

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2774 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kris Steele

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2774

By: Steele

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; creating
9 the Clean Air in Restaurants Act of 2012; making
10 legislative findings; stating legislative intent;
11 directing the State Department of Health to establish
12 certain rebate program for restaurants; authorizing
13 the Department to promulgate certain rules; creating
14 the Oklahoma Certified Healthy Communities Act;
15 directing the State Department of Health to establish
16 and maintain certain certification program; creating
17 the Oklahoma Healthy Communities Advisory Committee;
18 specifying membership of certain committee; providing
19 for the development of certain criteria; specifying
20 minimum criteria; requiring the development of
21 certain online scoring system; providing for three
22 levels of certification; directing the State
23 Department of Health to promulgate certain rules;
24 creating the Oklahoma Certified Healthy Schools Act;
directing the State Department of Health to establish
and maintain certain certification program; creating
the Oklahoma Healthy Schools Advisory Committee;
specifying membership of certain advisory committee;
providing for three levels of certification;
providing for the development of certain criteria;
specifying minimum criteria; authorizing certain
monetary rewards; specifying use of certain funds;
directing the State Board of Health to promulgate
rules; providing for codification; and providing an
effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-1515 of Title 63, unless there
3 is created a duplication in numbering, reads as follows:

4 A. This section shall be known and may be cited as the "Clean
5 Air in Restaurants Act of 2012".

6 B. The Legislature hereby finds:

7 1. Numerous studies have found that tobacco smoke is a major
8 contributor to indoor air pollution;

9 2. Reliable studies have shown that breathing secondhand smoke
10 is a cause of disease, including lung cancer, in healthy nonsmokers.

11 At special risk are elderly people, children, people with
12 cardiovascular disease, and individuals with impaired respiratory
13 function, including asthmatics and those with obstructive airway
14 disease; and

15 3. Health hazards induced by breathing secondhand smoke include
16 lung cancer, respiratory infection, decreased exercise tolerance,
17 decreased respiratory function, bronchoconstriction, and
18 bronchospasm.

19 C. 1. It is the intent of the Legislature to encourage
20 restaurants that built designated smoking rooms pursuant to Section
21 1247J of Title 21 of the Oklahoma Statutes prior to November 1,
22 2010, to convert to totally nonsmoking areas.

23 2. The State Department of Health is authorized to implement a
24 rebate program to reimburse restaurants for fifty percent (50%) of

1 the funds expended, minus depreciation costs, for the cost of
2 building a designated smoking room. The Department shall be
3 required to use existing funding in implementing the rebate program,
4 and shall promulgate rules as necessary to implement the provisions
5 of such program.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 2060 of Title 63, unless there
8 is created a duplication in numbering, reads as follows:

9 A. This section shall be known and may be cited as the
10 "Oklahoma Certified Healthy Communities Act".

11 B. The State Department of Health shall establish and maintain
12 a program for the voluntary certification of communities that
13 promote wellness, encourage the adoption of healthy behaviors, and
14 establish safe and supportive environments.

15 C. There is hereby created the Oklahoma Healthy Communities
16 Advisory Committee. The advisory committee shall consist of members
17 as follows:

18 1. A representative from a statewide nonprofit and nonpartisan
19 organization that seeks to foster collaboration and encourage
20 community and legislative action, to be appointed by the Speaker of
21 the Oklahoma House of Representatives;

22 2. A representative from a statewide nonprofit and nonpartisan
23 organization that seeks to foster collaboration and encourage
24

1 community and legislative action, to be appointed by the President
2 Pro Tempore of the Oklahoma Senate;

3 3. Two representatives from an organization that seeks to
4 involve communities and consumers in creating a healthier future, to
5 be appointed by the State Commissioner of Health; and

6 4. A representative from a statewide business organization, to
7 be appointed by the Governor.

8 D. The Department, in collaboration with the Oklahoma Healthy
9 Communities Advisory Committee, shall develop criteria for
10 certification. The criteria shall include, but shall not be limited
11 to:

12 1. The development and publication of educational materials
13 that promote health;

14 2. The development, implementation, and enforcement of local
15 social host policies;

16 3. The implementation of local ordinances that promote the
17 establishment of sidewalks, walking trails, and bicycle lanes;

18 4. The development of parks and recreation areas;

19 5. The establishment of community gardens;

20 6. Incentives and support for farmers' markets;

21 7. Incentives and support for community health services, such
22 as free clinics;

23 8. Incentives and support for community mental health services;

24 and

1 9. Incentives and support for improved housing, including
2 energy efficiency.

3 E. The Department, in collaboration with the Oklahoma Healthy
4 Communities Advisory Committee, shall develop an online scoring
5 system based on the criteria developed pursuant to subsection D of
6 this section. The program shall recognize three levels of
7 certification based on the online scoring system as follows:

- 8 1. Basic certification;
- 9 2. Merit certification; and
- 10 3. Excellence certification.

11 F. The State Board of Health shall promulgate rules as
12 necessary to implement the provisions of this section.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2061 of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 A. This section shall be known and may be cited as the
17 "Oklahoma Certified Healthy Schools Act".

18 B. The State Department of Health shall establish and maintain
19 a program for the voluntary certification of schools that promotes
20 wellness, encourages the adoption of healthy behaviors, and
21 establishes safe and supportive environments.

22 C. There is hereby created the Oklahoma Healthy Schools
23 Advisory Committee. The advisory committee shall consist of the
24 following members:

1 1. A representative from a statewide nonprofit and nonpartisan
2 organization that seeks to foster collaboration and encourage
3 community and legislative action, to be appointed by the Speaker of
4 the Oklahoma House of Representatives;

5 2. A representative from a statewide nonprofit and nonpartisan
6 organization that seeks to foster collaboration and encourage
7 community and legislative action, to be appointed by the President
8 Pro Tempore of the Oklahoma Senate;

9 3. Two representatives from an organization that seeks to
10 involve communities and consumers in creating a healthier future, to
11 be appointed by the State Commissioner of Health;

12 4. A representative from a statewide business organization, to
13 be appointed by the Governor;

14 5. A representative from a statewide association of parents,
15 teachers, and students, to be appointed by the State Superintendent
16 of Public Instruction;

17 6. A representative from a statewide association that provides
18 training and information services to school board members, to be
19 appointed by the Speaker of the Oklahoma House of Representatives;

20 7. A registered dietician, to be appointed by the President Pro
21 Tempore of the Oklahoma Senate; and

22 8. A school nutritionist, to be appointed by the Governor.

23 D. The program shall recognize three levels of certification as
24 follows:

- 1 1. Basic certification;
- 2 2. Merit certification; and
- 3 3. Excellence certification.

4 E. The Department, in collaboration with the Oklahoma Healthy
5 Schools Advisory Committee, shall develop criteria for
6 certification, which, at a minimum, shall include the following for
7 each level of certification:

8 1. Basic certification: The school shall meet at least two
9 criteria in each of the components of the Center for Disease Control
10 and Prevention's Coordinated School Health Program model;

11 2. Merit certification: The school shall meet at least three
12 criteria in each of the components of the Center for Disease Control
13 and Prevention's Coordinated School Health Program model; and

14 3. Excellence certification: The schools shall meet at least
15 four criteria in each of the components of the Center for Disease
16 Control and Prevention's Coordinated School Health Program model.

17 F. Subject to available funding appropriated for this purpose,
18 the Department may provide a monetary reward to schools that earn
19 certification as follows:

20 1. Basic certification: Two Thousand Five Hundred Dollars
21 (\$2,500.00);

22 2. Merit certification: Five Thousand Dollars (\$5,000.00); and

23 3. Excellence certification: Ten Thousand Dollars
24 (\$10,000.00).

1 G. Schools that obtain a reward pursuant to subsection F of
2 this section shall use the funds for the enhancement of wellness
3 activities and the promotion of healthy environments. Such
4 activities may include, but are not limited to:

- 5 1. Improving playgrounds;
- 6 2. Purchasing sports equipment; and
- 7 3. Equipping school kitchens for healthy cooking.

8 H. The Department shall develop an online application form for
9 schools seeking to become an Oklahoma Certified Healthy School.

10 I. The State Board of Health may promulgate rules as necessary
11 to implement the provisions of this section.

12 SECTION 4. This act shall become effective November 1, 2010.

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