

## 1 SENATE BILL NO. 315

2 INTRODUCED BY C. KAUFMANN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE MONITORING OF CHILDHOOD BODY  
5 MASS INDEX TRENDS AT THE STATE LEVEL; PROVIDING FOR COORDINATION BETWEEN THE  
6 DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES, THE OFFICE OF PUBLIC INSTRUCTION,  
7 LOCAL AND TRIBAL PUBLIC HEALTH AGENCIES, AND SCHOOL DISTRICTS TO ACCOMPLISH THE  
8 MONITORING; PROVIDING FOR DISCRETIONARY BODY MASS INDEX MEASURING AND AGGREGATE  
9 REPORTING BY LOCAL AND TRIBAL PUBLIC HEALTH AGENCIES AND SCHOOL DISTRICTS; PROVIDING  
10 A PARENT OPT-OUT PROVISION; PROVIDING RULEMAKING AUTHORITY TO DEVELOP PROCEDURES  
11 FOR GATHERING AND ACCEPTING AGGREGATE BODY MASS INDEX DATA; AND PROVIDING AN  
12 IMMEDIATE EFFECTIVE DATE."

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14 WHEREAS, the U.S. Surgeon General has called obesity "the greatest threat to public health today"; and  
15 WHEREAS, being overweight or obese can lead to chronic health problems such as type 2 diabetes and  
16 cardiovascular disease; and

17 WHEREAS, obesity rates among U.S. school-aged children have tripled in the past 2 decades; and  
18 WHEREAS, children who are overweight or obese may suffer lower academic performance as a  
19 consequence; and

20 WHEREAS, being overweight or obese at a young age greatly increases the likelihood of obesity and  
21 related disease throughout adulthood; and

22 WHEREAS, measuring and monitoring the number of Montana children who are overweight or obese  
23 is an important first step in addressing this national and state crisis and can be accomplished using the measuring  
24 tool known as body mass index; and

25 WHEREAS, body mass index is one of the only objective clinical measures available and is required by  
26 private and government funding sources for grants related to the prevention of childhood obesity.

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28 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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30 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 3], the following definitions

1 apply:

2 (1) "Aggregate body mass index data" means the total of all body mass screening data gathered during  
3 a specified period of time that is anonymous, aggregated by community or school, and sorted by gender and age.

4 (2) "Body mass index" means an approved assessment method for determining a healthy weight range  
5 based on a child's height, age, and gender.

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7 **NEW SECTION. Section 2. Department to accept and analyze aggregate body mass index data.**

8 (1) The department, in coordination with the office of public instruction, is authorized to accept aggregate body  
9 mass index data from local public health agencies, tribal public health agencies under 50-1-106, and school  
10 districts as district is defined in 20-6-101 to be used in statewide reports to analyze state-level trends regarding  
11 childhood obesity.

12 (2) The department shall by rule develop standards for maintaining confidentiality and for collecting  
13 accurate and sensitive body mass index measurements, including but not limited to:

14 (a) ensuring that the collection of body mass index measurements is held as part of a routine health  
15 screening, such as on the same day as vision, hearing, or dental screenings;

16 (b) providing opt-out provisions for parents to provide for the nonparticipation of their children in body  
17 mass index measurements;

18 (c) requiring that an individual measuring body mass index is trained in collecting measurements and in  
19 the areas of weight-related bullying and identification of eating disorders;

20 (d) requiring that a trained individual who is measuring body mass index provide information about  
21 weight-related bullying and eating disorders to teachers and students if necessary; and

22 (e) providing that weight is measured in a private setting and not in front of other children.

23 (3) The department shall by rule develop procedures for accepting aggregate body mass index data,  
24 including but not limited to:

25 (a) criteria for the age or grade level of the school-based population to be monitored; and

26 (b) standards for recording local aggregate body mass index data, including standards for not reporting  
27 data that would inadvertently identify a child.

28 (4) The department shall determine at least biennially the amount and type of local aggregate body mass  
29 index data necessary to conduct state-level analysis of trends regarding childhood obesity.

30 (5) The department may reject local aggregate body mass index data for failure of reporting jurisdictions

1 to follow the procedures set forth in subsections (2) and (3).

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3 **NEW SECTION. Section 3. Reporting.** (1) Local and tribal public health agencies and school districts  
4 may submit to the department aggregate body mass index data using the procedures developed by the  
5 department pursuant to [section 2].

6 (2) The department shall report the state-level analysis of aggregate body mass index data to the  
7 participating local and tribal public health agencies and school districts and to any member of the public who  
8 requests the analysis.

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10 **NEW SECTION. Section 4. Notification to tribal governments.** The secretary of state shall send a  
11 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
12 Chippewa tribe.

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14 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 3] are intended to be codified  
15 as an integral part of Title 50, chapter 1, and the provisions of Title 50, chapter 1, apply to [sections 1 through 3].

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17 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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