Reversing the Trend in Childhood Obesity
Policies to Promote Healthy Kids and Communities
REVISING THE TREND
IN CHILDHOOD OBESITY

POLICIES TO PROMOTE HEALTHY KIDS
AND COMMUNITIES

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The National Conference of State Legislatures is the bipartisan organization that serves the legislators and staffs of the states, commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- To improve the quality and effectiveness of state legislatures.
- To promote policy innovation and communication among state legislatures.
- To ensure state legislatures a strong, cohesive voice in the federal system.

The Conference operates from offices in Denver, Colorado, and Washington, D.C.

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CONTENTS

INTRODUCTION........................................................................................................................................ 1

FINDINGS ................................................................................................................................................. 3

LEGISLATION SUMMARIES................................................................................................................... 9

Healthy Eating and Physical Activity.................................................................................................. 9
School Nutrition ........................................................................................................................................ 9
Nutrition Education ............................................................................................................................... 13
Body Mass Index Measurement or Fitness Assessment for Students ................................................... 14
Diabetes Screening at School .................................................................................................................. 15
Insurance Coverage for Obesity Prevention .......................................................................................... 16
School Wellness ...................................................................................................................................... 16
Physical Activity or Physical Education in School .................................................................................. 18
Taxes and Tax Credits ............................................................................................................................. 20
Task Forces, Commissions, Studies and Other Special Programs ....................................................... 20

Healthy Community Design and Access to Healthy Food ................................................................. 22
Bicycling and Walking/Complete Streets .............................................................................................. 22
Transit-Oriented Development ............................................................................................................... 24
Safe Routes to School/School Siting ................................................................................................. 26
Joint Use Agreements ........................................................................................................................... 27
Farm-to-School .................................................................................................................................... 27
Farmers’ Markets .................................................................................................................................. 30
Food Deserts/Access to Healthy Food .................................................................................................... 31
Local Food/Direct Marketing .................................................................................................................. 31

CONCLUSION ......................................................................................................................................... 34

NOTES ..................................................................................................................................................... 35

LIST OF FIGURES AND TABLES

Figure
1. Healthy Eating and Physical Activity Legislation, 2010 ............................................................... 4
2. Healthy Community Design and Access to Healthy Food Legislation, 2010 ........................... 4

Table
1. Healthy Eating and Physical Activity Legislation, 2010 ................................................................ 5
2. Healthy Community Design and Access to Healthy Food Legislation, 2010 ........................... 7
INTRODUCTION

The National Conference of State Legislatures (NCSL) has witnessed increasing interest among state legislatures in policies designed to reduce and prevent childhood obesity as demonstrated through enactment of legislation. In an earlier report, Promoting Healthy Communities and Preventing Childhood Obesity: Trends in Recent Legislation,1 NCSL found similar trends when studying enacted legislation in 16 topic areas during the 2009 legislative sessions. This report focuses on enacted legislation in 2010.

REPORT ORGANIZATION

The report summarizes enacted state legislation in two broad policy categories—healthy eating and physical activity, and healthy community design and access to healthy food. These are further divided into 17 topic areas.

The first broad category focuses on nutrition and physical activity/physical education issues, primarily in schools. It is divided into nine topics:

- School Nutrition
- Nutrition Education
- Body Mass Index Measurement for Students
- Diabetes Screening at School
- Insurance Coverage for Obesity Prevention
- School Wellness
- Physical Activity or Physical Education in School
- Taxes and Tax Credits
- Task Forces, Commissions, Studies and Other Special Programs

The second broad category—healthy community design and access to healthy food—deals with changes in the built environment, including land use, transportation and agricultural topics, that can create more walkable/bikeable communities and increase access to healthy food through changes in infrastructure and procurement policies. It is comprised of eight issue areas:

- Bicycling and Walking/Complete Streets
- Transit-Oriented Development
- Safe Routes to School/School Siting
- Joint Use Agreements
- Farm-to-School
- Farmers’ Markets
- Food Deserts/Access to Healthy Food
- Local Food/Direct Marketing
The report is organized in such a way that some bills may fall into more than one category; for example, school nutrition and nutrition education. The bill summary will appear in each relevant category, with the summary tailored to address the specific provisions appropriate to that category. Proposed legislation that has not been enacted may also be referenced in the narrative description of each category to illustrate trends in legislation that may serve as precursors to laws enacted in subsequent sessions. In these cases, the bills are not summarized.
**FINDINGS**

Although fewer states enacted legislation in 2010 than in 2009, there was increased activity on bills that may have the greatest effect in reducing or preventing childhood obesity. In the broad policy category of healthy eating and physical activity, 17 states passed laws in 2010, compared to 21 in the previous year. More states took action, however, in the two most prominent policy areas of school nutrition and physical activity/physical education. Twelve states took action on school nutrition, as compared to seven in 2009, while eight states took action on physical activity/physical education, as compared to five in the previous period. The District of Columbia also enacted legislation in both policy areas (the District was not included in the 2009 legislation survey).

There also was less legislative activity in 2010 in the broad policy category of healthy community design and access to healthy food. Fewer states enacted legislation in 2010 than in 2009—24 compared to 30. There were only two policy areas—farm-to-school and farmers’ markets—where there was more legislative activity than in the previous year. Six states and the District of Columbia passed laws on farm-to-school, as compared to five in 2009, and six states passed laws on farmers’ markets, as compared to four in the previous period. This growth is heartening, however, because it represents an important increase in understanding by policymakers of the need to connect locally grown fresh produce to students as a means to prevent or reduce childhood obesity. Conversations with legislators at NCSL policy forums confirm this observation.

Just as a single Congress is comprised of two sessions, most state legislatures allow bills to carryover from one session to the next between elections. Given that, it may be more relevant to view 2009-2010 as a single legislative session and note the number of states that enacted laws during the two-year period. A complete listing of states that enacted legislation in each policy category during the 2009 session can be found in NCSL’s publication *Promoting Healthy Communities and Preventing Childhood Obesity: Trends in Recent Legislation*.

When looking at the 2009-2010 sessions together, 29 states passed laws in the broad policy category of healthy eating and physical activity, most of which were in the policy areas of school nutrition (15) and physical activity/physical education (13). In healthy community design and access to healthy food, 34 states passed laws, most of which were in the policy areas of local food/direct marketing (15) and transit-oriented development (13). In total, 41 states enacted some form of healthy eating and/or active living legislation during the two sessions.
Figure 1. Healthy Eating and Physical Activity Legislation, 2010


Figure 2. Healthy Community Design and Access to Healthy Food Legislation, 2010

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Table 2. Healthy Community Design and Access to Healthy Food Legislation, 2010
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LEGISLATION SUMMARIES

This section summarizes a representative sample of enacted state legislation from the 2010 state legislative sessions. Not all legislation enacted in 2010 is included; the intent is to document trends in legislation by highlighting examples of bills that illustrate legislative activity in each category. Reference is made to certain proposed bills that saw considerable legislative activity in 2010—even though they did not pass—because they often serve as precursors to later enactments. Additionally, some legislation enacted in 2010 was introduced and considered during the 2009 sessions.

The summaries track activity in the two broad categories and 17 specific topics described in the introduction. To place the bills in context, a description and overview of legislative activity precedes the summaries in each issue area.

HEALTHY EATING AND PHYSICAL ACTIVITY

SCHOOL NUTRITION

Long-standing evidence documents the developmental and cognitive benefits of adequate nutrition to children, and many studies confirm that proper nutrition enhances academic achievement. To bolster healthy eating habits and school achievement, policymakers are working to improve the nutritional quality of school foods. With an estimated 55.6 million children in the nation’s elementary and secondary schools in 2009, schools remain a logical place for policymakers to focus childhood obesity prevention efforts, especially because children often eat both breakfast and lunch at school. Healthy eating can be part of what children learn—or don’t learn—at school. By setting nutrition standards for all foods and beverages served or sold on school campuses; creating task forces to develop such standards with representation from parents, schools and the community; or delegating the task of setting nutrition standards to state executive agencies such as the department of agriculture or the department of education, states have increased the quality of school food.

Some schools have come to rely on supplemental revenue from foods and beverages sold in competition with full meals in à la carte lines, school stores or vending machines and have resisted legislation to regulate those foods and beverages. Studies generally indicate, however, that school food revenue remains steady or increases when schools offer healthy foods, and federal school meal reimbursements to states actually may increase. Reimbursement is provided only for full school meals served and, as the quality of the meals increase, students may be more likely to purchase the full meal instead of a snack.
This was a very active year for school nutrition legislation. Twelve states—Alaska, California, Colorado, Florida, Illinois, Massachusetts, Mississippi, North Carolina, Ohio, Oklahoma, Vermont and Virginia—and the District of Columbia enacted some type of school nutrition legislation. These laws establish new or additional policies designed to help ensure that students have access to healthier food and beverage options at school or encourage other community supports for child nutrition. California and North Carolina enacted legislation designed to help improve nutrition in early childhood or day care programs. Legislation included not only healthier school meal options, but also addressed school beverages and foods sold or consumed outside the regular school meals program as à la carte or snack items.

**Alaska**

*HB 70*

Establishes a farm-to-school program in the Department of Natural Resources and includes provisions related to school gardens, greenhouses and farms.

**California**

*AB 2084*

Requires licensed child day care facilities to serve only low-fat (1 percent) or nonfat milk to children age two or older; to limit juice to not more than one serving per day of 100 percent juice; and to serve no beverages with added sweeteners, either natural or artificial, except for infant formula or complete balanced nutritional products designed for children. It also requires child day cares to make clean, safe drinking water readily available throughout the day.

*SB 1413*

Requires school districts to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011. It allows school districts to comply by providing cups and containers of water or soliciting or receiving donated bottled water. It provides a mechanism for a school district to state that it is unable to comply with this requirement due to fiscal constraints or health and safety concerns.

**Colorado**

*HB 1335*

Creates a Board of Cooperative Educational Services (BOCES) Healthy Food Grant Program in the Department of Education to make grants available to BOCES that maintain, equip and operate food-service facilities. BOCES provide services across school district boundaries in a more cost-effective manner than individual districts could provide. The law authorizes BOCES to maintain, equip and operate a food-service facility as a school food authority. It requires each BOCES that receives a grant from the program to procure and distribute to schools food and beverages that satisfy certain nutritional standards.

*SB 81*

Promotes the consumption of healthy foods at schools and in state-regulated child care programs by encouraging increased use of local farm and ranch products in food service, especially in the school meals’ program, to improve child nutrition and strengthen local and regional agricultural economies. It establishes a 13-member interagency farm-to-school task force to develop a state farm-to-school program.
Florida

*HB 1619 and SB 140*

Create a Florida Farm Fresh Schools Program and Service in the Department of Education. They require the department to work with the Department of Agriculture and Consumer Services to recommend policies and rules for school food services to the State Board of Education. These polices must be designed to encourage schools and school districts to buy fresh and local food and provide outreach services regarding the benefits of fresh food products.

Illinois

*SB 615*

Requires the Department of Agriculture to establish and make available on its website a geo-coded electronic database to facilitate purchase of fresh produce and food products by schools. The database must contain information necessary for schools to identify and contact agricultural producers that are interested in supplying schools with fresh produce and food products.

*SB 3158*

Authorizes the Department of Human Services to create a Commission to End Hunger responsible for developing an action plan every two years in order to improve nutrition and end hunger in the state. The commission must identify all funding sources that can be used to improve nutrition and end hunger and make funding recommendations; identify barriers to achieve its goals; promote public-private partnerships; and develop benchmarks to indicate success. In creating the commission, the legislation acknowledges that school nutrition programs are underutilized in Illinois with the state ranking last in providing free and reduced school breakfasts, and that increasing school breakfast participation to 60 percent would yield the state an additional $42,655,714 in federal funds and result in 189,668 additional children receiving breakfast each day.

*SB 3706*

Requires the State Board of Education to develop and maintain a nutrition and physical activity best practices database containing policies implemented by local school districts designed to improve nutrition and physical activity.

Massachusetts

*HB 4459 and SB 2322*

Direct the Department of Public Health to establish healthy standards for snacks and beverages sold in vending machines, school stores and cafeteria à la carte lines. The standards must conform to scientific guidelines that encourage greater consumption of water, low- and non-fat milk, and juice; reduced fat and sugar in snacks; and increased consumption of fresh fruits and vegetables. The law requires schools to offer drinking water, fruits and vegetables wherever food is being sold on campus by the 2012-2013 school year. It also removes obstacles for schools to purchase products directly from local farmers to support the state’s agricultural economy and help schools access healthy produce. It establishes a Commission on Childhood Obesity to develop a coordinated statewide plan to implement the program.

*HB 4568*

Establishes a food policy council to develop recommendations to increase local food production and state acquisition of local products for school, summer meals and child care programs.
Mississippi
HB 1079
Requires the Office of Healthy Schools in the Department of Education to provide comprehensive training on food service practices to superintendents, business managers, and food service directors and managers in local school districts.

North Carolina
HB 1726
Requires the Child Care Commission to consult with the Division of Child Development in the Department of Health and Human Services in developing improved nutrition standards for child care facilities. It directs the division to study and recommend guidelines for increased physical activity levels in child care facilities.

SB 1152
Requires the General Assembly’s Program Evaluation Division to study the operation of the Child Nutrition Program, with an emphasis on how direct and indirect costs are assessed under child nutrition programs. The intent is to determine if discrepancies exist in how local schools calculate and report indirect costs, and determine the effects of these discrepancies on child nutrition programs and availability of federal funds.

Ohio
SB 210
Among other provisions related to school nutrition and health, requires each school district board of education and each chartered non-public school governing authority to adopt nutrition standards for school foods and beverages. Each board and governing authority must consult a licensed dietician and dietary guidelines established by the U.S. Department of Agriculture and the U.S. Department of Health and Human Services in establishing the standards. The standards must comply with minimum criteria set in statute for à la carte food items and beverages.

Oklahoma
HB 2774
Requires the Department of Health to create a program to certify communities and schools that promote wellness, encourage adoption of healthy behaviors, and establish safe and supportive environments. It establishes a Healthy Communities Advisory Committee and a Healthy Schools Advisory Committee to help the department develop criteria for certification. Certified communities and schools are eligible for grant awards ranging from $2,500 to $10,000 for use in achieving the act’s objectives.

Vermont
HB 408
Among other provisions related to nutrition improvement, requires schools in districts receiving 21st Century Community Learning Center grant funds to financially assist organizations operating after-school programs to help access funding for meals and snacks through federal nutrition programs. It also requires the Department for Children and Families and the Department of Education to continue to improve the direct certification process to make children eligible for school breakfast, lunch and summer meals programs.
Virginia

HB 1607 and SB 414

Require the State Board of Education, in cooperation with the Department of Health, to create and periodically update regulations setting nutritional guidelines for all competitive foods sold or served to students during regular school hours. The standards must be adopted as the initial statewide standards for competitive foods from either the Alliance for a Healthier Generation’s guidelines or those of the Institute of Medicine.

District of Columbia

B 564

Creates a comprehensive program to promote healthy eating and active living in schools. The law:

- Establishes local nutritional standards for school meals, healthy vending, fundraising, marketing and prize requirements in public schools.

- Requires public schools to participate in federal meal programs whenever possible.

- Requires schools to solicit feedback about healthy meals; provide public disclosure of ingredients, origin of fruits and vegetables, and the nutritional content of school meals; and allow at least 30 minutes to eat lunch.

- Establishes a farm-to-school program and creates a preference and financial incentive to serve locally grown, unprocessed foods in schools.

- Requires teaching about the benefits of fresh, local foods.

- Requires an annual report and recommendations on farm-to-school initiatives.

- Creates a school gardens program to issue grants to support development of school gardens; requires a report and recommendations about school gardens; and permits sale and consumption of food grown in school gardens.

Nutrition Education

A U.S. Department of Agriculture-contracted review of 217 studies found that nutrition education is a significant factor in improving dietary practices when behavior change is the goal and educational strategies are designed to achieve that goal. Another study concluded that nutrition education programs of longer duration, with more contact hours and more components—such as parent involvement and changes in school meals—result in more healthy foods being consumed by students.

Many states have school health education requirements, but inclusion of nutrition education as a specific component of health education varies. To address this, legislators in some states have considered and enacted bills that specifically require nutrition education to be a component of the school health curriculum or that require school personnel to receive training about child nutrition. Hands-on nutrition education that involves growing, preparing or tasting healthy foods such as locally available fruits and vegetables has been the focus of some recent nutrition education legislation.
Existing laws in California, Colorado, Indiana, Louisiana, Maine, Massachusetts, New Hampshire, Oklahoma, South Carolina, Texas, Vermont and West Virginia require some form of nutrition education in schools. New legislation related to nutrition education as a component of health and wellness, both in schools and in broader community programs, was enacted in 2010 in Minnesota and Mississippi.

**Minnesota**
硬件 3055 and SF 2908

Among other criteria for the state’s Healthy Kids Awards Program, provide for awards to programs that seek to integrate nutrition education and healthy food and beverage choices throughout the school environment, including classrooms, cafeteria, vending, school stores and fund-raising efforts.

**Mississippi**

**HB 1078**

Requires the Office of Healthy Schools in the Department of Education to develop and implement a Healthier Schools Initiative, which includes financial incentives to schools that receive recognition for promoting good nutrition. Awards ranging from $2,000 to $8,000 per school can be used for staff training needed to meet healthy eating, nutrition education and physical education guidelines, and student nutrition education.

**Body Mass Index Measurement or Fitness Assessment for Students**

Body mass index (BMI) is a measure of whether a person’s weight is healthy in proportion to height. The calculations also take into consideration age and gender. Body mass index is widely accepted as a reliable indicator of body fat content and as a screening tool to identify weight problems that can lead to poor health. The ease of measuring height and weight, without use of expensive equipment, makes BMI screening convenient and has led to policies in a number of states that require such screening at school, where all children can participate.

Legislation that requires individual student BMI measurement has been enacted in some states to help identify individual children with weight-related health risks. Aggregate BMI data reporting requirements are in place in other states to provide a picture of community health, monitor statewide obesity trends, or evaluate the results of programs intended to reduce or prevent obesity. Individual BMI results generally are sent to parents in a confidential letter with suggestions for making healthy changes, which can help motivate families to adopt healthier habits. A recent trend in state legislation is to include BMI measurement as an element of a broader student fitness assessment.

In 2010, at least three states—Illinois, North Carolina and Ohio—enacted legislation related to student fitness assessment or BMI screening. North Carolina’s legislation requires development of a fitness assessment for students. Ohio passed broad legislation related to school nutrition and health that includes a requirement for periodic BMI screening of students. Other legislation related to BMI screening and reporting was considered, but not enacted, in Mississippi, New Hampshire and New York.
Illinois
SB 3706
Requires the State Board of Education to develop and maintain a nutrition and physical activity best practices database containing, among other information, the results of any wellness-related fitness testing conducted by local school districts.

North Carolina
HB 1757
Requires the State Board of Education to develop guidelines for evidence-based fitness testing for students in public schools statewide in grades K-8.

Ohio
SB 210
Among other provisions related to school nutrition and health, requires periodic body mass index measurements for public school students.

Diabetes Screening at School

As the number of obese and overweight children continues to rise, type 2 diabetes (formerly called adult-onset diabetes) is increasingly being diagnosed in children and adolescents. Screening for diabetes at school can help identify students at risk and, coupled with nutrition and physical activity policies, help prevent type 2 diabetes in children and adolescents and reduce childhood obesity. Some states have passed legislation to require noninvasive diabetes risk screening at school.

In 2010, Alabama and Oklahoma passed resolutions designating diabetes awareness days or weeks; Alabama’s resolution was directed specifically to schools. In addition, Florida and Illinois enacted legislation to provide for diabetes care or self-care at school, or to permit medication administration by, or liability protections for, school personnel who provide care for students with diabetes. Diabetes legislation related to care, screening, risk analysis or testing of school-aged children was considered, but not enacted, in California, Michigan and New York.

Florida
HB 747
Authorizes students with diabetes to carry equipment and supplies to manage their diabetes while in school, at school-sponsored activities, or in transit to and from school or school-sponsored activities with written authorization from the student’s parent and physician. It indemnifies school districts, county health departments, public-private partners, and the employees and volunteers of those entities against any future claims related to students’ use of diabetes supplies and equipment. It requires the State Board of Education, in cooperation with the Department of Health, to adopt rules to encourage every school in which a student with diabetes is enrolled to train personnel in routine and emergency diabetes care, and to protect other students from unauthorized use of diabetes medications or supplies.

Illinois
HB 6065 and SB 3822
Require a parent or guardian to submit a diabetes care plan for a student with diabetes who seeks assistance with diabetes care in school. They authorize delegated care aides to assist a student with diabetes in accordance with the care plan. They also provide training for all school
employees in schools that have a student with diabetes on how to identify when such student needs immediate or emergency medical attention and who to contact in an emergency.

**Insurance Coverage for Obesity Prevention**

Providing insurance coverage for obesity prevention can encourage patients to seek nutrition and physical activity counseling from health care providers. Studies have shown that health care providers can play an important role in promoting weight loss among their overweight patients. To increase the effectiveness of health providers in this role, the First Lady’s “Let’s Move” initiative to address childhood obesity recommends that “health care providers have the necessary training and education to effectively prevent, diagnose, and treat obese and overweight children.”

Legislation in this category generally requires that private insurance carriers, public insurance programs such as Medicaid or SCHIP (State Children’s Health Insurance Programs), or state employee health insurance programs provide or strengthen obesity health insurance coverage. In July 2004, Medicare recognized obesity as a medical condition, opening the door for greater coverage for obesity treatments. Upon review, Medicare now will pay for anti-obesity interventions if scientific and medical evidence demonstrate their effectiveness. Medicaid and private insurers often follow Medicare coverage policy. Under Medicaid, states have flexibility to determine the scope of covered services within federal guidelines and can include obesity prevention and treatment as covered services.

A law requiring insurance coverage for obesity evaluation and management as a child wellness service was enacted in 2010 in Maryland. Laws or resolutions to strengthen or require coverage for obesity prevention as a part of wellness screening or obesity treatment also were considered, but not enacted, in Mississippi, New Jersey and Washington.

**Maryland**

*HB 1017*

Requires individual, group, or blanket health insurance policies and nonprofit health service plans to cover visits for obesity evaluation and management as part of the minimum package of child wellness services required to be provided under their family member coverage.

**School Wellness**

The federal Child Nutrition and WIC Reauthorization Act of 2004 required each local school district participating in the National School Lunch Program or the School Breakfast Program to establish a local wellness policy by the beginning of the 2006-2007 school year. School districts were required to involve a broad group of stakeholders in the development of their wellness policies and to set goals for nutrition education, physical activity, campus food provision and other school-based activities designed to promote student wellness.

Encouraged by federal efforts and a potential penalty of withholding federal school lunch reimbursement funds, a number of states enacted legislation in previous sessions to support wellness policies or related school health efforts. State legislation has included approaches such as 1) encouraging or requiring local school districts to adopt wellness policies; 2) establishing state multidisciplinary wellness or school health advisory councils; 3) establishing a state office or clearinghouse to coordinate wellness activities or to be a repository for collecting local wellness
policies and information; 4) directing local school districts to establish wellness councils with broad stakeholder participation; and 5) establishing mechanisms for state oversight of wellness policy implementation. Legislators also have acted on individual policies that are part of school wellness goals, such as improving the nutritional quality of school foods, providing greater opportunities for physical activity, ensuring that adequate nutrition education is part of the school curriculum and designing task force efforts by multiple community stakeholders to encourage school wellness.

In 2010, Minnesota, Mississippi, Oklahoma and the District of Columbia enacted legislation to support school wellness policies or programs or to reward healthy school efforts statewide. Florida and New York also considered, but did not enact, school wellness legislation.

**Minnesota**

*SF 2908*

Among other provisions, requires school districts to post the current local school wellness policy on their websites; encourages development of guidelines that school districts can adopt that promote quality recess practices; requires adoption of the most recent National Association for Sport and Physical Education standards for physical education in grades kindergarten through 12; and establishes a healthy kids awards program to reward kindergarten through grade 12 schools that implement policies and practices that create opportunities for students to be physically active and make healthy food choices throughout the day.

**Mississippi**

*HB 1078*

Creates a Healthier School Initiative and requires the Department of Education to provide financial incentives to schools receiving recognition through the program for, among other requirements, promotion of good nutrition and physical activity. It requires schools that receive awards for meeting the Healthier U.S. Schools Challenge to have a local school wellness policy in place that supports the initiative and affirms that the school plays a critical role in promoting student health, preventing childhood obesity, and combating problems associated with poor nutrition and physical inactivity.

**Oklahoma**

*HB 2774*

Directs the Department of Health to establish and maintain a program for voluntary certification of schools that promote wellness, encourage adoption of healthy behaviors, and establish safe and supportive environments according to criteria in the Center for Disease Control and Prevention’s Coordinated School Health Program model.

**District of Columbia**

*B 564*

Establishes a Healthy Schools Act that, among other provisions, requires local wellness policies to be promoted and shared, and requires information regarding health programs, nutrition programs, physical and health education programs and wellness policies to be reported to the superintendent of education.
PHYSICAL ACTIVITY OR PHYSICAL EDUCATION IN SCHOOL

The Physical Activity Guidelines for Americans, issued by the U.S. Department of Health and Human Services in October 2008, recommend 60 minutes of age-appropriate, enjoyable and varied daily, moderate-to-vigorous physical activity for children.9 Developed by experts in exercise science and public health, the Guidelines are based on research findings about the benefits of physical activity and recommended activity levels.10 For children, physical activity during the school day not only provides health benefits—such as strengthening the heart, muscles and bones—it also can increase academic achievement.11

Before the Guidelines were issued, the National Association for Sport and Physical Education (NASPE) had recommended that all children from prekindergarten through grade 12 receive daily physical education taught by certified specialists, and that schools have appropriate class sizes, facilities and equipment. NASPE recommends 150 minutes per week of physical education for elementary school students and 225 minutes per week for middle and high school students, with qualified physical education teachers providing a developmentally appropriate program and a teacher/student ratio similar to other classroom settings.12 The goal is to nurture enjoyment of physical activity and set the stage for an active lifestyle in all children, regardless of athletic ability.

Currently, almost 30 percent of children do not exercise even three days per week.13 Only 17 percent of high school students say they exercise the minimally recommended one hour daily.14 Both the cost of physical education programs and an emphasis on academics have sometimes been considered barriers to increasing physical education in schools, but recognition is growing that physical activity during the school day can increase student achievement. Legislators have considered and enacted laws to support physical education programs in schools to bridge this gap. Although 49 states—all except Colorado—have some type of statewide standards for physical education, their scope varies greatly. Policy approaches to increasing physical activity at school include setting physical education time standards at all grade levels, providing for daily physical education, and preserving recess time for physical activity.

Examples of all approaches can be found in 2010 state legislation. At least eight states and the District of Columbia enacted legislation related to physical education or physical activity at school. Four of these bills—in Minnesota, Oklahoma, Ohio and the District of Columbia—concerned reserving or requiring time for physical education or physical activity during the school day.

Arizona
HB 2080
Provides flexibility in meeting physical education requirements by allowing students with chronic health problems to participate in regular physical education classes to the extent their health permits.

Connecticut
SB 438
Requires one credit of physical education for high school graduation, among other provisions, unless there is a medical exception.
Maryland
*HB 334 and SB 256*
Direct the Department of Education to adopt regulations requiring public schools that are newly constructed or completely renovated after Jan. 1, 2013, to include a gymnasium and adequate space for physical education instruction and to adopt guidelines for use of facilities for physical education programs.

Minnesota
*SF 2908*
Among other provisions related to school nutrition and physical activity, encourages the Department of Education to include physical education classes, school district physical education standards, and local physical education graduation requirements as part of the state common course catalogue. It also encourages the department to develop guidelines for use by school districts in promoting quality recess practices. It requires the commissioner of education to initially adopt the most recent standards developed by the National Association for Sport and Physical Education for physical education classes in grades kindergarten through 12.

Mississippi
*HB 1078*
Requires the Office of Healthy Schools in the Department of Education to develop and implement a Healthier Schools Initiative, which includes financial incentives to schools that receive recognition for promoting physical activity. Awards range from $2,000 to $8,000 per school to be used to train staff to meet physical education and physical activity guidelines.

New Mexico
*HB 44*
Requires one unit of physical education for high school graduation, beginning in the 2012-2013 school year.

Ohio
*SB 210*
Among other provisions intended to create healthy schools, requires daily physical activity for public school students, creates a physical education pilot program for school districts, and requires physical education teacher certification.

Oklahoma
*SB 1876*
Requires public elementary schools to provide physical education or exercise programs for a minimum average of 60 minutes each week, not including recess, to students attending full-day kindergarten and grades 1-5. It also requires an average of 60 minutes of physical activity each week for students in the same grades. It encourages school districts to provide physical education for students in grades 6-12, including at least a 20-minute daily recess. It specifies certain components to be included in physical education curriculum and requires the State Board of Education to include certain knowledge and skills in physical education.

District of Columbia
*B 564*
Among other provisions in the Healthy Schools Act, establishes minimum levels of physical education and physical activity in schools and provides exemptions for students with
disabilities, students with other diagnosed health problems, or schools that lack the facilities. It also provides schools with equal access to recreation facilities.

**TAXES AND TAX CREDITS**

States continue to consider fiscal options to encourage healthy lifestyles. Examples include offering tax credits for fitness or wellness choices; offering tax credits or other fiscal encouragements for grocery store development or improvements that allow grocery retailers to offer fresh fruits and vegetables; or enacting or increasing taxes on foods and beverages that have minimal nutritional value in order to discourage their consumption or raise revenue.

Colorado, the District of Columbia and Mississippi enacted legislation in these categories in 2010. The Washington Legislature passed a sales tax on candy and bottled water and an excise tax on certain carbonated beverages; that legislation was overturned, however, on the November 2010 ballot. Legislation to impose a tax or remove a tax exemption for soft drinks was considered, but not enacted, in 11 other states—Arizona, California, Hawaii, Kansas, Massachusetts, Michigan, Mississippi, New Hampshire, Rhode Island, South Carolina and Vermont.

**Colorado**

*HB 1191*

Removes a food sales tax exemption from soft drinks and candy.

**Mississippi**

*HB 1566*

Exempts from the state sales tax food products grown, made or processed in Mississippi that are sold at farmers’ markets and are certified by the Department of Agriculture and Commerce.

**District of Columbia**

*Budget Bill*

Adds artificially and sugar-sweetened beverages to those items subject to the general 6 percent sales tax to help fund healthy schools’ programs.

**TASK FORCES, COMMISSIONS, STUDIES AND OTHER SPECIAL PROGRAMS**

Legislation or resolutions have created obesity-related task forces, commissions, studies and other special programs in several states, both as an initial approach to state action and as a way to provide accountability through reports to the legislature. Task forces are sometimes charged with initiating specific programs to prevent obesity and chronic disease. Although the purpose and activities of task forces are not uniform, states often require representation on the task force of many sectors and stakeholders, not just legislators. In addition, task forces may be required to achieve specific goals or take specific actions in addition to studying a problem. Many of the North Carolina laws summarized in this report, for example, resulted from recommendations made by the Legislative Task Force on Childhood Obesity. Task force or commission efforts required by state legislation also may include reporting on a state’s initial benchmark status on obesity prevention and wellness. Legislation on this topic was enacted in North Carolina, Oklahoma and the District of Columbia.
North Carolina

*HB 1827 and SB 1153*
Reestablish the Legislative Task Force on Childhood Obesity to study and make recommendations to the General Assembly regarding strategies to address childhood obesity and encourage healthy eating and increased physical activity among children. Topics for consideration include early childhood interventions; child care facilities; before- and after-school programs; physical education and physical activity at school; higher nutrition standards; comprehensive nutrition education; and increased access to recreational facilities. The task force must report its findings and recommendations to the General Assembly in 2011 and 2012.

Oklahoma

*HB 2774*
Creates the Healthy Communities Advisory Committee and a Healthy Schools Advisory Committee to help the Department of Health develop criteria for voluntary certification of communities and schools that promote wellness, encourage adoption of healthy behaviors and establish safe and supportive environments.

District of Columbia

*B 564*
Among other provisions in the Healthy Schools Act, establishes a Healthy Youth and Schools Commission and requires it to submit an annual report and recommendations to promote the healthy eating and active living objectives of the act.
HEALTHY COMMUNITY DESIGN AND ACCESS TO HEALTHY FOOD

BICYCLING AND WALKING/COMPLETE STREETS

Bicycling and walking can provide easily accessible, low-cost, active living options for community residents if streets and parks are constructed to facilitate safe use. State legislation often provides funding for non-motorized transportation infrastructure to accommodate cyclists and pedestrians and may include incentives for local governments to incorporate walking and biking components into their comprehensive plans. In 2010, Illinois, Louisiana, Michigan, Minnesota and Wisconsin passed legislation that addresses these issues.

Physical activity by children, especially wheeled activities such as bicycling, has been shown to reduce the odds of being overweight as a young adult.15 In addition, sidewalks are generally associated with more walking.16 The District of Columbia adopted a notable policy to add sidewalks, and prioritize placement near areas such as schools, parks and transit stops.

A “complete streets” policy considers the needs of motorists, pedestrians, transit users and bicyclists in a manner sensitive to the local context, and recognizes that user needs vary in urban, suburban and rural settings. These policies are becoming more prominent in the states: 26 states now have some form of complete streets policy, 14 of which were adopted through state legislation. In 2010, Colorado, Michigan and Minnesota passed such legislation.

Colorado

HB 1147
Requires the Department of Transportation to provide infrastructure that accommodates bicycle and pedestrian use in a manner that is safe and reliable for all users of public streets. The needs of bicyclists and pedestrians must be routinely included in planning, design and operation of transportation facilities. Any decision to not include the needs of bicyclists and pedestrians must be documented, based on exemption criteria established by the Transportation Commission. The law also requires the department to collaborate with other state agencies and nonprofit organizations to make available to schools educational curricula regarding the safe use of public streets by non-motorized wheeled transportation and pedestrians.

Illinois

SB 1215
Appropriates $3.75 million for the Illinois Bicycle Path Grant Program, administered by the Department of Natural Resources, to acquire, develop and maintain bike paths.

Louisiana

HB 1125
Creates the Louisiana Bicycle and Pedestrian Safety Fund, using money from a “Share the Road” license plate, to be used solely for bicycle and pedestrian safety.

HB 1137
Authorizes construction of bicycle lanes in the right-of-way of new highway construction projects; failure to include them requires documentation justifying the decision (which may include excessive cost or lack of need). It authorizes the expenditure of more than 1 percent of funds in the State Transportation Trust Fund on bicycle lanes, instead of limiting such
expenditures to no more than 1 percent in any fiscal year. It also adds language to include driver education instruction that focuses on sharing the road with pedestrians, bicyclists and transit vehicles.

**Michigan**

*HB 6151*
Requires the State Transportation Commission to adopt a complete streets policy for the Department of Transportation and one or more model policies for use by municipalities and counties. “Complete streets” is defined as roadways planned, designed and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot or bicycle. It also establishes a Complete Streets Advisory Council within the department to provide education and advice to the commission. Exceptions to the policy exist for safety concerns, lack of need, or disproportionate cost. Existing law requires that at least 1 percent of funds from the Michigan Transportation Fund be spent on non-motorized facilities. The law requires the department or any county, city or village receiving money from the fund to annually prepare a five-year program for the improvement of qualified non-motorized facilities.

*HB 6152*
Requires a local government’s master plan to provide for safe and efficient movement of people and goods by motor vehicles, bicycles, pedestrians and other street users. The master plan must include the general location, character and extent of the interconnectivity of all components of transportation. It also expands the definition of “street” to include public ways intended for use by bicycles, pedestrians and other legal users, in addition to motor vehicles.

**Minnesota**

*HF 2700*
Contains numerous bond measures to fund the development, acquisition, rehabilitation and connection of trails and bridges for bicyclists and pedestrians.

*SF 2540*
Among other provisions contained in the omnibus transportation bill, adopts a complete streets state policy. It defines “complete streets” as the planning, scoping, design, implementation, operation and maintenance of roads in order to reasonably address the safety and accessibility needs of users of all ages and abilities. It requires the transportation commissioner to implement a complete streets policy after consultation with stakeholders, state and regional agencies, local governments and road authorities. The commissioner must report on implementation of the complete streets policy beginning in 2011. It encourages local road authorities to create and adopt complete streets policies in their jurisdictions that may exceed provisions in the state policy.

**Wisconsin**

*SB 266*
Creates the Non-Motorized Recreation and Transportation Trails Council in the Department of Natural Resources to study and make recommendations to the Legislature, governor and Department of Natural Resources and Department of Transportation on all matters related to non-motorized recreation transportation and trails.
Reversing the Trend in Childhood Obesity

**SB 314**
Requires the Department of Commerce’s five-year housing plan to include strategies and specific recommendations for public and private action that will facilitate inclusion of bicycle- and pedestrian-oriented design in residential developments and mixed-used developments that include residential elements.

**District of Columbia**

**B 191**
Requires that road segments include a sidewalk on at least one side if the road is being reconstructed or when curb or gutter replacement is slated. Priority areas for sidewalk installation include 1) school areas; 2) routes that provide access to parks and recreational facilities; 3) transit stops; 4) locations where the absence of a sidewalk creates substantial pedestrian safety risks; and 5) roadway segments for which residents have petitioned to have sidewalks. Exemptions from this requirement are possible for lack of need or physical constraints.

**TRANSIT-ORIENTED DEVELOPMENT**

The creation or expansion of transit systems continues to occur in a number of regions across the country. Legislatures have exhibited heightened interest in the past five years to capitalize on these transit investments to promote economic development and create more transportation and housing choices for citizens. New legislation typically defines “transit-oriented development” and often creates preferences or programs to direct funding and other resources to planning and developing services, housing and other amenities located near transit stations. A number of states have adopted statewide planning statutes or principles that emphasize integrating housing, employment and transportation so that daily activities can take place within a short walk or ride from home. Incorporating housing near transit stops is especially important, since a recent analysis noted that more than 250,000 subsidized apartments in 20 cities are within a half-mile of transit, but two-thirds of these have contracts that will expire before 2015, jeopardizing housing and transportation choices for the nation’s most vulnerable families.17

Recent research has shown that transit use can increase physical activity. Construction of a light-rail line in Charlotte, N.C., for example, contributed to an average loss of six pounds for light rail commuters who have increased walking as part of accessing transit.18 Another study determined that transit users walk an average of 19 minutes per day to and from transit locations, which nearly satisfies the daily recommended 22 minutes of moderate physical activity for adults.19 A comparison of train and car commuters found that train users “were four-times more likely to walk 10,000 steps per day than car commuters.”20 This increased physical activity also may directly affect both people’s pocketbooks and government expenditures. The Victoria Transport Policy Institute estimated a possible per-capita health benefit of $540.68 for people who have access to walkable, mixed-use development around transit stations.21 Iowa, Maryland, New York, Utah and Washington enacted transit-oriented development legislation or bills in 2010 that include transit-oriented development components in broader growth management laws.

**Iowa**

**HF 592**
Establishes smart growth principles for the state and guidelines for local comprehensive planning and development. The smart growth principles include transportation diversity, defined as planning and development that promotes expanded transportation options for residents of the
community. Priority must be given to rail and bus service, shared-vehicle services, bicycling and walking. The guidelines include a number of suggestions for municipalities, including policies and programs for future development of a safe, efficient and economical transportation system that will consider the need for diverse modes of transportation, accessibility and interconnectivity of the various modes of transportation.

**Maryland**

*HB 475 and SB 285*

Amend an existing tax credit program to create the Sustainable Communities Tax Credit Program. The tax credits will be available for commercial and residential rehabilitation in eligible areas, which include priority funding areas that have been designated as transit-oriented development districts.

**New York**

*AB 8011*

Among other provisions of the State Smart Growth Public Infrastructure Policy Act, prohibits a state agency from financing a public infrastructure project unless it is consistent with state smart growth public infrastructure criteria. These criteria include 1) fostering mixed land uses and compact development, diversity and affordability of housing in proximity to places of employment, recreation and commercial development, and integration of all income and age groups; and 2) providing mobility through transportation choices, including improved public transportation and reduced automobile dependency. If compliance with these criteria is considered impracticable, the agency must prepare a statement of justification.

**Utah**

*SB 272*

Empowers the Utah Transit Authority to enter into a public/private partnership with a private entity to develop five transit-oriented developments near transit sites. The authority may contribute property owned along transit lines. To be included in the partnerships, participating developers must make an equity contribution of at least 25 percent of the value of the property contributed by the authority. The legislation grants the authority a priority return on its capital contribution and a share in profits to offset system operating expenses.

**Washington**

*HB 2538*

Amends the Growth Management Act—the comprehensive land use planning framework for county and city governments in Washington—to allow a city to adopt subarea development elements to its comprehensive plan. The subarea must be located in either 1) a mixed-use or urban center designated in a land use or transportation plan adopted by a regional transportation planning organization, or 2) within one-half mile of a major transit stop that is zoned to have an average minimum density of 15 dwelling units or more per acre. The legislation further authorizes cities located on the east side of the Cascade Mountains and in a county with a population of 250,000 or less to adopt optional elements of their comprehensive plans and development regulations that apply within the mixed-use or urban centers. The optional elements must enhance pedestrian, bicycle, transit or other non-vehicular transportation methods.
SAFE ROUTES TO SCHOOL/SCHOOL SITING

A number of barriers prevent children from bicycling and walking to school. Many schools are not centered in a neighborhood, are too far away from homes or have dangerous streets and crossings that make it difficult for students to reach them through active transportation. The federal Safe Routes to School (SRTS) program continues to distribute grant funds to all 50 states to address these challenges, on the condition that the state has a statewide SRTS coordinator. Currently, 10,200 schools benefit from this program. The program’s future is unclear, however, since the federal transportation reauthorization has not yet been approved. Advocates are pushing to expand the eligibility of the program to include high schools.

Parent perceptions of safety and barriers also are important determinants of students’ travel choices. Strategies such as “walking school buses,” in which parents walk a group of children to school, and infrastructure improvements to increase safety and decrease vehicle speed are common tactics to increase the number of students using active transportation.

States continue to adjust their SRTS programs. California added requirements that the grant process measure the benefits to low-income schools and achieve community support, while Illinois created a separate non-infrastructure program to address education, training and other strategies. New Hampshire passed a law to ensure that school siting is part of the larger growth plan for the community. Maine has had considerable success in locating schools within existing communities. A recent report notes that nearly 48 percent of 9- to 15-year-olds bicycle or walk to school at least once a week when they live within a mile of their school.22

California

AB 2147

Adds requirements to the Safe Routes to School grant process. It requires consideration of a proposal’s benefit to a low-income school and the degree to which the proposal reflects the participation, input and priorities of community stakeholders.

Illinois

HB 4948

Directs the Department of Transportation to establish and administer a Safe Routes to School Non-Infrastructure Program to fund education encouragement, evaluation and enforcement strategies to aid safe bicycling and walking to and from school. It allows grants to be made from the newly created Childhood Obesity Fund to support these programs.

Massachusetts

HB 4459

Requires a school district’s wellness policy to include a plan to implement a Safe Routes to School program to encourage students who reside within walking (one mile) or bicycling (three miles) distance from school to take these active modes of transportation. The program also may entail working with a local municipality to implement infrastructure improvements such as improved street crossings, traffic calming, new or repaired sidewalks, or bicycle/walking paths.
New Hampshire
SB 59
Requires school districts to explore all feasible options when deciding whether to renovate or replace an existing school building, and to review a municipality’s zoning regulations and master plan in order to maximize best planning practices. It also requires that plans for construction or renovation of school buildings comply with effective statewide planning and smart growth principles.

Joint Use Agreements

When communities lack safe, adequate places for children and their families to exercise and play, school facilities may offer recreational opportunities. Gymnasiums, playgrounds, fields, courts, tracks and other sports facilities can provide opportunities for community physical activity when they are not in use by students. Concerns about costs, vandalism, security, maintenance and liability in the event of injury may discourage school districts from opening their facilities to the public after school hours. States can address these concerns, however, through joint use agreements that allow cities, counties and town governments to partner with school districts to allow recreational use of school facilities by community members. A joint use agreement is a formal agreement between two government entities—often a school district and a city or county—that defines the terms and conditions for shared use of public property. It may address liability concerns, staffing, maintenance, hours and other issues.

State legislation can encourage joint use agreements as a means to open school facilities to the community for after-hours physical activity and provide funding for this purpose. Arkansas and North Carolina passed laws doing so in 2010. California authorized school districts to enter into agreements for buildings to be used jointly by districts and local government agencies in 2009, and considered additional legislation related to use of school facilities for community recreation. In 2009-2010, state legislation to encourage or explore joint use of school facilities for physical activity also was enacted in North Carolina and Washington, and was considered, but not enacted, in Indiana and Texas.

Arkansas
SB 120
Among other grants and aid to local school districts and special programs for the Department of Education, appropriates $1 million for school facility joint use support.

North Carolina
HB 1471
Directs the State Board of Education to encourage local boards of education to enter into agreements with local governments and other entities regarding the joint use of their facilities by the local community for physical activity. It emphasizes that such agreements should delineate opportunities, guidelines and the roles and responsibilities of each party, including responsibilities for maintenance of facilities and liability for use of such facilities.

Farm-to-School

Farm-to-school programs continue to be popular vehicles for legislative action because of the shared potential benefits to both students and farmers. The programs allow schools to more easily find local food and to more effectively plan their menus for the year. Farmers gain better
awareness of which schools are looking for particular products and how to tailor food cleaning and delivery for different districts.

Although local food can sometimes be more expensive and requires more equipment and training to prepare, it also has been shown to increase school meal participation, which may counteract any higher costs. Farm-to-school programs make students more aware of healthy choices, growing seasons and the science behind agriculture. Students with options such as salad bars eat more fruits, vegetables and other healthier items.

Six states and the District of Columbia passed legislation to provide locally grown food to schools in 2010. Alaska, Florida and the District of Columbia created new statewide programs. Colorado and Wisconsin passed laws to encourage promotion of farm-to-school concepts and development of policies; Wisconsin’s new program will provide grants to better equip school kitchens to work with fresh food. Illinois and Massachusetts created an online database to promote communication between farmers and school food service directors.

A number of states have sought to reform procurement policies to ease purchase of locally grown food. Language in new Alaska and District of Columbia laws revise procurement practices; the District also offers increased reimbursements for meals using local food.

**Alaska**

*HB 70*

Creates a farm-to-school program in the Department of Natural Resources designed to facilitate procurement and use by public schools of food grown in the state, including development of uniform procurement policies and practices. It will help food producers, distributors and food brokers market food grown in the state; help public schools connect with local producers; and make available to public schools a curriculum that educates students on the benefits of preparing and consuming state-grown food. The law also authorizes a school district to operate a school garden or farm to be used for educational purposes and to grow fruits and vegetables for consumption by students through the school district’s meal and snack program.

**Colorado**

*SB 81*

Creates an interagency farm-to-school task force to develop policies, procedures, pilot programs and recommendations for how to set-up a farm-to-school program. The program’s objectives are to encourage or offer incentives to purchase and use locally grown, produced and processed agricultural products by schools; provide healthy local food to students; and benefit the state agricultural industry.

**Florida**

*SB 140*

Creates the Florida Farm Fresh Schools Program in the Department of Education. The department must work with the Department of Agriculture and Consumer Services to develop policies that encourage school districts to buy fresh, local food with maximum nutritional content. The program also is charged with developing policies to help farmers sell their products to school districts and schools. The two departments must provide outreach, guidance and training to school districts, schools, school food service directors, students and parent-teacher organizations about the benefits of Florida fresh food products.
Illinois
SB 615
Requires the Department of Agriculture to establish and make available on its website a farm-to-school database to facilitate purchase of fresh produce and food products by schools. The database must contain information necessary to help schools identify and contact agricultural producers that are interested in supplying schools with fresh produce and food products and also help producers of fresh produce and food products to identify schools that want to purchase those products. The database must be developed jointly with the Local Food, Farms and Jobs Council established through legislation in 2009.

Massachusetts
HB 4459
Directs the Department of Agricultural Resources, in collaboration with the Department of Elementary and Secondary Education, to collect data on 1) school districts and other educational institutions interested in purchasing Massachusetts farm products; 2) the type and amount of products schools wish to purchase; 3) the name of the appropriate contact person in the interested school district; 4) farm organizations and businesses that market local farm products; and 5) the availability of local farm products by type and amount, and the names and contact information of farmers, farm organizations and businesses marketing such products. The departments will use these data to work with the Massachusetts Farm-to-School Project to facilitate school purchase of local agricultural products.

Wisconsin
AB 746
Directs the Department of Agriculture, Trade and Consumer Protection to promote farm-to-school programs by 1) identifying and reducing impediments to providing locally produced fresh fruits and vegetables in school meals; 2) promoting communication and sales between local farmers and schools; 3) providing training and technical assistance for school food service personnel and managers, farmers, and food distributors and processors; and 4) promoting farm-to-school programs through a public education campaign and the department’s website. The bill creates a farm-to-school grant program to provide and expand food grown and produced in the state and sold to schools; renovate facilities to help facilitate use of local foods in schools; provide training for food service personnel, farmers and distributors; and promote nutritional and agricultural education in the classroom. It also creates a Farm-to-School Council to consult with the department in developing policies and to report to the Legislature on the program’s status.

District of Columbia
B 564
Among other provisions of the Healthy Schools Act, creates a farm-to-school program and a school garden program. It requires schools to serve locally grown, locally processed and unprocessed foods from growers engaged in sustainable agriculture practices whenever possible. The District of Columbia Public Schools must establish a central facility to prepare, process, grow and store healthy and nutritious foods for schools. To encourage local foods to be served in schools, the Office of the State Superintendent of Education must provide an additional 5 cents per lunch meal reimbursement to schools when at least one component of a reimbursable lunch meal is comprised entirely of locally grown and unprocessed foods. The act also creates a Garden Advisory Committee to collect data on the location and types of gardens in public schools; provide horticultural guidance and technical assistance to public schools; and
coordinate curricula and provide training, support and financial assistance for school gardens. Produce grown in school gardens may be served to students or sold, with proceeds going to the school where the produce was grown.

**Farmers’ Markets**

Legislatures continue to see farmers’ markets as logical outlets to expand healthy food offerings. One of the key issues in promoting their use is making it easier for recipients of the Supplemental Nutrition Assistance Program (SNAP), formerly known as food stamps, to use their Electronic Benefit Transfer (EBT) cards to purchase fresh fruits and vegetables. California, Illinois and Nebraska passed measures to increase the ability of those who receive public assistance to shop at farmers’ markets. Michigan, Mississippi and Washington passed other types of legislation.

**California**

*AB 537*

Allows a group or association of produce sellers approved by the Food and Nutrition Service to initiate and operate an Electronic Benefit Transfer system in farmers’ markets.

**Illinois**

*HB 4756*

Requires the Department of Human Services and the Department of Agriculture to implement a Farmers’ Market Technology Improvement Program to increase access to fresh fruits and vegetables and other eligible food products by allowing SNAP recipients to redeem their benefits at farmers’ markets. It also creates a Farmers’ Market Technology Improvement Fund to help purchase or rent wireless point-of-sale terminals that can process SNAP benefits; pay for monthly or transaction fees associated with SNAP card use; and provide education and outreach to SNAP recipients.

**Michigan**

*SB 935*

Authorizes a county board of commissioners to establish farmers’ markets.

**Mississippi**

*HB 1566*

Exempts from sales taxes food products that are grown, made or processed in the state and sold at farmers’ markets that have been certified by the Department of Agriculture and Commerce.

**Nebraska**

*LB 986*

Authorizes grants under the Agricultural Opportunities and Value-Added Partnerships Act to be used to purchase electronic scanners or point-of-sale devices to expand the use of federally subsidized food and nutrition program benefits at farmers’ markets, and for marketing, promotion and outreach activities related to those federal programs.

**Washington**

*HB 2402*

Provides a property tax exemption on real and personal property owned by a nonprofit organization, association or corporation that is used for a farmers’ market.
FOOD DESERTS/ACCESS TO HEALTHY FOOD

A food desert is a community or neighborhood in which residents are unable to easily purchase nutritious food due to distance from a market, price, lack of transportation, or absence of healthy options. Research indicates that communities without healthy food options can have higher rates of obesity and diabetes. Although legislative activity in this area was limited in 2010, Oklahoma extended eligibility for an existing loan program to include grocery outlets in a food desert, and Maryland authorized a tax credit to be used in underserved areas.

Maryland

HB 1135
Authorizes the mayor and city council of Baltimore, or the governing body of a county or municipal corporation, to grant a tax credit against the property tax imposed on specified grocery stores. To receive a credit, the store must be located in a low-income area.

Oklahoma

HB 3015
Makes healthy corner stores eligible for Agricultural Linked Deposit Loan Packages of up to $350,000. “Healthy corner stores” are defined as those grocery stores certified by the Oklahoma Department of Agriculture, Food, and Forestry as marketing fresh fruits and vegetables and nutritious foods and for which the sale of beer and tobacco comprise less than 10 percent of gross sales. Eligible stores must be located in geographical areas that are underserved by grocery outlets.

LOCAL FOOD/DIRECT MARKETING

While definitions of “local” food vary, the market for local food is accelerating. Direct sales of food from farmers to consumers increased by 105 percent from 1997 to 2007. Similarly, sales from farmers to retail and food service outlets increased 19 percent from 2002 to 2007. Legislation related to local food saw diverse approaches in 2010. Measures to create task forces to discuss local food systems were popular in 2010, with Colorado, Louisiana and Massachusetts creating food policy councils. Theses councils typically convene state agency executives, agricultural producers, nutritional experts and other stakeholders to make recommendations on how a state can create more markets for local food and more access for consumers. Hawaii, Minnesota and Vermont created special funds or allocated money to help develop processing, storage and marketing capacity for local farmers and the infrastructure they use. Iowa and Missouri passed other types of laws.

Colorado

SB 106
Creates a Food Systems Advisory Council to develop recommendations that promote local food economies. The recommendations may include 1) an examination of foods made available to children, including those in schools, and how to improve access to nutritious local food; 2) a study of efforts to make local and healthy foods available to public assistance recipients, including at farmers’ markets; 3) an examination of local and regional efforts to develop local food economies by identifying regulatory and policy barriers and strengthening local infrastructure and entrepreneurial efforts; and 4) the potential effects of local food economies on economic development in Colorado.
Hawaii

*HB 2421*

Creates an Agricultural Development and Food Security Special Fund for 1) grants to farmers for agricultural production or processing activity; 2) acquisition of real property for agricultural production or processing activity; and 3) promoting and marketing agricultural products grown or raised in the state. It also creates a tax on petroleum products to help capitalize the fund.

Iowa

*HF 2525*

Directs the Leopold Center for Sustainable Agriculture at Iowa State University, in consultation with the Cooperative Extension Service in Agriculture and Home Economics, to prepare a local food and farm plan that contains policy and funding recommendations to support and expand local food systems. The plan submitted to the General Assembly must include recommendations for both short- and long-term solutions.

Louisiana

*HB 840*

Creates the Louisiana Sustainable Local Food Policy Council to consider a number of policies, including 1) assessment of foods served to public school students and the possibility of increasing the amount of sustainable local food served; 2) analysis of how to make sustainable local food available under public assistance programs, including SNAP benefits at local farmers’ markets; 3) analysis of how best to promote urban and backyard gardens; 4) evaluation of the effects of sustainable local food production on economic development; 5) identification of local and regional efforts that provide information and training to entrepreneurs and local farmers who are pursuing sustainable local food economic development opportunities; and 6) identification and development of solutions to regulatory and policy barriers that inhibit sustainable local food economies.

Massachusetts

*HB 4568*

Creates the Massachusetts Food Policy Council, which is charged with developing recommendations to 1) increase production, sales and consumption of Massachusetts grown foods; 2) develop and promote programs that bring healthy local food to Massachusetts’ residents; 3) protect the land and water resources needed for sustained local food production; 4) train, retain and recruit farmers; and 5) provide for the continued economic viability of local food production, processing and distribution in the commonwealth. The council must prepare an annual report with its findings and recommendations.

Minnesota

*HF 1122*

Directs the commissioner of agriculture to establish the Feeding Minnesota Task Force to study consumption of Minnesota-grown produce and livestock and facilitate donation of harvested products to charities that provide food for hungry people. The commissioner must make policy recommendations to the chairs of the legislative committees with jurisdiction over agriculture finance. The bill also provides funding for the Minnesota Grown program, which awards grants for production and marketing of locally grown food.
**Missouri**

*HB 1848*

Creates the Joint Committee on Urban Farming to study and make recommendations regarding the effects of urban farm cooperatives, “vertical farming” and sustainable living communities in the state.

**Vermont**

*HB 765*

Establishes the Vermont Agricultural Innovation Center to support production or marketing of “value-added agricultural products” (those that have been produced in such a way that the market for the product has expanded); support local initiatives to produce or market value-added agricultural products; and pursue and coordinate access to state, regional and local funding sources.

*SB 288*

Includes funds for the Farm-to-Plate Investment Program to support entities that increase the production, storage, processing and distribution infrastructure of the state’s food system. Grants will be awarded to entities that are ready to implement their business plans or expand their existing operations to provide additional capacity and services within the food system. The law also adds language requiring that the Farm-to-Plate Investment Program strategic plan include recommendations regarding measurable outcomes to track the ongoing economic contribution of the farm and food sector to the Vermont economy.
CONCLUSION

State legislatures in 2010 continued the trends exhibited during the 2009 session by enacting laws to promote healthy communities and reduce or prevent childhood obesity. Although the overall level of activity was not as high as in the previous session, state legislatures passed more bills in policy areas that may have the greatest impact on reducing childhood obesity—school nutrition and physical activity/physical education in schools—than in 2009 and increased their efforts in two areas designed to link locally grown fresh produce to schools, where many children often consume most of their daily meals. More than 80 percent of states enacted some form of healthy eating/active living legislation during the 2009-2010 sessions.
Notes


10. Ibid.


25. Ibid.
26. Ibid.
27. Designed for Disease: The Link Between Local Food Environments and Obesity and Diabetes (Los Angeles: UCLA Center for Health Policy Research, April 2008).
29. Ibid

StateNet and LexisNexis were among the sources used in bill tracking.
Reversing the Trend in Childhood Obesity
Policies to Promote Healthy Kids and Communities

State legislatures in 2010 continued the trends exhibited during the 2009 session by enacting laws to promote healthy communities and reduce or prevent childhood obesity. Although the overall level of activity was not as high as in the previous session, state legislatures passed more bills in policy areas that may have the greatest impact on reducing childhood obesity, especially school nutrition and physical activity/physical education in schools. When looking at the 2009-2010 sessions together, 41 states enacted healthy eating and/or active living laws.