

SENATE BILL NO. 197—SENATORS WIENER, HECK, WASHINGTON,
CEGAVSKE, HORSFORD, MATHEWS AND NOLAN

MARCH 17, 2005

Referred to Committee on Human Resources and Education

SUMMARY—Provides for establishment of State Program for Fitness and Wellness and Advisory Council on State Program for Fitness and Wellness. (BDR 40-36)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in **bolded italics** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public health; providing for the establishment of the State Program for Fitness and Wellness; providing for the establishment of the Advisory Council on the State Program for Fitness and Wellness; authorizing the Health Division of the Department of Human Resources to apply for and accept grants and other money to carry out the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law directs the Health Division of the Department of Human Resources to establish statewide programs for the prevention of suicide and for the prevention and control of arthritis. (NRS 439.501-439.507, 439.511, 439.513)

This bill directs the Health Division to establish, within the limits of available funding, the State Program for Fitness and Wellness to increase public knowledge and raise public awareness relating to physical fitness and wellness and to educate the public concerning physical fitness, proper nutrition, and the prevention of obesity, chronic diseases and other diseases. The Health Division must also establish, within the limits of available funding, the Advisory Council on the State Program for Fitness and Wellness. The Advisory Council, composed of seven members, will provide the Division with recommendations on the development, implementation and administration of the Program. This bill establishes the composition and terms of the members of the Advisory Council. Such members serve without compensation but, within the limits of available funding, receive per diem and travel expenses while engaged in the business of the Advisory Council.

This bill establishes the duties of the Health Division, which include that the Health Division, with the advice and recommendations of the Advisory Council



and within the limits of available funding, develop and coordinate model programs to encourage proper nutrition, physical fitness and health for state employees, school children and other residents of the State. The Health Division must also work with the Department of Education to develop the model for school children and is required to perform other specific duties in support of the Program.

This bill directs the Health Division to submit an annual report to the Governor and to the Legislature summarizing the findings and recommendations of the Advisory Council and reporting the status of the Program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Advisory Council” means the Advisory Council on the State Program for Fitness and Wellness.*

Sec. 4. *“Program” means the State Program for Fitness and Wellness.*

Sec. 5. *Within the limits of available money, the Division shall establish the State Program for Fitness and Wellness to increase public knowledge and raise public awareness relating to physical fitness and wellness and to educate the residents of this State on matters relating to physical fitness and wellness, including, without limitation:*

1. Programs for physical fitness;

2. Nutrition; and

3. The prevention of obesity, chronic diseases and other diseases.

Sec. 6. 1. *Within the limits of available money, the Division shall establish the Advisory Council on the State Program for Fitness and Wellness to advise and make recommendations to the Division concerning the Program.*

2. *The Administrator shall appoint to the Advisory Council the following seven members:*

(a) The State Health Officer or his designee;

(b) The Superintendent of Public Instruction or his designee;

(c) One representative of the health insurance industry;

(d) One provider of health care;

(e) One representative of the Nevada Association for Health, Physical Education, Recreation and Dance or its successor organization; and



(f) Two representatives of organizations committed to the prevention of chronic diseases.

Sec. 7. 1. The members of the Advisory Council serve terms of 2 years. A member may be reappointed.

2. The State Health Officer or his designee shall serve as the Chairman of the Advisory Council.

3. The Division shall, within the limits of available money, provide the necessary professional staff and a secretary for the Advisory Council.

4. A majority of the members of the Advisory Council constitutes a quorum to transact all business, and a majority of those present, physically or via telecommunications, must concur in any decision.

5. The Advisory Council shall, within the limits of available money, meet at the call of the Administrator, the Chairman or a majority of the members of the Advisory Council quarterly or as is necessary.

6. The members of the Advisory Council serve without compensation, except that each member is entitled, while engaged in the business of the Advisory Council and within the limits of available money, to the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 8. To carry out the provisions of sections 2 to 12, inclusive, of this act, the Division shall, within the limits of available money, and with the advice and recommendations of the Advisory Council:

1. Establish a solid scientific database of the most current information on physical fitness, nutrition, and the prevention of obesity, chronic diseases and other diseases, using information obtained through surveillance, epidemiology and research, and use the database in carrying out the Program.

2. Identify and review, in coordination with the Department of Education, existing programs related to nutrition and physical fitness, including, without limitation, programs of state and local governments, educational institutions, businesses and the general public.

3. Encourage local community efforts to increase opportunities for physical fitness.

4. Develop and coordinate a model program for proper nutrition, physical fitness and health for implementation by state employees and agencies.

5. Develop and coordinate, in cooperation with the Department of Education, recommendations for model programs to encourage proper nutrition, physical fitness and health in the



1 *schools of this State, including, without limitation, physical fitness*
2 *testing which can be administered through the schools.*

3 6. *Develop and coordinate recommendations for model*
4 *programs that would encourage proper nutrition, physical fitness*
5 *and health among the residents of this State, including, without*
6 *limitation, parents and children, senior citizens and persons with*
7 *special needs.*

8 7. *Assist on projects within this State as requested by, and in*
9 *coordination with, the President's Council on Physical Fitness*
10 *and Sports.*

11 8. *Identify and review methods for reducing health care costs*
12 *associated with obesity, chronic diseases and other diseases.*

13 9. *Identify and review methods for increasing the*
14 *effectiveness and efficiency of the workforce of this State.*

15 10. *Maintain a website to provide information on nutrition,*
16 *physical fitness and health, wellness, and the prevention of obesity*
17 *and chronic diseases.*

18 11. *Provide educational materials and information on*
19 *research concerning matters relating to physical fitness, wellness,*
20 *and the prevention of obesity, chronic diseases and other diseases,*
21 *including, without limitation, materials and information*
22 *concerning programs and services available to the public and*
23 *strategies for achieving and maintaining physical fitness and*
24 *preventing obesity, chronic diseases and other diseases.*

25 12. *Solicit information from, and, to the extent feasible,*
26 *coordinate its efforts with:*

27 (a) *Other governmental agencies;*

28 (b) *National health organizations and their local and state*
29 *chapters;*

30 (c) *Community and business leaders;*

31 (d) *Community organizations;*

32 (e) *Providers of health care;*

33 (f) *Private schools; and*

34 (g) *Other persons who provide services relating to physical*
35 *fitness and wellness and the prevention of obesity, chronic*
36 *diseases and other diseases.*

37 **Sec. 9.** *The Division may, within the limits of available*
38 *money, hold public hearings at such times and places as it*
39 *determines necessary to provide the general public and*
40 *representatives of governmental agencies and organizations*
41 *interested in the Program or issues affecting physical fitness and*
42 *wellness an opportunity to present relevant information and*
43 *recommendations.*

44 **Sec. 10.** *The Division may, within the limits of available*
45 *money, enter into contracts with public or private entities that*



1 *have the appropriate expertise to provide any services necessary to*
2 *carry out or assist the Division in carrying out the provisions of*
3 *sections 2 to 12, inclusive, of this act.*

4 **Sec. 11.** *The Division shall, on or before January 1 of each*
5 *year, prepare and submit a report to the Governor and to the*
6 *Director of the Legislative Counsel Bureau for transmittal to the*
7 *Legislature summarizing:*

8 *1. The findings and recommendations of the Advisory*
9 *Council; and*

10 *2. The status of the Program.*

11 **Sec. 12.** *1. The Division may apply for and accept any*
12 *available gift, donation, bequest, grant or other source of money to*
13 *carry out the provisions of sections 2 to 12, inclusive, of this act.*

14 *2. Any money that is accepted by the Division pursuant to*
15 *subsection 1 must be deposited in the State Treasury and*
16 *accounted for separately in the State General Fund.*

17 *3. Except as otherwise provided by the terms of a gift,*
18 *donation, bequest or grant, expenditures from the account must be*
19 *made only for carrying out the provisions of sections 2 to 12,*
20 *inclusive, of this act.*

21 *4. The Administrator shall administer the account created*
22 *pursuant to subsection 2. Money in the account does not lapse to*
23 *the State General Fund at the end of a fiscal year. The interest*
24 *and income earned on the money in the account, after deducting*
25 *any applicable charges, must be credited to the account. Any*
26 *claims against the account must be paid as other claims against*
27 *the State are paid.*

28 **Sec. 13.** *1. Notwithstanding the provisions of subsection 1 of*
29 *section 7 of this act, the members of the Advisory Council on the*
30 *State Program for Fitness and Wellness appointed pursuant to the*
31 *provisions of paragraphs (a), (b) and (f) of subsection 2 of section 6*
32 *of this act must be appointed to initial terms of 4 years.*

33 *2. The remaining members of the Advisory Council must be*
34 *appointed to initial terms of 2 years.*

35 **Sec. 14.** *This act becomes effective on July 1, 2005.*



