and manufacturing in-  
33 dustry selected by the secretary of health and environment.

34 (23) A representative of the Kansas national education association.

35 **(24) The president of the Kansas chiropractic association or the**  
36 **president's designee.**

37 **(25) A representative from organizations that provide services**  
38 **and programs to youth and young adults selected by the secretary**  
39 **of health and environment.**

40 **(26) A representative appointed from the Kansas academy of**  
41 **family physicians.**

42 (c) All members shall serve without compensation.

43 (d) The council shall meet at least quarterly. Meetings also shall be

1 held on call of the chairperson or at the request of at least three members  
2 of the council.

3 (e) The council shall submit a report, including proposed legislation  
4 if necessary, to the governor and to the house of representatives health  
5 and human services committee and the senate health and welfare com-  
6 mittee, prior to the convening of the 2007 legislative session. Such report  
7 shall include a comprehensive state plan for implementation of services  
8 and programs in the state of Kansas to increase prevention and manage-  
9 ment of the disease of obesity in adults and children and an estimate of  
10 the cost of implementation of such a plan.

11 (f) All department, boards, agencies, officers and institutions of the  
12 state and all subdivisions thereof shall cooperate with the council in car-  
13 rying out its purposes pursuant to this act.

14 Sec. 4. This act shall take effect and be in force from and after its  
15 publication in the statute book.