An Act

ENROLLED HOUSE
BILL NO. 2774

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

and

Jolley, Easley, Leftwich and Myers of the Senate

An Act relating to public health and safety; creating the Clean Air in Restaurants Act; making legislative findings; directing the State Department of Health to establish certain rebate program for restaurants; authorizing the Department to use certain funds and promulgate certain rules; creating the Oklahoma Certified Healthy Communities Act; directing the State Department of Health to establish and maintain certain certification program; creating the Oklahoma Healthy Communities Advisory Committee; specifying membership of certain committee; providing for organizational meeting; providing for travel reimbursement; providing for the development of certain criteria; specifying minimum criteria; requiring the development of certain online scoring system; providing for three levels of certification; 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.

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

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

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

B. The Legislature hereby finds:

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

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

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

C. 1. The State Department of Health is hereby authorized to implement a rebate program for the purpose of reimbursing persons or entities that own restaurants located in this state for expenses incurred prior to November 1, 2010, in complying with the requirements imposed by subsection J of Section 1247 of Title 21 of the Oklahoma Statutes. The rebate shall be equal to fifty percent (50%) of the original expenditure, minus depreciation costs, and shall only be disbursed if the restaurant converts to a completely smoke-free environment no later than January 1, 2013.

2. The Department shall be required to utilize the proceeds generated by the Tobacco Prevention and Cessation Revolving Fund in funding the rebate program and shall promulgate such rules as are necessary to implement the provisions of the program.

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

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

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

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

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

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

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

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

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

E. The Committee shall hold an organizational meeting not later than November 30, 2010.

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

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

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

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

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

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

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

4. The development of parks and recreation areas;

5. The establishment of community gardens;

6. Incentives and support for farmers' markets;

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

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

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

J. The Department, in collaboration with the Committee, shall develop an online scoring system based on the criteria developed pursuant to subsection I of this section. The program shall

recognize three levels of certification based on the online scoring system as follows:

1. Basic certification;

2. Merit certification; and

3. Excellence certification.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. The Committee shall hold an organizational meeting not later than November 30, 2010.

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

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

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

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

1. Basic certification;

2. Merit certification; and

3. Excellence certification.

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

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

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

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

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

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

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

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

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

1. Improving playgrounds;

2. Purchasing sports equipment; and

3. Equipping school kitchens for healthy cooking.

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

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

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

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

Passed the House of Representatives the 4th day of May, 2010.

Presiding Officer of the House of Representatives

Passed the Senate the 20th day of April, 2010.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 5th

day of May, 20 10,

at 1:15 **o'clock** P **M.**

By:

Approved by the Governor of the State of Oklahoma the 7th **day of**

May, 20 10, **at** 2:04 **o'clock** P **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this

7th **day of** May, 20 10,

at 3:23 **o'clock** P **M.**

By: