

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 628**

(By Senators Unger, Yost and Stollings)

---

[Originating in the Select Committee on Children and Poverty;  
reported February 19, 2014.]

---

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all relating to the Healthy Children and Healthy Communities Act; providing short title; providing legislative findings and purpose; defining terms; permitting the Bureau for Public Health to consult with Division of Highways and municipal governments; providing options and opportunities for development of healthy communities; encouraging physical activity and physical education; and requiring that governmental entities consider collaborative agreements and submit reports.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-46-1, §16-46-2, §16-46-3, §16-46-4 and §16-46-5, all to read as follows:

**ARTICLE 46. HEALTHY CHILDREN AND HEALTHY  
COMMUNITIES ACT.**

**§16-46-1. Short title.**

1 This article may be cited at the Healthy Children and  
2 Healthy Communities Act.

**§16-46-2. Legislative findings and purpose.**

1 The Legislature finds and declares that childhood obesity  
2 is an epidemic in West Virginia and the United States. If  
3 obesity continues to grow at current rates over the next two  
4 decades, the health and economic costs to our state and the  
5 nation will be staggering. It is the purpose of this act to  
6 provide governmental entities responsible for planning,  
7 designing and building our communities and infrastructure  
8 additional options to encourage the development of healthy  
9 communities for healthier children and adults.

**§16-46-3. Definitions.**

1 For purposes of this article:

2 (1) “Commissioner” means the Commissioner of the  
3 Bureau for Public Health.

4 (2) “Healthy communities” means places designed or  
5 redesigned and built to improve the quality of life for all  
6 people who live, work, learn and play within their borders  
7 and where children learn to choose options that promote a  
8 healthy, active lifestyle.

9 (3) “Physical activity” means bodily movement of any  
10 type, including but not limited to activities such as walking,  
11 jumping rope, playing soccer, lifting weights and other  
12 physical activity which increases heart rate and produces  
13 heavier than normal breathing.

14 (4) “Physical education” means a class taught by a  
15 certified physical education teacher who assesses student  
16 knowledge and motor and social skills and provides  
17 instruction in a safe, supportive environment. Based on  
18 sequence of learning, physical education should not be

19 compared to, or confused with, other physical activity  
20 experiences such as recess, intramural activity or recreational  
21 endeavors.

**§16-46-4. Responsibilities of Bureau for Public Health; healthy  
communities.**

1 (a) The Bureau for Public Health has a special interest  
2 and expertise in healthy children and healthy communities.  
3 The bureau may facilitate public initiatives and public and  
4 private partnerships that improve community leaders' and  
5 stakeholders' commitments to establish and maintain  
6 effective strategies that reduce the burden of chronic disease  
7 and achieve health lifestyles.

8 (b) Because the design of our communities can affect  
9 physical and mental health and healthy community design  
10 integrates evidence-based health strategies into community  
11 planning, transportation planning, highway design and  
12 land-use decisions, the Bureau for Public Health may consult  
13 with the Division of Highways and municipalities when  
14 community planning, school construction or remodeling,

15 transportation planning, highway design or land-use planning  
16 are being discussed or considered.

17 (c) The Bureau for Public Health shall facilitate public  
18 and private partnerships in order to assist the governmental  
19 entities in developing and promoting healthy communities.  
20 The bureau may partner with organizations such as the  
21 Centers for Disease Control and Prevention, the National  
22 Center for Environmental Health and the National Center for  
23 Health Statistics to provide assistance to the Division of  
24 Highways and municipalities.

25 (d) The Bureau for Public Health shall, when requested,  
26 assist the Division of Highways and municipalities in  
27 developing and promoting areas where children and adults  
28 may engage in physical activity, physical education or both.

**§16-46-5. Utilizing public buildings and spaces.**

1 (a) On or before January 1, 2015, all county school  
2 boards, the Bureau for Public Health, the Division of  
3 Highways and municipal governments shall determine the  
4 feasibility of collaborative agreements which provide for the

5 use of all available public facilities in communities for  
6 healthy lifestyle opportunities and shall report to the Joint  
7 Committee on Government and Finance. These entities shall  
8 determine how each public facility and recreational area may  
9 be better utilized for physical activities.

10 (b) The report shall include the following:

11 (1) The costs associated with opening public facilities and  
12 other areas outside of normal operating hours;

13 (2) The practicability of opening schools and other public  
14 facilities to additional community uses;

15 (3) The anticipated liabilities and insurance costs  
16 associated with opening schools and other public facilities to  
17 additional community use; and

18 (4) Options for mitigating anticipated costs.

19 (c) Following the submission of the reports, the  
20 governmental entities may take any action contained in the  
21 reports to open any school or other public facility for  
22 additional community uses that provide opportunities for  
23 physical activity, physical education or both.

(NOTE: The purpose of this bill is to create the Healthy Children and Healthy Communities Act. It encourages the Bureau for Public Health to consult with municipalities and the Division of Highways to develop healthy communities; the Bureau is required to facilitate public and private partnerships to develop healthy communities and encourage physical activity and physical education.

The bill also requires the Bureau for Public Health and the Division of Highways to investigate possibilities for collaborative agreements for use of all available public facilities in communities for creation of healthy lifestyle opportunities. A report must be submitted to the Joint Committee on Children and Families outlining how every public facility may be utilized by respective communities.

The language in this bill is new; therefore, strike-throughs and underscoring have been omitted.)