

Unofficial Draft Copy

As of: August 13, 2010 (9:32am)

LC8888

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act providing for the monitoring of childhood body mass index trends at the state level; providing for coordination between the Department of Public Health and Human Services, the Office of Public Instruction, local and tribal public health agencies, and school districts to accomplish the monitoring; providing for discretionary body mass index measuring and aggregate reporting by local and tribal public health agencies and school districts; providing a parent opt-out provision; developing criteria for the gathering and acceptance of aggregate body mass index data; and providing an immediate effective date."

WHEREAS, the U.S. Surgeon General has called obesity "the greatest threat to public health today"; and

WHEREAS, overweight and obesity can lead to chronic health problems such as type 2 diabetes and cardiovascular disease; and

WHEREAS, obesity rates among U.S. school-aged children have tripled in the past two decades; and

WHEREAS, children who are overweight or obese may suffer lower academic performance as a consequence; and

WHEREAS, being overweight or obese at a young age greatly increases the likelihood of obesity and related disease throughout adulthood; and

WHEREAS, measuring and monitoring the prevalence of overweight and obesity among Montana children is an important first step to addressing this national and state crisis and can be accomplished using the measuring tool known as body mass index.

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], the following definitions apply:

(1) "Aggregate body mass index data" means the total of all body mass screening data gathered during a specified period of time.

(2) "Body mass index" means an approved assessment method for determining a healthy weight range based on a child's height, age, and gender.

(3) "Department" means the department of public health and human services provided for in 2-15-2201.

NEW SECTION. **Section 2. Department to accept and analyze aggregate body mass index data.** (1) The department, in coordination with the office of public instruction, is authorized to accept aggregate body mass index data from local public health agencies, as defined in 50-1-101, including tribal public health agencies under 50-1-106 and school districts as defined in 20-6-101, to be used in statewide reports to analyze state-level childhood obesity and overweight trends.

(2) The department shall develop criteria for accepting aggregate body mass index data, including but not limited to:

(a) the age or grade level of the school-based population to be monitored;

(b) the procedure and protocols for taking accurate body mass index measurements;

(c) the provision of standards for maintaining confidentiality and accurate and sensitive measuring and recording of local aggregate body mass index data;

(d) the provision of standards for aggregating local body mass index data; and

(e) the provision of individual parent options for nonparticipation in the aggregate body mass index assessment method.

(3) The department shall determine at least biennially the amount and type of local aggregate body mass index data necessary to conduct state-level analysis of trends regarding childhood obesity.

(4) The department may reject local aggregate body mass index data for failure of reporting jurisdictions to meet the criteria set forth in subsection (2) or may decline to analyze data in any year the total submissions fail to meet the criteria contained in this section.

NEW SECTION. **Section 3. Reporting.** (1) Local and tribal public health agencies and school districts may submit to the department aggregate body mass index data that meets the criteria

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developed by the department pursuant to [section 2].

(2) The department shall report the state-level analysis of aggregate body mass index data to the participating tribal and local agencies and to any member of the public who requests the analysis.

NEW SECTION. **Section 4. {standard} Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell Chippewa tribe.

NEW SECTION. **Section 5. {standard} Codification instruction.** [Sections 1 through 3] are intended to be codified as an integral part of Title 20, chapter 5, part 4, and the provisions of Title 20, chapter 5, part 4, apply to [sections 1 through 3].

NEW SECTION. **Section 6. {standard} Effective date.** [This act] is effective on passage and approval.

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