

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Assess Childhood Obesity Trends in Maine**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 20-A MRS §6455** is enacted to read:

### **§ 6455. Body mass index assessment**

All public schools and approved private schools shall institute a screening program to collect either the height and weight by grade and gender or body mass data by grade and gender of students in kindergarten and grades 1, 3, 5, 7 and 9, referred to in this section as "the screening program."

**1. Phase-in of screening program.** The screening program must be phased in for the following grades based on the following schedule:

- A. By August 31, 2008, the screening program must be in effect in kindergarten and grade 5;
- B. By August 31, 2009, the screening program must be in effect in grades 1 and 3; and
- C. By August 31, 2010, the screening program must be in effect in grades 7 and 9.

**2. Analysis and reporting of height and weight and body mass data by grade and gender.** All schools subject to this section shall submit the data collected from the screening program to the department. The department, in collaboration with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, shall analyze the data submitted by schools and report on the data to the Legislature by December 15, 2009 and annually thereafter.

**3. Funding.** The State shall provide funding for the screening program to the extent that federal funds do not cover the costs of the screening program. The funding must include support for training of screeners and screening equipment.

**4. Exception.** A student may not be screened for height, weight or body mass when that student's parent or guardian demonstrates by a written statement a religious, moral, philosophical or other personal objection.

**5. Rules.** The department shall adopt rules establishing the requirements for screening of height and weight or body mass. The rules must specify the confidentiality provisions for the screening, the training requirements for screening personnel, the data to be reported and the process for reporting it. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## **SUMMARY**

This bill requires confidential assessments of either height and weight or body mass of all students, by gender, in kindergarten and grades 1, 3, 5, 7 and 9 in public schools and approved private schools and analysis and reporting of this data. The program is phased in over a 3-year period, beginning August 31, 2008. The Department of Education, in collaboration with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, is required to submit an annual report to the Legislature regarding the assessments.