



Society for Nutrition Education Public Policy Legislative & Regulatory Bulletin September 2002

This newsletter highlights key legislative and regulatory news about nutrition education issues in Washington, D.C. This report is prepared by SNE's Public Policy Consultant, Waterman & Associates.

Obesity Bill - "The Improved Nutrition and Physical Activity Act" – Introduced in U.S. House of Representatives

On Thursday, Sept. 19, 2002, U.S. Reps. Mary Bono (R-CA) and Kay Granger (R-TX) introduced the House version of "The Improved Nutrition and Physical Activity Act (IMPACT)" (H.R. 5412). This legislation is aimed to address the increasing prevalence of obesity in the U.S. and the resulting serious chronic health conditions. The House bill mirrors the Senate IMPACT bill (S. 2821) introduced this summer. [See July edition of SNE's Legislative & Regulatory Bulletin for additional details.]

At a press conference held on Capitol Hill Thursday, Reps. Bono and Granger joined some of the bill's co-sponsors, Reps. Mike Castle (R-DE), Nita Lowey (D-NY) as well as Sen. Bill Frist (R-TN), who introduced the Senate IMPACT bill.. Rep. Patrick Kennedy (D-RI) is also a co-sponsor, but he was not at the official announcement.

The controversial foundation section initially included in the Senate's version of IMPACT has been removed from S. 2821. The House sponsors followed suit and did not include this section in their version. The foundation section proposed to establish a private, nonprofit National Nutrition Foundation for the Department of Agriculture to carry out research and dissemination pertaining to the nutrition and food assistance programs within the department. The section was deleted because of rising concerns from industry organizations on the overlay in the proposed Foundation and other existing government programs.

According to Senate staff, the Senate IMPACT bill will likely receive a committee markup sometime in the fall. In the House, the IMPACT bill will be considered by the Education and the Workforce Committee. The House bill has been posted to the Internet at <http://thomas.loc.gov/cgi-bin/query/C?c107:./temp/~c107MCHOoi>. To review a copy of the Senate IMPACT bill, use the following Web site link, <http://thomas.loc.gov/cgi-bin/bdquery/z?d107:s.02821/>.

The House IMPACT legislation contains the following 10 components:

1. **Health Professions Training** - *a) Adds obesity and overweight to the list of priority conditions to be addressed in health professions Title VII training grants, which requires no additional funding; and b) creates a program to train practicing health professionals how to use evidence-based interventions to diagnose, treat and prevent overweight and obesity, a new program authorized at \$10 million for FY 03.*
2. **Community Demonstration Grants** - *This title creates a demonstration program that funds states and local communities to conduct a variety of activities including: planning parks, bike paths, recreational centers; forming coalitions with businesses to increase activity levels at the workplace; conducting community education on nutrition and physical activity; partnering with schools and faith organizations to use their facilities for recreational activities; creating incentives for grocery stores to locate in economically depressed areas; training community health workers to conduct community education; and starting exercise programs in nursing homes and day care centers.*

This program includes an educational and outreach component in addition to the funds to create recreational and nutrition options. This program is authorized for \$40 million for FY 03.

3. **School Health Program** - *This title authorizes an existing program at the Centers for Disease Control and Prevention (CDC), and the Coordinated Schools Health Program, which works with state, territorial and tribal departments of education to develop and encourage schools to implement physical education courses and nutrition classes. IMPACT doubles the funding for this program so that it can be expanded from 20 to 40 states and increases the overall authorization level to \$20 million in FY 03.*

This title also funds demonstration programs to local educational agencies to provide funding for training of staff in nutrition and physical education, planning and implementing physical education and nutrition classes, and conducting classes for parents on nutrition and physical activity. It also allows CDC to provide grants for research to determine what programs are most effective in achieving improved nutrition and increased physical activity in youth and for disseminating this information to schools to use in designing their programs. The authorization level is at \$20 million for FY 03.

4. **Institute of Medicine (IOM) Study** - *This title funds the IOM to investigate the Department of Agriculture's (USDA) food assistance programs, including the Women Infant and Children nutrition program (WIC), School Lunch Program, and Food Commodity Program to review if any of these programs contribute to preventing or enhancing obesity among low-income populations.*
5. **Agency for Healthcare Research and Quality (AHRQ) Report** - *This title requests AHRQ to complete a report on the effectiveness and safety of popular weight loss programs and*

to publicize the results to Congress and the public. This report will offer a valuable, unbiased source of advice to the public on a controversial and important issue.

6. **Preventive Services Block Grant** - This title allows states to use their Preventive Services Block Grant money for community education on nutrition and increased physical activity. State block grants can be used for a variety of purposes and this title adds to the list of alternatives. States will still decide how to use their block grants.
7. **Medicare Demonstration Program** - This title authorizes the Secretary of the Department of Health and Human Services (HHS) to conduct a budget neutral demonstration project to include nutrition education and therapy along with other case management methods to improve the use of preventive services by the elderly. The purpose is to see if this approach results in better health and lower costs.
8. **Community Health Facility Demonstration Program** - This title funds community health centers, rural health clinics, Indian Health Center facilities, tribal health facilities, urban Indian health facilities, and health departments to obtain funding for demonstration projects to address obesity and overweight among their patients. It will address obesity among some of the populations most affected; minorities and those with low incomes. This is a new program to be authorized at \$40 million.
9. **HHS Study** - This section instructs the Secretary of HHS to report on what research has been conducted in the department on obesity treatment and prevention, what has been learned from this research, and what future research should be conducted. Obesity research is conducted in several agencies and institutes. This study will assist in collating the results of this research and coordinating departmental research in the future.
10. **Youth Media Campaign** - This CDC program works with states to conduct educational campaigns aimed at improving the health habits of youth. CDC currently operates this program without authorization. It is funded at \$125 million for FY 02, and \$67.5 million for FY 03, with no funds budgeted for FY 04. IMPACT authorizes the program at FY 02 levels.

Organizations formally supporting the House IMPACT include:

After School Alliance, American College of Sports Medicine, American Diabetes Association, American Dietetic Association, American Heart Association, American Obesity Association, American Society of Clinical Nutrition, Athletic Training Equipment Company, Benetton Sportsystem USA, Cramer Products, Endocrine Society, Everlast Worldwide Inc, Franklin Sports, Food Marketing Institute, Grocery Manufacturers of America, International Health, Racquet & Sportsclub Association, Moving Comfort, National Federation of State High School Associations, National Recreation and Park Association, National Sporting Goods Association, Nation's Best Sports, Outdoor Industry Association, P.E. 4 Life, Polar Heart Rate Monitors, Researchers Against Inactivity-related Disorders, Russell Corporation, Schutt Sports, Shape Up America, Share Our Strength, Sporting Goods Manufacturers Association, Spaulding Sports Worldwide, Stayhealthy Inc, Structure House, Wilson Sporting Goods, Worth Inc, YMCA of the USA.

Soft Drink Resolution Approved at SNE Annual Meeting

The SNE Resolution process is active! During SNE's Annual Business Meeting Luncheon in July, Fern Gale Estrow, a member of SNE's Advisory Committee on Public Policy Committee (ACPP), re-introduced the resolution she has been working on for several years concerning the sale of soft drinks in schools, and it passed unopposed.

A committee within SNE has been formed and is in process of developing a strategy to educate federal lawmakers on this issue, as well as to encourage SNE members to work with local students, parents, schools and other community partners to help them identify and secure appropriate funding sources and promote a healthier school environment.

There is legislation pending in Congress that would: (1) prohibit the sale or service of foods of minimal nutritional value anywhere on campus during meal periods; and (2) require the Secretary of Agriculture to write new regulations on competitive food sales within 18 months of passage. The Senate bill, Better Nutrition for School Children Act (S. 745), was introduced last year by Sen. Patrick Leahy (D-VT). A similar House bill, H.R. 2129, was introduced by Rep. Maurice Hinchey (D-NY). It is unlikely that lawmakers will act on these bills this session since Congress is hoping to adjourn by mid-October. To review copies of the competitive food legislation, use the following Web site links: for the Senate bill - <http://thomas.loc.gov/cgi-bin/query/C?c107:./temp/~c107pyBPqO> and House bill - <http://thomas.loc.gov/cgi-bin/query/C?c107:./temp/~c107RLL3xQ>.

The SNE members working on the soft drink resolution include Garry Auld, Isobel Contento, Fern Gale Estrow, Tracy Fox, Chris McCullum and Suzy Pelican. If you are interested in having input in this working group, please contact Fern at fge2@earthlink.net and include SNE/Soft Drink in the header.

U.S. House OKs Bill Establishing Women's Health Offices in HHS Agencies

The U.S. House approved legislation on Tuesday, Sept. 17 (H.R. 1784) that would give statutory authority to existing offices of women's health in the Department of Health and Human Services (HHS). The bill, sponsored by Reps. Connie Morella (R-MD) and Carolyn Maloney (D-NY), provides explicit authorization for the office of women's health in the HHS Office of the Secretary, the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Food and Drug Administration.

In addition, the bill would designate an individual within the existing Office of Priority Populations within the Agency for Health Care Research and Quality to direct the agency's research on women's health.

In the Senate, this legislation (S. 946) was introduced by Sen. Olympia Snowe (R-ME) and is being cosponsored by Sen. Barbara Mikulski (D-MD). The bill was referred to the Senate Health and Education Committee and according to Senate staff, a committee vote on the bill is imminent.

α α α α α