



## Legislative Update

July 22, 2008

*Please read and forward to your colleagues and networks!*

## 2008 General Assembly Adjourns

The 2008 session of the General Assembly adjourned late last Friday. The 2009 General Assembly will convene on January 28, 2009, following the November elections. The Alliance saw several of its legislative priorities acted upon during session. A summary of the session's activities follows.

### Tobacco Prevention Policy Priorities

#### Secondhand Smoke

In the end, two out of three Alliance secondhand smoke bills received approval from the General Assembly. We have successfully continued the public discussion about the dangers of secondhand smoke and maintained legislative momentum around the issue in preparation for advancing a comprehensive statewide secondhand smoke bill next session. [SB 1669-Community Colleges Tobacco-Free](#) has been signed by the Governor while [SB 1681-State and Local Motor Fleets Smoke-Free](#) awaits his signature.

SB 1669 clarifies [the authority of](#) the governing boards of local community colleges to make their community college campuses tobacco-free. SB 1681 would require all vehicles owned, operated and leased by the state be 100% smoke-free by January 1, 2009 and clarifies that local governments have authority to make vehicles owned, operated and leased by local government 100% smoke-free. To view the final versions of SB 1669 and SB 1681 as ratified, go to: <http://www.ncga.state.nc.us/Sessions/2007/Bills/Senate/HTML/S1669v3.html>; <http://www.ncga.state.nc.us/Sessions/2007/Bills/Senate/HTML/S1681v4.html>

[SB 1686 – Smoke-Free State and Local Building Grounds](#) was passed by the Senate in June but was not taken up by the House. SB 1686 would have protected state workers and the public by prohibiting smoking 25 ft from the entrances, windows and ventilation systems of state government buildings, and would have given local governments authority to establish a smoke-free perimeter of up to 50 ft around local government buildings.

#### Cigarette Excise Tax Increase

This session the Governor proposed a 20 cent increase in the cigarette tax (from 35 to 55 cents) to fund public school teacher raises. While the General Assembly did not act on the proposal, there are indications that the General Assembly may be willing to consider a cigarette tax increase next session if state revenues continue to decline due to the economic downturn. The Alliance supports an increase in North Carolina's cigarette excise tax BY at least 75 cents. The Centers for Disease Control (CDC) states that the cost of a pack of cigarettes must be raised by at least 10% to result in a measurable reduction in smoking rates. Advocates should stay-tuned for more on this issue next year!

### Obesity Prevention Policy Priorities

## **Establish Statewide “Quality” Physical Education Standards in NC’s Basic Education Plan**

Alliance efforts to create statewide PE standards were not successful this session. The Alliance sought to establish “quality” PE standards in state law (the Basic Education Program) based on national standards developed by the National Association for Sport and Physical Education (NASPE). However, legislative leaders and staff determined that the draft bill would make a “policy change” and was, therefore, ineligible for consideration during the short session. Bills may be eligible in the short session if they include an appropriation or are proposed by a study commission. The Joint Education Oversight Committee had previously declined to include the PE standards in their report, so the bill was not eligible via the study commission route either.

The Alliance plans to continue efforts to promote statewide PE standards during the next legislative session and we encourage anyone interested in this issue to attend the Alliance Obesity and PE/PA Committee meetings this fall to help craft our next steps on this issue. To view the proposed PE standards in their current form, please go to this link on the Alliance website: [http://www.rtpnet.org/alliance/pdfs/5-08\\_PE\\_Bill\\_Text\\_Proposed.pdf](http://www.rtpnet.org/alliance/pdfs/5-08_PE_Bill_Text_Proposed.pdf)

## **Childhood Obesity Data Collection**

HB 2592 (sponsored by Reps. Larry Bell and Rick Glazier) was introduced in the House in late May and was ultimately included as part of the “Study Bill” (HB 2431) approved by the House and Senate on the final day of the legislative session. The “Study Bill” authorizes the General Assembly to study various issues between sessions. While the intent of HB 2592 was to direct the Department of Public Instruction (DPI) to collect childhood obesity data, the language in the study bill directs the State Board of Education (SBE) to “study the current status of K-12 physical education in North Carolina.” SBE is to report their findings to the Joint Legislative Oversight Committee by December 1, 2008.

Below is the language included in the study bill:

### **PART XXV. STATE BOARD OF EDUCATION TO STUDY K-12 PHYSICAL EDUCATION IN THE PUBLIC SCHOOLS (H.B. 2592 – Bell)**

**SECTION 25.1.** The State Board of Education shall study the current status of K-12 physical education in North Carolina. Each local school administrative unit shall collect baseline data at the individual school level and report the baseline data to the Department of Public Instruction for analysis. At a minimum, the baseline data shall include:

- (1) Minutes in physical education on a weekly basis throughout the school year for every school.
- (2) Number of physical education classes per week throughout the school year for every school.
- (3) Average physical education class size for every school.
- (4) Student Body Mass Index (BMI) data for a statistically valid random sample of students of various ages from all 100 counties.
- (5) Nutrition and physical activity knowledge and behaviors of the same random sample of students.

The baseline BMI data shall not be self-reported by students or parents but shall be collected by a trained professional such as a school nurse or physical education teacher. The data shall be compiled in a single, statewide, publicly accessible database hosted by an entity approved by the Department of Public Instruction. Ideally, the data will be made available in a manner that can be sorted by individual school, local school administrative unit, and county. Local school administrative units shall seek guidance from the Department of Public Instruction in determining the appropriate sample size for the BMI data.

The State Board of Education shall report the findings of the study to the Joint Legislative Education Oversight Committee on or before December 1, 2008.

## **Implement & Fully Fund Child Nutrition Standards for Kindergarten – 5<sup>th</sup> Grade**

Child nutrition programs received *NO* funding in the final budget and the implementation of the new child nutrition standards will be delayed until the 2009-10 school year. (The Senate had proposed \$2 million in recurring funds for

child nutrition programs while the House had proposed \$4 million.) However, \$500,000 in nonrecurring funds is included in the DPI budget to be used for child nutrition programs but exactly how the funds will be used is undetermined at this time.

Funds for the child nutrition programs would have been used to begin the statewide implementation of new child nutrition standards – an effort that will help address the state’s childhood obesity epidemic by ensuring that healthier foods are served in the state’s elementary school cafeterias. The Alliance will continue efforts to secure child nutrition funding for K – 5<sup>th</sup> grade next session.

In recognition of the fact that the child nutrition issue and the larger obesity epidemic are complicated issues, the General Assembly (initiated by Rep. Doug Yongue) created an **Obesity Task Force** in the final budget bill. The task force will be co-chaired by the State Health Director and the Chairman of the State Board of Education and will “review current State activities in the Department of Health and Human Services, the Department of Public Instruction, and the Health and Wellness Trust Fund and develop a comprehensive statewide strategic plan with recommendations for preventing childhood obesity.” The goals for the task force as outlined in the budget bill include creating a strategic plan that will encompass the following initiatives:

- (1) Providing healthier foods to students;
- (2) Improving the availability of healthy foods at home and in the community;
- (3) Increasing the frequency, intensity, and duration of physical activity in schools;
- (4) Encouraging communities to establish a master plan for pedestrian and bicycle pathways;
- (5) Improving access to safe places where children can play; and
- (6) Developing activities or programs that limit children's screen time, including limits on video games and television.

Membership on the task force will include, but is not limited to, representatives from the following organizations: the Health and Wellness Trust Fund, the North Carolina Institute for Public Health, UNC Active Living by Design, Blue Cross Blue Shield of North Carolina, the NC Hospital Association, the NC Parent Teacher Association, the American Heart Association and the School Nutrition Association of North Carolina. An invitation to serve on the task force has already been extended to the Alliance.

## **Alliance Budget Priorities**

**On July 16 the Governor signed the final version of the budget which includes the following items of interest to the Alliance:**

- **The Tobacco Quitline** was funded in the final budget at \$500,000 recurring annually. In addition, the Quitline is also authorized to recommend over-the-counter nicotine replacement therapy products and supply the products free of charge to individual callers.
- **Obesity Prevention Projects** were funded in the final budget at \$2 million in nonrecurring funds (the original request was for \$12.5 million). With the funds the Department of Public Health (DPH) plans to fund local demonstration projects to create successful community models to fight obesity and the chronic diseases caused by obesity. The demonstration projects will be funded through existing Health Carolinians Partnerships, Statewide Health Promotion, and local health department infrastructure. The community projects will be designed to demonstrate how science-based interventions can create increased opportunities for healthy eating and physical activity and lead to reduced obesity rates in North Carolina.
- There will be a **transfer of \$5 million from the Health and Wellness Trust Fund** (HWTF) to the General Fund. This will result is less money being available to the HWTF for the provision of local grants.

**For additional information about the Alliance, please contact  
Alliance Executive Director Pam Seamans at [pamseamans@nc.rr.com](mailto:pamseamans@nc.rr.com);  
or Alliance Program Director Charlotte Ranz at [craz@mindspring.com](mailto:craz@mindspring.com).**

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## What **MORE** can you do to promote the secondhand smoke issue?

Visit the Alliance's **new** website dedicated to making all worksites and public places smoke-free in NC. Simply point and click to send a message to your legislators.

[www.smokefreenc.org](http://www.smokefreenc.org)

Have your organization, its board members, staff and volunteers sign the Alliance's secondhand smoke resolution to demonstrate your support for making North Carolina's worksites and public places smoke-free. Access the resolution by going to the Alliance's website at:

<http://www.ncallianceforhealth.org/resolution.html>

Also available on our website are fact sheets, talking points and other resources on secondhand smoke and the cigarette tax.

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For additional information, go to  
[www.ncallianceforhealth.org](http://www.ncallianceforhealth.org)  
for talking points and other resources.

Call 919-463-8328  
or e-mail [ncalliance@heart.org](mailto:ncalliance@heart.org) for more information