

1
2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 628**

5 (By Senators Unger, Yost and Stollings)

6
7 [Originating in the Select Committee on Children and Poverty;
8 reported February 19, 2014.]
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10
11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new article, designated §16-46-1, §16-46-2,
13 §16-46-3, §16-46-4 and §16-46-5, all relating to the Healthy
14 Children and Healthy Communities Act; providing short title;
15 providing legislative findings and purpose; defining terms;
16 permitting the Bureau for Public Health to consult with
17 Division of Highways and municipal governments; providing
18 options and opportunities for development of healthy
19 communities; encouraging physical activity and physical
20 education; and requiring that governmental entities consider
21 collaborative agreements and submit reports.

22 *Be it enacted by the Legislature of West Virginia:*

23 That the Code of West Virginia, 1931, as amended, be amended
24 by adding thereto a new article, designated §16-46-1, §16-46-2,
25 §16-46-3, §16-46-4 and §16-46-5, all to read as follows:

26 **ARTICLE 46. HEALTHY CHILDREN AND HEALTHY COMMUNITIES ACT.**

1 **§16-46-1. Short title.**

2 This article may be cited at the Healthy Children and Healthy
3 Communities Act.

4 **§16-46-2. Legislative findings and purpose.**

5 The Legislature finds and declares that childhood obesity is
6 an epidemic in West Virginia and the United States. If obesity
7 continues to grow at current rates over the next two decades, the
8 health and economic costs to our state and the nation will be
9 staggering. It is the purpose of this act to provide governmental
10 entities responsible for planning, designing and building our
11 communities and infrastructure additional options to encourage the
12 development of healthy communities for healthier children and
13 adults.

14 **§16-46-3. Definitions.**

15 For purposes of this article:

16 (1) "Commissioner" means the Commissioner of the Bureau for
17 Public Health.

18 (2) "Healthy communities" means places designed or redesigned
19 and built to improve the quality of life for all people who live,
20 work, learn and play within their borders and where children learn
21 to choose options that promote a healthy, active lifestyle.

22 (3) "Physical activity" means bodily movement of any type,
23 including but not limited to activities such as walking, jumping
24 rope, playing soccer, lifting weights and other physical activity
25 which increases heart rate and produces heavier than normal

1 breathing.

2 (4) "Physical education" means a class taught by a certified
3 physical education teacher who assesses student knowledge and motor
4 and social skills and provides instruction in a safe, supportive
5 environment. Based on sequence of learning, physical education
6 should not be compared to, or confused with, other physical
7 activity experiences such as recess, intramural activity or
8 recreational endeavors.

9 **§16-46-4. Responsibilities of Bureau for Public Health; healthy**
10 **communities.**

11 (a) The Bureau for Public Health has a special interest and
12 expertise in healthy children and healthy communities. The bureau
13 may facilitate public initiatives and public and private
14 partnerships that improve community leaders' and stakeholders'
15 commitments to establish and maintain effective strategies that
16 reduce the burden of chronic disease and achieve health lifestyles.

17 (b) Because the design of our communities can affect physical
18 and mental health and healthy community design integrates
19 evidence-based health strategies into community planning,
20 transportation planning, highway design and land-use decisions, the
21 Bureau for Public Health may consult with the Division of Highways
22 and municipalities when community planning, school construction or
23 remodeling, transportation planning, highway design or land-use
24 planning are being discussed or considered.

25 (c) The Bureau for Public Health shall facilitate public and
26 private partnerships in order to assist the governmental entities

1 in developing and promoting healthy communities. The bureau may
2 partner with organizations such as the Centers for Disease Control
3 and Prevention, the National Center for Environmental Health and
4 the National Center for Health Statistics to provide assistance to
5 the Division of Highways and municipalities.

6 (d) The Bureau for Public Health shall, when requested, assist
7 the Division of Highways and municipalities in developing and
8 promoting areas where children and adults may engage in physical
9 activity, physical education or both.

10 **§16-46-5. Utilizing public buildings and spaces.**

11 (a) On or before January 1, 2015, all county school boards,
12 the Bureau for Public Health, the Division of Highways and
13 municipal governments shall determine the feasibility of
14 collaborative agreements which provide for the use of all available
15 public facilities in communities for healthy lifestyle
16 opportunities and shall report to the Joint Committee on Government
17 and Finance. These entities shall determine how each public
18 facility and recreational area may be better utilized for physical
19 activities.

20 (b) The report shall include the following:

21 (1) The costs associated with opening public facilities and
22 other areas outside of normal operating hours;

23 (2) The practicability of opening schools and other public
24 facilities to additional community uses;

25 (3) The anticipated liabilities and insurance costs associated
26 with opening schools and other public facilities to additional

1 community use; and

2 (4) Options for mitigating anticipated costs.

3 (c) Following the submission of the reports, the governmental
4 entities may take any action contained in the reports to open any
5 school or other public facility for additional community uses that
6 provide opportunities for physical activity, physical education or
7 both.

(NOTE: The purpose of this bill is to create the Healthy Children and Healthy Communities Act. It encourages the Bureau for Public Health to consult with municipalities and the Division of Highways to develop healthy communities; the Bureau is required to facilitate public and private partnerships to develop healthy communities and encourage physical activity and physical education.

The bill also requires the Bureau for Public Health and the Division of Highways to investigate possibilities for collaborative agreements for use of all available public facilities in communities for creation of healthy lifestyle opportunities. A report must be submitted to the Joint Committee on Children and Families outlining how every public facility may be utilized by respective communities.

The language in this bill is new; therefore, strike-throughs and underscoring have been omitted.)