

# STATE OF NEW YORK

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5151--B

2017-2018 Regular Sessions

## IN ASSEMBLY

February 6, 2017

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Introduced by M. of A. CRESPO -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to childhood obesity and instruction in good health and reducing the incidence of obesity

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 903 of the education law, as  
2 amended by chapter 376 of the laws of 2015, is amended to read as  
3 follows:

4 1. A health certificate shall be furnished by each student in the  
5 public schools upon his or her entrance in such schools and upon his or  
6 her entry into the grades prescribed by the commissioner in regulations,  
7 provided that such regulations shall require such certificates at least  
8 twice during the elementary grades and twice in the secondary grades. An  
9 examination and health history of any child may be required by the local  
10 school authorities at any time in their discretion to promote the educa-  
11 tional interests of such child. Each certificate shall be signed by a  
12 duly licensed physician, physician assistant, or nurse practitioner, who  
13 is authorized by law to practice in this state, and consistent with  
14 subdivision three of section six thousand nine hundred two of this chap-  
15 ter, or by a duly licensed physician, physician assistant, or nurse  
16 practitioner, who is authorized to practice in the jurisdiction in which  
17 the examination was given, provided that the commissioner has determined  
18 that such jurisdiction has standards of licensure and practice compara-  
19 ble to those of New York. Each such certificate shall describe the  
20 condition of the student when the examination was made, which shall not  
21 be more than twelve months prior to the commencement of the school year  
22 in which the examination is required, and shall state whether such

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

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1 student is in a fit condition of health to permit his or her attendance  
2 at the public schools. The examination may include a diabetes risk  
3 analysis. Each such certificate shall also state the student's body mass  
4 index (BMI) and weight status category. For purposes of this section,  
5 BMI is computed as the weight in kilograms divided by the square of  
6 height in meters or the weight in pounds divided by the square of height  
7 in inches multiplied by a conversion factor of 703. Weight status cate-  
8 gories for children and adolescents shall be as defined by the commis-  
9 sioner of health. In all school districts such physician, physician  
10 assistant or nurse practitioner shall determine whether a one-time test  
11 for sickle cell anemia is necessary or desirable and he or she shall  
12 conduct such a test and the certificate shall state the results.

13 § 2. Subdivisions 4 and 5 of section 918 of the education law, as  
14 added by chapter 493 of the laws of 2004, are amended to read as  
15 follows:

16 4. The committee is encouraged to study and make recommendations on  
17 all facets of the current nutritional policies of the district includ-  
18 ing, but not limited to, the goals of the district to promote [~~health~~]  
19 wellness and proper nutrition, vending machine sales[~~7~~]; menu crite-  
20 ria[~~7~~]; educational curriculum teaching healthy nutrition[~~7~~]; promote  
21 the achievement and maintenance of healthy weight; educational informa-  
22 tion provided to parents or guardians regarding healthy nutrition and  
23 the health risks associated with obesity, asthma, chronic bronchitis and  
24 other chronic respiratory disease; opportunities offered to parents or  
25 guardians on how to encourage healthier eating habits to students[~~7~~];  
26 and the education provided to teachers and other staff as to the impor-  
27 tance of healthy nutrition and the health risks associated with a  
28 student's weight. In addition the committee shall consider recommenda-  
29 tions and practices of other districts and nutrition studies.

30 5. The committee is encouraged to report periodically to the district  
31 regarding practices that will educate teachers, parents or guardians and  
32 children about healthy nutrition and raise awareness of the dangers of  
33 obesity, asthma, chronic bronchitis and other chronic respiratory  
34 diseases. The committee is encouraged also to provide any parent teach-  
35 er associations in the district with such findings and recommendations.

36 § 3. This act shall take effect two years after it shall have become a  
37 law.