

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 977

Short Title: Obesity Prevention in the Public Schools. (Public)

Sponsors: Senators Bingham; Malone, Purcell, and Rand.

Referred to: Health Care.

March 26, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH AN OBESITY PREVENTION PROGRAM IN THE PUBLIC  
3 SCHOOLS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Part 1 of Article 8 of Chapter 115C of the General Statutes is  
6 amended by adding a new section to read:

7 "**§ 115C-81.4. Obesity prevention program.**

8 (a) Each school shall adopt a comprehensive and coordinated approach to obesity  
9 prevention in grades K-12, that shall include the following components:

10 (1) Health and nutrition education;

11 (2) Disease prevention for higher level students;

12 (3) Physical education; and

13 (4) A requirement that each student engage in at least 30 minutes of moderate to  
14 vigorous daily physical activity with exceptions for medical reasons.

15 (b) Each school shall adopt a program in grades K-8, such as the Coordinated Approach  
16 To Child Health (CATCH) program, that has the following components:

17 (1) A classroom nutrition curriculum beginning in kindergarten.

18 (2) Increased physical activity opportunities and after-school programs.

19 (3) Encouragement of healthy food choices in the school environment.

20 (4) Strategies for getting students, parents, and extended family members  
21 involved in adopting healthy eating and physical activity behaviors at home.

22 (5) Strategies designed to reduce the amount of time children spend watching  
23 television, playing video games, or playing on a computer.

24 (c) Since members of minority groups are at greater risk of developing diabetes,  
25 schools shall adopt a more ethnically appropriate coordinated obesity prevention program, such  
26 as Bienestar/NEEMA, where necessary.

27 (d) Schools that are already using the SPARK Coordinated School Health program may  
28 continue to do so, as long as they incorporate all of the major components: Health Education,  
29 Physical Education, Nutrition Services, Family/Community involvement, and Health  
30 Promotion for Staff.

31 (e) Regardless of which program is used, each school shall incorporate into their  
32 curriculum a "television viewing component" designed to reduce the amount of time children  
33 spend watching television, playing video games, or playing on a computer.

34 (f) Each school shall designate a school health coordinator to assist the facilitation of  
35 the coordinated school health program and act as a liaison between stakeholders.

36 (g) Each local school administrative unit shall assemble a School Health Advisory  
37 Council of which the majority of members must be parents who are not employed by the school



1 district. The board of trustees shall also appoint at least one person from each of the following  
2 groups:

- 3 (1) Teachers;
- 4 (2) School administrators;
- 5 (3) Licensed health care professionals;
- 6 (4) The clergy;
- 7 (5) Law enforcement;
- 8 (6) The business community;
- 9 (7) Senior citizens; and
- 10 (8) Students.

11 Each local school administrative unit shall (i) give parents a significant voice in the School  
12 Health Advisory Councils and (ii) conduct parent satisfaction surveys at least twice during the  
13 school year and publish a summary of the results.

14 (h) Each school shall conduct a physical fitness assessment at the beginning and end of  
15 the school year and publish the results. Individual records will remain confidential. Schools  
16 may use the Fitnessgram measuring tools to measure:

- 17 (1) Body Mass Index (BMI);
- 18 (2) Aerobic capacity; and
- 19 (3) Muscular strength, endurance, and flexibility.

20 (i) The State Board of Education shall incorporate incentives and accountability into  
21 the obesity prevention program for schools and local school administrative units to excel. The  
22 State Board shall use the School Level Impact Measures (SLIMs) to determine the extent to  
23 which schools in the local school administrative units are implementing policies and practices  
24 recommended by the Center for Disease Control to address critical health problems faced by  
25 children and adolescents.

26 (j) The State Board of Education shall develop academically rigorous honors-level  
27 courses in health and/or physical education that can be offered to each grade at the high school  
28 level. Students shall be required to take at least one such course in each of their high school  
29 years.

30 (k) Local school administrative units shall provide students with adequate time to select  
31 and consume meals at school. Adequate time is defined as at least 30 minutes of seat time for  
32 lunch, 15 minutes of seat time for breakfast, and allowing students with special needs  
33 appropriate amounts of time to accommodate their needs."

34 **SECTION 2.** G.S. 115C-264.2 is amended by adding a new subsection to read:

35 "(d) The principal of each school that has vending machines shall enter into memoranda  
36 of agreement with beverage and snack vendors to ensure than the contents of the machines  
37 comply with the provisions of this section. The principal shall submit a copy of each  
38 memorandum of agreement to the Department of Public Instruction prior to January 1 of each  
39 year."

40 **SECTION 3.** G.S. 115C-12 is amended by adding a new subsection to read:

41 "(35) To encourage local boards of education to enter into agreements regarding  
42 the joint use of facilities for physical activity. – The State Board of  
43 Education shall encourage local boards of education to enter into agreements  
44 with local governments and other entities regarding the joint use of their  
45 facilities for physical activity. The agreements should delineate  
46 opportunities, guidelines, and the roles and responsibilities of the parties,  
47 including responsibilities for maintenance and liability."

48 **SECTION 4.** G.S. 115C-264.3 reads as rewritten:

49 "**§ 115C-264.3. Child Nutrition Program ~~standards; standards; standards for other foods~~**  
50 **sold on the school campus during the instructional day.**

1 (a) The State Board of Education, in direct consultation with a cross section of local  
2 directors of child nutrition services, shall establish statewide nutrition standards for school  
3 meals, a la carte foods and beverages, and items served in the After School Snack Program  
4 administered by the Department of Public Instruction and child nutrition programs of local  
5 school administrative units. The nutrition standards will promote gradual changes to increase  
6 fruits and vegetables, increase whole grain products, and decrease foods high in total fat, trans  
7 fat, saturated fat, and sugar. The nutrition standards adopted by the State Board of Education  
8 shall be implemented initially in elementary schools. All elementary schools shall achieve a  
9 basic level by the end of the 2009-2010 school year, followed by middle schools and then high  
10 schools.

11 (b) The State Board of Education, in direct consultation with a cross section of child  
12 health advocates, local directors of child nutrition programs, representatives from beverage and  
13 snack industries, and members of the Health and Wellness Trust Fund's Childhood Obesity  
14 Study Commission, shall also establish statewide nutrition standards for foods and beverages  
15 available in school-operated vending machines, school stores, snack bars, fundraisers, and all  
16 other food sale operations on the school campus during the instructional day. The nutrition  
17 standards for beverages and snacks will promote the gradual reduction of sugar, fat (including  
18 saturated and trans fats), and calories while increasing nutrient density. The State Board of  
19 Education shall examine the standards on an annual basis and make modifications that reflect  
20 current products in the marketplace, best practices in the industry, and science-based evidence  
21 as reflected in the Dietary Guide for Americans, published by the federal Department of Health  
22 and Human Services."

23 **SECTION 5.** By February 1, 2010, the Department of Health and Human Services,  
24 Division of Public Health, in collaboration with the North Carolina Prevention Partners, the  
25 North Carolina Restaurant and Lodging Association, and other restaurant organizations in this  
26 State, shall develop and submit a plan to the General Assembly to encourage restaurant owners  
27 to make nutrition and calorie information about menu items readily available to consumers in  
28 restaurants. The plan shall include an explanation of (i) the specific types of restaurants that  
29 will be encouraged to provide nutrition and calorie information to consumers, (ii) the specific  
30 nutrition and calorie information that restaurants will be encouraged to provide to consumers,  
31 and (iii) the technical assistance the Division of Public Health will provide to restaurant  
32 owners, at their request, regarding how to prominently display nutrition and calorie information  
33 about menu items for consumers in restaurants.

34 **SECTION 6.** The Division of Public Health and the Division of Child  
35 Development of the Department of Health and Human Services shall expand the dissemination  
36 of evidence-based approaches for improved physical activity and nutrition standards in  
37 preschools using the Nutrition and Physical Activity Self-Assessment for Child Care  
38 (NAP-SACC).

39 **SECTION 7.** The Child Care Commission shall assess process and funding needed  
40 for child care centers to incorporate healthy eating and physical activity practices as quality  
41 indicators in the State's Five Star rating system for licensed childcare centers.

42 **SECTION 8.** All State agencies shall implement the North Carolina HealthSmart  
43 Worksite Wellness Program or the STAR School Employee Wellness Program. The Division  
44 of Public Health shall offer technical assistance to State agencies, and the Department of Public  
45 Instruction shall assist with these efforts in schools.

46 **SECTION 9.** The State Board of Education and the Department of Public  
47 Instruction will consult with legislative staff regarding implementation of this act.

48 **SECTION 10.** The State Board of Education shall give priority to schools with the  
49 greatest prevalence of obesity and tobacco use in the implementation of this act.

50 **SECTION 11.** All schools shall fully implement Section 1 of this act prior to the  
51 beginning of the 2012-2013 school year.

1           **SECTION 12.** Local school administrative units may accept donations for  
2 implementation of this act.

3           **SECTION 13.** No company whose significant function, or that of any of its  
4 subsidiaries, is to produce, distribute, or promote alcohol or tobacco products shall be allowed  
5 to place any type of promotional material, such as company name or logo, on any part of the  
6 literature, curriculum, or equipment of any of the obesity prevention programs that are part of  
7 this act.

8           **SECTION 14.** There is appropriated from the General Fund to the Department of  
9 Public Instruction the sum of five million two hundred thousand dollars (\$5,200,000) for the  
10 2009-2010 fiscal year for the implementation of G.S. 115C-81.4(a) through (e), as enacted by  
11 Section 1 of this act.

12           **SECTION 15.(a)** There is appropriated from the General Fund to the Department  
13 of Public Instruction the sum of two hundred ten thousand seven hundred dollars (\$210,700)  
14 for the 2009-2010 fiscal year and the sum of two hundred ten thousand seven hundred dollars  
15 (\$210,700) for the 2010-2011 fiscal year for the implementation of Section 8 of this act.

16           **SECTION 15.(b)** There is appropriated from the General Fund to the Department  
17 of Health and Human Services the sum of forty-eight thousand one hundred twenty-five dollars  
18 (\$48,125) for the 2009-2010 fiscal year and the sum of forty-eight thousand one hundred  
19 twenty-five dollars (\$48,125) for the 2010-2011 fiscal year for the implementation of Section 8  
20 of this act.

21           **SECTION 16.(a)** There is appropriated from the General Fund to the Department  
22 of Health and Human Services, Division of Public Health, the sum of forty-three thousand  
23 seven hundred fifty dollars (\$43,750) for the 2009-2010 fiscal year and the sum of forty-three  
24 thousand seven hundred fifty dollars (\$43,750) for the 2010-2011 fiscal year for the  
25 implementation of Section 6 of this act.

26           **SECTION 16.(b)** There is appropriated from the General Fund to the Department  
27 of Health and Human Services the sum of two hundred three thousand one hundred twenty-five  
28 dollars (\$203,125) for the 2009-2010 fiscal year and the sum of two hundred three thousand  
29 one hundred twenty-five dollars (\$203,125) for the 2010-2011 fiscal year for the  
30 implementation of Section 6 of this act by the North Carolina Partnership for Children.

31           **SECTION 17.** Sections 14 through 16 of this act become effective July 1, 2009.  
32 The remainder of this act is effective when it becomes law.