S T A T E O F N E W Y O R K

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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:

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

ARTICLE 24-A

OFFICE OF NUTRITION AND FITNESS

SECTION 660. STATEMENT OF POLICY.
661. DEFINITIONS.
662. OFFICE OF NUTRITION AND FITNESS; DIRECTOR.
663. POWERS AND DUTIES.
664. ACTIONS BY OTHER OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS OR AGENCIES.

S 660. STATEMENT OF POLICY. THE LEGISLATURE HEREBY REAFFIRMS ITS POLICY TO PROMOTE HEALTH AND NUTRITION TO PROTECT THE PUBLIC FROM PREVENTABLE DISEASES CAUSALLY RELATED TO OBESITY BY DEVELOPING AND IMPLEMENTING A PLAN TO EDUCATE AND ENCOURAGE HEALTH AND NUTRITION IN THE STATE; AND RECOGNIZES THAT FURTHERANCE OF SUCH POLICY REQUIRES CREATION IN THE EXECUTIVE DEPARTMENT OF AN OFFICE OF NUTRITION AND FITNESS WITH STAFF AND SKILLS REQUISITE TO ACT AS THE GOVERNOR'S AGENT IN DEVELOPING AND IMPLEMENTING HEALTHY NUTRITION AND FITNESS PROGRAMS, TO ASSURE THE PROPER IMPLEMENTATION AND ADMINISTRATION OF SUCH PROGRAMS, AND TO ASSIST THE GOVERNOR AND DIRECT AND COORDINATE THE STATE'S EFFORTS WITH REGARD TO OVERALL NUTRITION AND FITNESS AND THE PREVENTION OF OBESITY.

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

S 662. OFFICE OF NUTRITION AND FITNESS; DIRECTOR. THERE IS HEREBY CREATED AN OFFICE OF NUTRITION AND FITNESS IN THE EXECUTIVE DEPARTMENT. THE HEAD OF THE OFFICE SHALL BE THE DIRECTOR OF NUTRITION AND FITNESS WHO SHALL BE APPOINTED BY, AND HOLD OFFICE AT THE PLEASURE OF THE GOVERNOR. HE OR SHE SHALL RECEIVE A SALARY TO BE FIXED BY THE GOVERNOR WITHIN THE AMOUNT APPROPRIATED THEREFOR. THE DIRECTOR MAY APPOINT SUCH DEPUTIES, ASSISTANTS, CONSULTANTS AND OTHER EMPLOYEES AS MAY BE NEEDED FOR THE PERFORMANCE OF HIS OR HER DUTIES AND MAY PRESCRIBE THEIR POWERS AND DUTIES AND FIX THEIR COMPENSATION WITHIN THE AMOUNT APPROPRIATED THEREFOR. SUCH OFFICE MAY HAVE AN OFFICE SEAL.

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

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

2. ALL STATE OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCIES ARE AUTHORIZED AND DIRECTED TO PROVIDE SUCH OTHER AND FURTHER ASSISTANCE, SERVICES AND DATA AS MAY BE NECESSARY TO ALLOW THE DIRECTOR PROPERLY TO CARRY OUT HIS OR HER FUNCTIONS, POWERS AND DUTIES.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.