

Senate Bill No. 68

(By Senators Unger, Laird, Miller and Kirkendoll)

[Introduced January 14, 2015; referred to the Committee on Health and Human Resources; and

then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all relating to the Healthy Children and Healthy Communities Act; providing short title; providing legislative findings and purpose; defining terms; permitting Bureau for Public Health to consult with Division of Highways and municipal governments; providing options and opportunities for development of healthy communities; encouraging physical activity and physical education; and requiring that governmental entities consider collaborative agreements and submit reports.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 46. HEALTHY CHILDREN AND HEALTHY COMMUNITIES ACT.

§16-46-1. Short title.

1 This article may be cited as the Healthy Children and Healthy Communities Act.

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

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

9 **§16-46-3. Definitions.**

10 For purposes of this article:

11 (1) “Commissioner” means the Commissioner of the Bureau for Public Health.

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

15 (3) “Physical activity” means bodily movement of any type, including, but not limited to,
16 activities such as walking, jumping rope, playing soccer, lifting weights and other physical activity
17 which increases heart rate and produces heavier than normal breathing.

18 (4) “Physical education” means a class taught by a certified physical education teacher who
19 assesses student knowledge and motor and social skills and provides instruction in a safe, supportive
20 environment. Based on sequence of learning, physical education should not be compared to, or
21 confused with, other physical activity experiences such as recess, intramural activity or recreational
22 endeavors.

1 **§16-46-4. Responsibilities of Bureau for Public Health; healthy communities.**

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

6 (b) Because the design of our communities can affect physical and mental health and healthy
7 community design integrates evidence-based health strategies into community planning,
8 transportation planning, highway design and land-use decisions, the Bureau for Public Health may
9 consult with the Division of Highways and municipalities when community planning, school
10 construction or remodeling, transportation planning, highway design or land-use planning are being
11 discussed or considered.

12 (c) The Bureau for Public Health shall facilitate public and private partnerships in order to
13 assist the governmental entities in developing and promoting healthy communities. The bureau may
14 partner with organizations such as the Centers for Disease Control and Prevention, the National
15 Center for Environmental Health and the National Center for Health Statistics to provide assistance
16 to the Division of Highways and municipalities.

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

20 **§16-46-5. Using public buildings and spaces.**

21 (a) On or before January 1, 2015, all county school boards, the Bureau for Public Health, the
22 Division of Highways and municipal governments shall determine the feasibility of collaborative

1 agreements which provide for the use of all available public facilities in communities for healthy
2 lifestyle opportunities and shall report to the Joint Committee on Government and Finance. These
3 entities shall determine how each public facility and recreational area may be better used for physical
4 activities.

5 (b) The report shall include the following:

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

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

10 (3) The anticipated liabilities and insurance costs associated with opening schools and other
11 public facilities to additional community use; and

12 (4) Options for mitigating anticipated costs.

13 (c) Following the submission of the reports, the governmental entities may take any action
14 contained in the reports to open any school or other public facility for additional community uses that
15 provide opportunities for physical activity, physical education or 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 used by respective communities.

This article is new; therefore, strike-throughs and underscoring have been omitted.