

By: Alvarado

H.B. No. 1172

A BILL TO BE ENTITLED

AN ACT

1
2 relating to creating a program to recognize before-school and
3 after-school programs that promote healthy eating and physical
4 activity.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter C, Chapter 42, Human Resources Code,
7 is amended by adding Section 42.0429 to read as follows:

8 Sec. 42.0429. DISTINGUISHED BEFORE AND AFTER SCHOOL HEALTH
9 RECOGNITION PROGRAM. (a) In this section:

10 (1) "Program attendee" means a child enrolled in a
11 full- or half-day before-school or after-school program.

12 (2) "Screen time" means time spent viewing or working
13 on television, videos, computers, tablets, and handheld
14 entertainment devices, with or without Internet access.

15 (b) The department shall develop a program for recognizing
16 before-school and after-school programs that promote healthy
17 eating and physical activity. A program is eligible for recognition
18 under this section if the program meets each of the following
19 requirements:

20 (1) each staff member of the before-school or
21 after-school program is trained on the standards of this section
22 and the importance of modeling healthy eating and physical
23 activity;

24 (2) the before-school or after-school program

1 provides regular and ongoing nutrition education to each program
2 attendee to help the program attendee develop and practice healthy
3 habits;

4 (3) the before-school or after-school program ensures
5 that each program attendee participates throughout the day in at
6 least 60 minutes of moderate to vigorous physical activity for a
7 full-day program and 30 minutes of moderate to vigorous physical
8 activity for a half-day program;

9 (4) the before-school or after-school program limits
10 screen time during the operational hours of the program to less than
11 two hours a day in a full-day program and 30 minutes a day in a
12 half-day program, not including use in connection with homework or
13 an activity that engages program attendees in a physical activity
14 or educational experience;

15 (5) the before-school or after-school program:

16 (A) serves only healthy foods, including fruits
17 and vegetables that are fresh, frozen, dried, or canned in their own
18 juice or water, without added sugar, to program attendees at each
19 meal or snack;

20 (B) ensures that fried foods or foods that are
21 primarily sugar-based, are high in calories or sodium, or include
22 trans fat are not served to program attendees or consumed by staff
23 in the presence of program attendees during the operational hours
24 of the program; and

25 (C) complies with the following guidelines
26 relating to the serving and consumption of beverages:

27 (i) program attendees may only be served

1 water, low-fat or nonfat milk, nonfat flavored milk, or 100 percent
2 fruit juice;

3 (ii) safe, clean drinking water must be
4 available and accessible at all times to program attendees and
5 staff;

6 (iii) the amount of milk and fruit juice
7 served to a program attendee may not exceed eight ounces per day;
8 and

9 (iv) sugar-sweetened beverages may not be
10 served to program attendees or consumed by staff in the presence of
11 program attendees during the operational hours of the program;

12 (6) if the before-school or after-school program is
13 located in a school facility, the program:

14 (A) communicates with the school regarding
15 nutrition education and physical activity, as appropriate, to
16 provide the program attendees with a complete educational
17 experience; and

18 (B) ensures that all program activities adhere to
19 the school's wellness policy, if any;

20 (7) the before-school or after-school program engages
21 parents, guardians, and caregivers of program attendees using
22 informational materials and activities focused on healthy eating
23 and physical activity relevant to the health of their children at
24 least four times each year;

25 (8) the before-school or after-school program ensures
26 that information about the implementation of the standards of this
27 section is available for review by a parent, guardian, or caregiver

1 both at the program's physical location and on the program's
2 Internet website, if the program has one; and

3 (9) the before-school or after-school program
4 provides a document to a parent, guardian, or caregiver of each
5 program attendee acknowledging that the parent, guardian, or
6 caregiver is aware of the standards of this section and the
7 program's policies to institute and reinforce healthy behaviors for
8 all program attendees.

9 (c) A before-school or after-school program that meets the
10 requirements of Subsection (b) may create a recognition certificate
11 using a certificate template created by the department. A
12 recognition certificate expires on December 31 of each year. A
13 program may renew a recognition certificate if the program verifies
14 that the program continues to comply with the requirements of
15 Subsection (b) not later than January 1 of the following year. A
16 program that creates or renews a recognition certificate shall
17 notify the department of the date the program qualified for
18 recognition.

19 (d) The department shall post information about the
20 recognition program on the department's Internet website,
21 including:

22 (1) resources and links that a before-school or
23 after-school program may use to meet the requirements of Subsection
24 (b); and

25 (2) a template that a before-school or after-school
26 program may use to create a certificate, signed by the director of
27 the before-school or after-school program, that describes the

1 manner in which the program meets the requirements of Subsection
2 (b).

3 (e) The department shall maintain a list of each
4 before-school or after-school program that qualifies for
5 recognition under this section and shall post the list on the
6 department's Internet website. The list must include the date the
7 program qualified for recognition.

8 (f) The executive commissioner may adopt rules to implement
9 this section.

10 SECTION 2. This Act takes effect September 1, 2015.