

3095

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN, ORTIZ, LIFTON, MAYERSOHN, STIRPE, GABRYSZAK, FINCH, McKEVITT, WALKER, BROOK-KRASNY, JAFFEE, TOWNSEND -- Multi-Sponsored by -- M. of A. BOYLAND, BRENNAN, GUNTHER, JEFFRIES, MAISEL, McENENY, REILLY, SPANO, SWEENEY, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to creating the office of nutrition and fitness

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

1 Section 1. The executive law is amended by adding a new article 24-A  
2 to read as follows:

3 ARTICLE 24-A

4 OFFICE OF NUTRITION AND FITNESS

5 SECTION 660. STATEMENT OF POLICY.

6 661. DEFINITIONS.

7 662. OFFICE OF NUTRITION AND FITNESS; DIRECTOR.

8 663. POWERS AND DUTIES.

9 664. ACTIONS BY OTHER OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS  
10 OR AGENCIES.

11 S 660. STATEMENT OF POLICY. THE LEGISLATURE HEREBY REAFFIRMS ITS POLI-  
12 CY TO PROMOTE HEALTH AND NUTRITION TO PROTECT THE PUBLIC FROM PREVENTA-  
13 BLE DISEASES CAUSALLY RELATED TO OBESITY BY DEVELOPING AND IMPLEMENTING  
14 A PLAN TO EDUCATE AND ENCOURAGE HEALTH AND NUTRITION IN THE STATE; AND  
15 RECOGNIZES THAT FURTHERANCE OF SUCH POLICY REQUIRES CREATION IN THE  
16 EXECUTIVE DEPARTMENT OF AN OFFICE OF NUTRITION AND FITNESS WITH STAFF  
17 AND SKILLS REQUISITE TO ACT AS THE GOVERNOR'S AGENT IN DEVELOPING AND  
18 IMPLEMENTING HEALTHY NUTRITION AND FITNESS PROGRAMS, TO ASSURE THE PROP-  
19 ER IMPLEMENTATION AND ADMINISTRATION OF SUCH PROGRAMS, AND TO ASSIST THE  
20 GOVERNOR AND DIRECT AND COORDINATE THE STATE'S EFFORTS WITH REGARD TO  
21 OVERALL NUTRITION AND FITNESS AND THE PREVENTION OF OBESITY.

22 S 661. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 1. "DIRECTOR" SHALL MEAN THE DIRECTOR OF NUTRITION AND FITNESS.

2 2. "OFFICE" SHALL MEAN THE OFFICE OF NUTRITION AND FITNESS.

3 S 662. OFFICE OF NUTRITION AND FITNESS; DIRECTOR. THERE IS HEREBY  
4 CREATED AN OFFICE OF NUTRITION AND FITNESS IN THE EXECUTIVE DEPARTMENT.  
5 THE HEAD OF THE OFFICE SHALL BE THE DIRECTOR OF NUTRITION AND FITNESS  
6 WHO SHALL BE APPOINTED BY, AND HOLD OFFICE AT THE PLEASURE OF THE GOVER-  
7 NOR. HE OR SHE SHALL RECEIVE A SALARY TO BE FIXED BY THE GOVERNOR WITHIN  
8 THE AMOUNT APPROPRIATED THEREFOR. THE DIRECTOR MAY APPOINT SUCH DEPU-  
9 TIES, ASSISTANTS, CONSULTANTS AND OTHER EMPLOYEES AS MAY BE NEEDED FOR  
10 THE PERFORMANCE OF HIS OR HER DUTIES AND MAY PRESCRIBE THEIR POWERS AND  
11 DUTIES AND FIX THEIR COMPENSATION WITHIN THE AMOUNT APPROPRIATED THERE-  
12 FOR. SUCH OFFICE MAY HAVE AN OFFICE SEAL.

13 S 663. POWERS AND DUTIES. THE DIRECTOR SHALL ASSIST THE GOVERNOR WITH  
14 REGARD TO DEVELOPING POLICY AND PROGRAMS TO IMPROVE THE NUTRITION AND  
15 FITNESS OF THE PEOPLE OF NEW YORK.

16 S 664. ACTIONS BY OTHER OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS OR  
17 AGENCIES. 1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, ANY  
18 STATE OFFICER, DEPARTMENT, BOARD, COMMISSION OR AGENCY, SHALL, UPON  
19 WRITTEN REQUEST FROM THE DIRECTOR, TAKE SUCH ADMINISTRATIVE OR OTHER  
20 ACTION AS IS NECESSARY TO IMPLEMENT AND ADMINISTER THE PROGRAMS DEVEL-  
21 OPED BY THE OFFICE. SUCH ACTION MAY INCLUDE, WITHOUT LIMITATION, THE  
22 ADOPTION, REPEAL OR AMENDMENT OF RULES, REGULATIONS OR OTHER PROCEDURES.  
23 IN PARTICULAR, THE DIRECTOR SHALL WORK CLOSELY WITH THE EDUCATION  
24 DEPARTMENT TO DEVELOP AND IMPLEMENT PROGRAMS TO IMPROVE THE HEALTH AND  
25 NUTRITION OF STUDENTS IN SCHOOL AND WITH THE DEPARTMENT OF HEALTH TO  
26 DEVELOP AND IMPLEMENT THE FINDINGS AND RECOMMENDATIONS OF THE OBESITY  
27 PREVENTION ACT, AS ESTABLISHED IN TITLE FIVE OF ARTICLE TWO OF THE  
28 PUBLIC HEALTH LAW, AS ADDED BY CHAPTER FIVE HUNDRED THIRTY-EIGHT OF THE  
29 LAWS OF TWO THOUSAND TWO.

30 2. ALL STATE OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCIES  
31 ARE AUTHORIZED AND DIRECTED TO PROVIDE SUCH OTHER AND FURTHER ASSIST-  
32 ANCE, SERVICES AND DATA AS MAY BE NECESSARY TO ALLOW THE DIRECTOR PROP-  
33 ERLY TO CARRY OUT HIS OR HER FUNCTIONS, POWERS AND DUTIES.

34 S 2. This act shall take effect on the one hundred eightieth day after  
35 it shall have become a law. Effective immediately, the addition, amend-  
36 ment and/or repeal of any rule or regulation necessary for the implemen-  
37 tation of this act on its effective date are authorized and directed to  
38 be made and completed on or before such effective date.