

1 ENGROSSED HOUSE
2 BILL NO. 2774

By: Steele, Jackson, Cox,
Pittman, Shelton, McAffrey,
Shumate and Walker of the
House

4 and

5 Jolley of the Senate

6
7
8 An Act relating to public health and safety; creating
9 the Clean Air in Restaurants Act; making legislative
10 findings; directing the State Department of Health to
11 establish certain rebate program for restaurants;
12 authorizing the Department to use certain funds and
13 promulgate certain rules; creating the Oklahoma
14 Certified Healthy Communities Act; directing the
15 State Department of Health to establish and maintain
16 certain certification program; creating the Oklahoma
17 Healthy Communities Advisory Committee; specifying
18 membership of certain committee; providing for
19 organizational meeting; providing for travel
20 reimbursement; providing for the development of
21 certain criteria; specifying minimum criteria;
22 requiring the development of certain online scoring
23 system; providing for three levels of certification;
24 directing the State Department of Health to
promulgate certain rules; providing for termination
of Committee; 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 organizational
meeting; providing for travel reimbursement;
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 termination of committee;
providing for codification; and providing an
effective date.

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

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

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

7 B. The Legislature hereby finds:

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

10 2. Reliable studies have shown that breathing secondhand smoke
11 is a cause of disease, including lung cancer, in healthy nonsmokers.
12 At special risk are elderly people, children, people with
13 cardiovascular disease, and individuals with impaired respiratory
14 function, including asthmatics and those with obstructive airway
15 disease; and

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

20 C. 1. The State Department of Health is hereby authorized to
21 implement a rebate program for the purpose of reimbursing persons or
22 entities that own restaurants located in this state for expenses
23 incurred prior to November 1, 2010, in complying with the
24 requirements imposed by subsection J of Section 1247 of Title 21 of

1 the Oklahoma Statutes. The rebate shall be equal to fifty percent
2 (50%) of the original expenditure, minus depreciation costs, and
3 shall only be disbursed if the restaurant converts to a completely
4 smoke-free environment no later than January 1, 2013.

5 2. The Department shall be required to utilize the proceeds
6 generated by the Tobacco Use Reduction Fund in funding the rebate
7 program and shall promulgate such rules as are necessary to
8 implement the provisions of the program.

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

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

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

18 C. There is hereby created the Oklahoma Healthy Communities
19 Advisory Committee. The advisory committee shall consist of members
20 as follows:

21 1. A representative from a statewide nonprofit and nonpartisan
22 organization that seeks to foster collaboration and encourage
23 community and legislative action in prohealth initiatives, to be
24 appointed by the Speaker of the Oklahoma House of Representatives;

1 2. A representative from a statewide nonprofit and nonpartisan
2 organization that seeks to foster collaboration and encourage
3 community and legislative action in prohealth initiatives, to be
4 appointed by the President Pro Tempore of the State Senate;

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

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

10 D. Members of the Committee shall serve at the pleasure of the
11 appointing authority. Vacancies in a position shall be filled in
12 the same manner as the original appointment.

13 E. The Committee shall hold an organizational meeting not later
14 than September 30, 2010.

15 F. The Committee shall select from among its membership a chair
16 and cochair.

17 G. A quorum of the members present at a meeting of the
18 Committee shall be sufficient to conduct any business or to take any
19 action authorized or required.

20 H. Travel reimbursement for members of the Committee who are
21 legislators shall be made pursuant to Section 456 of Title 74 of the
22 Oklahoma Statutes. Travel reimbursement for other members of the
23 Committee shall be made by the respective appointing authorities
24 pursuant to the State Travel Reimbursement Act.

1 I. The Department, in collaboration with the Committee, shall
2 develop criteria for certification. The criteria may include, but
3 shall not be limited to:

4 1. The development and publication of educational materials
5 that promote health;

6 2. The development, implementation, and enforcement of local
7 social host policies;

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

10 4. The development of parks and recreation areas;

11 5. The establishment of community gardens;

12 6. Incentives and support for farmers' markets;

13 7. Incentives and support for community health services, such
14 as free clinics;

15 8. Incentives and support for community mental health services;
16 and

17 9. Incentives and support for improved housing, including
18 energy efficiency.

19 J. The Department, in collaboration with the Committee, shall
20 develop an online scoring system based on the criteria developed
21 pursuant to subsection I of this section. The program shall
22 recognize three levels of certification based on the online scoring
23 system as follows:

24 1. Basic certification;

1 2. Merit certification; and

2 3. Excellence certification.

3 K. The State Board of Health may promulgate rules as necessary
4 to implement the provisions of this section.

5 L. The Committee shall terminate by operation of law on October
6 31, 2015.

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

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

12 B. The State Department of Health shall establish and maintain
13 a program for the voluntary certification of schools that promotes
14 wellness, encourages the adoption of healthy behaviors, and
15 establishes safe and supportive environments.

16 C. There is hereby created the Oklahoma Healthy Schools
17 Advisory Committee. The advisory committee shall consist of the
18 following members:

19 1. A representative from a statewide nonprofit and nonpartisan
20 organization that seeks to foster collaboration and encourage
21 prohealth initiatives in schools, to be appointed by the Speaker of
22 the Oklahoma House of Representatives;

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

1 prohealth initiatives in schools, to be appointed by the President
2 Pro Tempore of the State 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;

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

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

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

14 7. A registered dietician, to be appointed by the President Pro
15 Tempore of the State Senate; and

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

17 D. Members of the Committee shall serve at the pleasure of the
18 appointing authority. Vacancies in a position shall be filled in
19 the same manner as the original appointment.

20 E. The Committee shall hold an organizational meeting not later
21 than September 30, 2010.

22 F. The Committee shall select from among its membership a chair
23 and cochair.

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1 G. A quorum of the members present at a meeting of the
2 Committee shall be sufficient to conduct any business or to take any
3 action authorized or required.

4 H. Travel reimbursement for members of the Committee who are
5 legislators shall be made pursuant to Section 456 of Title 74 of the
6 Oklahoma Statutes. Travel reimbursement for other members of the
7 Committee shall be made by the respective appointing authorities
8 pursuant to the State Travel Reimbursement Act.

9 I. The program shall recognize three levels of certification as
10 follows:

- 11 1. Basic certification;
- 12 2. Merit certification; and
- 13 3. Excellence certification.

14 J. The Department, in collaboration with the Committee, shall
15 develop criteria for certification, which, at a minimum, may include
16 the following for each level of certification:

- 17 1. Basic certification: The school shall meet at least two
18 criteria in each of the components of the Center for Disease Control
19 and Prevention's Coordinated School Health Program model;
- 20 2. Merit certification: The school shall meet at least three
21 criteria in each of the components of the Center for Disease Control
22 and Prevention's Coordinated School Health Program model; and

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

4 K. Subject to available funding specifically appropriated for
5 this purpose, the Department may provide a monetary reward to
6 schools that earn certification as follows:

7 1. Basic certification: Two Thousand Five Hundred Dollars
8 (\$2,500.00);

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

10 3. Excellence certification: Ten Thousand Dollars
11 (\$10,000.00).

12 L. Schools that obtain a reward pursuant to subsection N of
13 this section shall use the funds for the enhancement of wellness
14 activities and the promotion of healthy environments. Such
15 activities may include, but are not limited to:

16 1. Improving playgrounds;

17 2. Purchasing sports equipment; and

18 3. Equipping school kitchens for healthy cooking.

19 M. The Department shall develop an online application form for
20 schools seeking to become an Oklahoma Certified Healthy School.

21 N. The State Board of Health may promulgate rules as necessary
22 to implement the provisions of this section.

23 O. The Committee shall terminate by operation of law on October
24 31, 2015.

