

THE HOUSE OF REPRESENTATIVES
Wednesday, February, 24, 2010

Committee Substitute for
House Bill No. 2774

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2774 - By: STEELE of the House and JOLLEY of the Senate.

[public health and safety - Clean Air in Restaurants Act of 2012 - rebate program for restaurants - Oklahoma Certified Healthy Communities Act - Oklahoma Healthy Communities Advisory Committee - certain online scoring system - Oklahoma Certified Healthy Schools Act – Oklahoma Healthy Schools Advisory Committee – monetary rewards - codification - 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 in the Oklahoma
2 Statutes as Section 1-1515 of Title 63, unless there is created a duplication in numbering,
3 reads as follows:
- 4 A. This section shall be known and may be cited as the “Clean Air in Restaurants
5 Act of 2012”.
- 6 B. The Legislature hereby finds:
- 7 1. Numerous studies have found that tobacco smoke is a major contributor to
8 indoor air pollution;
- 9 2. Reliable studies have shown that breathing secondhand smoke is a cause of
10 disease, including lung cancer, in healthy nonsmokers. At special risk are elderly people,

1 children, people with cardiovascular disease, and individuals with impaired respiratory
2 function, including asthmatics and those with obstructive airway disease; and

3 3. Health hazards induced by breathing secondhand smoke include lung cancer,
4 respiratory infection, decreased exercise tolerance, decreased respiratory function,
5 bronchoconstriction, and bronchospasm.

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

9 2. The State Department of Health is authorized to implement a rebate program to
10 reimburse restaurants for fifty percent (50%) of the funds expended, minus depreciation
11 costs, for the cost of building a designated smoking room. The Department shall be
12 required to use existing funding in implementing the rebate program, and shall
13 promulgate rules as necessary to implement the provisions of such program.

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

17 A. This section shall be known and may be cited as the “Oklahoma Certified
18 Healthy Communities Act”.

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

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

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

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

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

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

14 D. The Department, in collaboration with the Oklahoma Healthy Communities
15 Advisory Committee, shall develop criteria for certification. The criteria shall include,
16 but shall not be limited to:

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

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

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

21 4. The development of parks and recreation areas;

22 5. The establishment of community gardens;

- 1 6. Incentives and support for farmers’ markets;
- 2 7. Incentives and support for community health services, such as free clinics;
- 3 8. Incentives and support for community mental health services; and
- 4 9. Incentives and support for improved housing, including energy efficiency.

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

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

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

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

17 A. This section shall be known and may be cited as the “Oklahoma Certified
18 Healthy Schools Act”.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 C. There is hereby created the Oklahoma Healthy Schools Advisory Committee.
2 The advisory committee shall consist of the following members:
3 1. A representative from a statewide nonprofit and nonpartisan organization that
4 seeks to foster collaboration and encourage community and legislative action, to be
5 appointed by the Speaker of the Oklahoma House of Representatives;
6 2. A representative from a statewide nonprofit and nonpartisan organization that
7 seeks to foster collaboration and encourage community and legislative action, to be
8 appointed by the President Pro Tempore of the Oklahoma Senate;
9 3. Two representatives from an organization that seeks to involve communities and
10 consumers in creating a healthier future, to be appointed by the State Commissioner of
11 Health;
12 4. A representative from a statewide business organization, to be appointed by the
13 Governor;
14 5. A representative from a statewide association of parents, teachers, and students,
15 to be appointed by the State Superintendent of Public Instruction;
16 6. A representative from a statewide association that provides training and
17 information services to school board members, to be appointed by the Speaker of the
18 Oklahoma House of Representatives;
19 7. A registered dietician, to be appointed by the President Pro Tempore of the
20 Oklahoma Senate; and
21 8. A school nutritionist, to be appointed by the Governor.
22 D. The program shall recognize three levels of certification as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
13 dated 02-23-10 - DO PASS, As Amended and Coauthored.