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SENATE BILL NO. 402—SENATORS DENIS, SPEARMAN,  
PARKS, HARDY, KIHUEN; SEGERBLOM AND SMITH

MARCH 17, 2015

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JOINT SPONSORS: ASSEMBLYMEN DIAZ; BUSTAMANTE  
ADAMS, CARRILLO, FLORES AND THOMPSON

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Referred to Committee on Health and Human Services

SUMMARY—Makes various changes concerning the prevention  
and treatment of obesity. (BDR 40-891)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to public health; defining the term “obesity” as a  
chronic disease; requiring the Division of Public and  
Behavioral Health of the Department of Health and  
Human Services to prepare an annual report on obesity;  
and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law uses the term “obesity” in listing the benefits of breast-feeding,  
2 mandating training for child care providers and mandating public information and  
3 prevention programs of the Division of Public and Behavioral Health of the  
4 Department of Health and Human Services. (NRS 201.232, 432A.1775, 439.517,  
5 439.521) **Section 1** of this bill defines the term “obesity” in the preliminary chapter  
6 of NRS as a chronic disease having certain characteristics. **Sections 2-5** of this bill  
7 define the term “obesity” as used in those provisions of existing law. **Section 5** also  
8 requires the Division to prepare an annual report on obesity statistics in this State  
9 and the efforts to reduce obesity.



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

1       **Section 1.** The preliminary chapter of NRS is hereby amended  
2 by adding thereto a new section to read as follows:

3       1. *Except as otherwise provided by specific statute or required*  
4 *by the context, "obesity" means a chronic disease characterized by*  
5 *an abnormal and unhealthy accumulation of body fat which is*  
6 *statistically correlated with premature mortality, hypertension,*  
7 *heart disease, diabetes, cancer and other health conditions, and*  
8 *may be indicated by:*

9       (a) *A body mass index of 30 or higher in adults;*

10       (b) *A body mass index that is greater than two standard*  
11 *deviations above the World Health Organization's growth*  
12 *standard for children who are at least 5 but less than 19 years of*  
13 *age, or greater than three standard deviations above the standard*  
14 *for children who are less than 5 years of age;*

15       (c) *A body fat percentage greater than 25 percent for men or*  
16 *32 percent for women; or*

17       (d) *A waist size of 40 inches or more for men or 35 inches or*  
18 *more for women.*

19       2. *As used in this section, "chronic disease" means a health*  
20 *condition or disease which presents for a period of 3 months or*  
21 *more or is persistent, indefinite or incurable.*

22       **Sec. 2.** NRS 201.232 is hereby amended to read as follows:

23       201.232 1. The Legislature finds and declares that:

24       (a) The medical profession in the United States recommends  
25 that children from birth to the age of 1 year should be breast fed,  
26 unless under particular circumstances it is medically inadvisable.

27       (b) Despite the recommendation of the medical profession,  
28 statistics reveal a declining percentage of mothers who are choosing  
29 to breast feed their babies.

30       (c) Many new mothers are now choosing to use formula rather  
31 than to breast feed even before they leave the hospital, and only a  
32 small percentage of all mothers are still breast feeding when their  
33 babies are 6 months old.

34       (d) In addition to the benefit of improving bonding between  
35 mothers and their babies, breast feeding offers better nutrition,  
36 digestion and immunity for babies than does formula feeding, and it  
37 may increase the intelligence quotient of a child. Babies who are  
38 breast fed have lower rates of death, meningitis, childhood leukemia  
39 and other cancers, diabetes, respiratory illnesses, bacterial and viral  
40 infections, diarrheal diseases, otitis media, allergies, obesity and  
41 developmental delays.



1 (e) Breast feeding also provides significant benefits to the health  
2 of the mother, including protection against breast cancer and other  
3 cancers, osteoporosis and infections of the urinary tract. The  
4 incidence of breast cancer in the United States might be reduced by  
5 25 percent if every woman breast fed all her children until they  
6 reached the age of 2 years.

7 (f) The World Health Organization and the United Nations  
8 Children's Fund have established as one of their major goals for the  
9 decade the encouragement of breast feeding.

10 (g) The social constraints of modern society weigh against the  
11 choice of breast feeding and lead new mothers with demanding time  
12 schedules to opt for formula feeding to avoid embarrassment, social  
13 ostracism or criminal prosecution.

14 (h) Any genuine promotion of family values should encourage  
15 public acceptance of this most basic act of nurture between a mother  
16 and her baby, and no mother should be made to feel incriminated or  
17 socially ostracized for breast feeding her child.

18 2. Notwithstanding any other provision of law, a mother may  
19 breast feed her child in any public or private location where the  
20 mother is otherwise authorized to be, irrespective of whether  
21 the nipple of the mother's breast is uncovered during or incidental to  
22 the breast feeding.

23 3. *As used in this section:*

24 (a) *"Obesity" means a chronic disease characterized by an*  
25 *abnormal and unhealthy accumulation of body fat which is*  
26 *statistically correlated with premature mortality, hypertension,*  
27 *heart disease, diabetes, cancer and other health conditions, and*  
28 *may be indicated by:*

29 (1) *A body mass index of 30 or higher in adults;*

30 (2) *A body mass index that is greater than two standard*  
31 *deviations above the World Health Organization's growth*  
32 *standard for children who are at least 5 but less than 19 years of*  
33 *age, or greater than three standard deviations above the standard*  
34 *for children who are less than 5 years of age;*

35 (3) *A body fat percentage greater than 25 percent for men*  
36 *or 32 percent for women; or*

37 (4) *A waist size of 40 inches or more for men or 35 inches*  
38 *or more for women.*

39 (b) *"Chronic disease" means a health condition or disease*  
40 *which presents for a period of 3 months or more or is persistent,*  
41 *indefinite or incurable.*

42 **Sec. 3.** NRS 432A.1775 is hereby amended to read as follows:

43 432A.1775 1. Each person who is employed in a child care  
44 facility that provides care for more than 12 children, other than in a  
45 facility that provides care for ill children, shall complete:



- 1 (a) Before January 1, 2014, at least 15 hours of training;  
2 (b) On or after January 1, 2014, and before January 1, 2015, at  
3 least 18 hours of training;  
4 (c) On or after January 1, 2015, and before January 1, 2016, at  
5 least 21 hours of training; and  
6 (d) On or after January 1, 2016, 24 hours of training each year.

7 2. Except as otherwise provided in subsection 1, each person  
8 who is employed in any child care facility, other than in a facility  
9 that provides care for ill children, shall complete at least 15 hours of  
10 training each year.

11 3. At least 2 hours of the training required by subsections 1 and  
12 2 each year must be devoted to the lifelong wellness, health and  
13 safety of children and must include training relating to childhood  
14 obesity, nutrition and physical activity.

15 4. *As used in this section:*

16 (a) *“Obesity” means a chronic disease characterized by an*  
17 *abnormal and unhealthy accumulation of body fat which is*  
18 *statistically correlated with premature mortality, hypertension,*  
19 *heart disease, diabetes, cancer and other health conditions, and*  
20 *may be indicated by:*

21 (1) *A body mass index of 30 or higher in adults;*

22 (2) *A body mass index that is greater than two standard*  
23 *deviations above the World Health Organization’s growth*  
24 *standard for children who are at least 5 but less than 19 years of*  
25 *age, or greater than three standard deviations above the standard*  
26 *for children who are less than 5 years of age;*

27 (3) *A body fat percentage greater than 25 percent for men*  
28 *or 32 percent for women; or*

29 (4) *A waist size of 40 inches or more for men or 35 inches*  
30 *or more for women.*

31 (b) *“Chronic disease” means a health condition or disease*  
32 *which presents for a period of 3 months or more or is persistent,*  
33 *indefinite or incurable.*

34 **Sec. 4.** NRS 439.517 is hereby amended to read as follows:

35 439.517 1. Within the limits of available money, the Division  
36 shall establish the State Program for Wellness and the Prevention of  
37 Chronic Disease to increase public knowledge and raise public  
38 awareness relating to wellness and chronic diseases and to educate  
39 the residents of this State about:

40 ~~1-1~~ (a) Wellness, including, without limitation, behavioral  
41 health, proper nutrition, maintaining oral health, increasing physical  
42 fitness, preventing obesity and tobacco use; and

43 ~~1-2~~ (b) The prevention of chronic diseases, including, without  
44 limitation, asthma, cancer, diabetes, cardiovascular disease, *obesity*  
45 and oral disease.



1       2. *As used in this section:*

2       (a) *“Obesity” means a chronic disease characterized by an*  
3 *abnormal and unhealthy accumulation of body fat which is*  
4 *statistically correlated with premature mortality, hypertension,*  
5 *heart disease, diabetes, cancer and other health conditions, and*  
6 *may be indicated by:*

7           (1) *A body mass index of 30 or higher in adults;*

8           (2) *A body mass index that is greater than two standard*  
9 *deviations above the World Health Organization’s growth*  
10 *standard for children who are at least 5 but less than 19 years of*  
11 *age, or greater than three standard deviations above the standard*  
12 *for children who are less than 5 years of age;*

13           (3) *A body fat percentage greater than 25 percent for men*  
14 *or 32 percent for women; or*

15           (4) *A waist size of 40 inches or more for men or 35 inches*  
16 *or more for women.*

17       (b) *“Chronic disease” means a health condition or disease*  
18 *which presents for a period of three months or more or is*  
19 *persistent, indefinite or incurable.*

20       **Sec. 5.** NRS 439.521 is hereby amended to read as follows:

21       439.521 **1.** To carry out the provisions of NRS 439.514 to  
22 439.525, inclusive, the Division shall, within the limits of available  
23 money, and with the advice and recommendations of the Advisory  
24 Council:

25       ~~1-1~~ (a) Periodically prepare burden reports concerning health  
26 problems and diseases, including, without limitation, a lack of  
27 physical fitness, poor nutrition, tobacco use and exposure to tobacco  
28 smoke, ~~obesity,~~ chronic diseases, *including, without limitation,*  
29 *obesity and diabetes,* and other diseases, as determined by the  
30 Division, using the most recent information obtained through  
31 surveillance, epidemiology and research. As used in this  
32 ~~subsection,~~ *paragraph,* “burden report” means a calculation of the  
33 impact of a particular health problem or chronic disease on this  
34 State, as measured by financial cost, mortality, morbidity or other  
35 indicators specified by the Division.

36       ~~1-2~~ (b) *Prepare an annual report on obesity pursuant to*  
37 *paragraph (a) which must:*

38           (1) *Include, without limitation:*

39               (I) *Current obesity rates in this State;*

40               (II) *Information regarding obesity with regard to*  
41 *specific demographics;*

42               (III) *Actions taken by the Division regarding obesity;*  
43 *and*

44               (IV) *The State’s goals and achievements regarding*  
45 *obesity rates.*



1           ***(2) On or before March 15 of each year, be submitted to the***  
2 ***Director of the Legislative Counsel Bureau for transmittal to:***

3           ***(I) The Legislative Committee on Health Care during***  
4 ***even-numbered years; and***

5           ***(II) The Legislature during odd-numbered years.***

6           ***(c)*** Identify, review and encourage, in coordination with the  
7 Department of Education, the Nevada System of Higher Education  
8 and other appropriate state agencies, existing evidence-based  
9 programs related to nutrition, physical fitness and tobacco  
10 prevention and cessation, including, without limitation, programs of  
11 state and local governments, educational institutions, businesses and  
12 the general public.

13           ~~§~~ ***(d)*** Develop, promote and coordinate recommendations for  
14 model and evidence-based programs that contribute to reductions in  
15 the incidence of chronic disease in this State. The programs should  
16 encourage:

17           ~~§(a)~~ ***(1)*** Proper nutrition, physical fitness and health among the  
18 residents of this State, including, without limitation, parents and  
19 children, senior citizens, high-risk populations and persons with  
20 special needs; and

21           ~~§(b)~~ ***(2)*** Work-site wellness policies that include, without  
22 limitation, tobacco-free and breast feeding-friendly environments,  
23 healthy food and beverage choices and physical activity  
24 opportunities in schools, businesses and public buildings.

25           ~~§~~ ***(e)*** Assist on projects within this State as requested by, and  
26 in coordination with, the President's Council on Fitness, Sports and  
27 Nutrition.

28           ~~§~~ ***(f)*** Identify and review methods for reducing health care  
29 costs associated with tobacco use and exposure to tobacco smoke,  
30 ~~obesity,~~ chronic diseases , ***including, without limitation, obesity***  
31 ***and diabetes,*** and other diseases, as determined by the Division.

32           ~~§~~ ***(g)*** Maintain a website to provide information and  
33 resources on nutrition, physical fitness, health, wellness and the  
34 prevention of ~~obesity and~~ chronic diseases ~~+~~  
35 ~~—7.~~ ***including, without limitation, obesity and diabetes.***

36           ***(h)*** Solicit information from and, to the extent feasible,  
37 coordinate its efforts with:

38           ~~§(a)~~ ***(1)*** Other governmental agencies;

39           ~~§(b)~~ ***(2)*** National health organizations and their local and state  
40 chapters;

41           ~~§(c)~~ ***(3)*** Community and business leaders;

42           ~~§(d)~~ ***(4)*** Community organizations;

43           ~~§(e)~~ ***(5)*** Providers of health care;

44           ~~§(f)~~ ***(6)*** Private schools; and



1 ~~(e)~~ (7) Other persons who provide services relating to tobacco  
2 use and exposure, physical fitness and wellness and the prevention  
3 of ~~obesity,~~ chronic diseases , *including, without limitation,*  
4 *obesity and diabetes,* and other diseases.

5 ~~(8)~~ (i) Establish, maintain and enhance statewide chronic  
6 disease surveillance systems.

7 ~~(9)~~ (j) Translate surveillance, evaluation and research  
8 information into press releases, briefs, community education and  
9 advocacy materials and other publications that highlight chronic  
10 diseases and the key risk factors of those diseases.

11 ~~(10)~~ (k) Identify, assist and encourage the growth of, through  
12 funding, training, resources and other support, the community's  
13 capacity to assist persons who have a chronic disease.

14 ~~(11)~~ (l) Encourage relevant community organizations to  
15 effectively recruit key population groups to receive clinical  
16 preventative services, including, without limitation:

17 ~~(a)~~ (1) Screening and early detection of breast, cervical and  
18 colorectal cancer, diabetes, high blood pressure and obesity;

19 ~~(b)~~ (2) Oral screenings; and

20 ~~(e)~~ (3) Tobacco cessation counseling.

21 ~~(12)~~ (m) Promote positive policy, system and environmental  
22 changes within communities and the health care system based on,  
23 without limitation, the Chronic Care Model developed by the  
24 MacColl Center for Health Care Innovation and the Patient-  
25 Centered Medical Home Recognition Program of the National  
26 Committee for Quality Assurance.

27 ~~(13)~~ (n) Review and revise the Program as needed.

28 2. *As used in this section:*

29 (a) *"Obesity" means a chronic disease characterized by an*  
30 *abnormal and unhealthy accumulation of body fat which is*  
31 *statistically correlated with premature mortality, hypertension,*  
32 *heart disease, diabetes, cancer and other health conditions, and*  
33 *may be indicated by:*

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40 (3) *A body fat percentage greater than 25 percent for men*  
41 *or 32 percent for women; or*

42 (4) *A waist size of 40 inches or more for men or 35 inches*  
43 *or more for women.*



1       ***(b) "Chronic disease" means a health condition or disease***  
2       ***which presents for a period of 3 months or more or is persistent,***  
3       ***indefinite or incurable.***

4       **Sec. 6.** The provisions of subsection 1 of NRS 218D.380 do  
5 not apply to any provision of this act which adds or revises a  
6 requirement to submit a report to the Legislature.

7       **Sec. 7.** This act becomes effective on July 1, 2015.

