



Legislative Update and Action Alert

April 9, 2009

Please read and forward to your colleagues and networks!

In this alert:

- ***Call to Action on HB2: Tell Senate to Protect ALL Workers from Secondhand Smoke***
- ***Senate Introduces & Approves Budget, Eliminates Programs of Interest to the Alliance***
- ***PE Bill Introduced in House; Other Bills of Interest Introduced***
- ***Possible Hearing on SB 977***

HB 2 Sent to Senate Health Care Committee; Contact Committee to Urge Removal of House Amendments

Following passage by the NC House in an amended and weakened form, HB 2 (titled Prohibit Smoking in Public and Work Places) has been referred to the Senate Health Care Committee. The Senate Health Care Committee is expected to consider HB 2 within the next 2 -3 weeks. (The Senate Health Care Committee meets on Wednesdays at 11 a.m. in room 544 of the Legislative Office Building.)

Each amendment approved during House debate eliminated another type of business or facility that would be required to be smoke-free. The amendments made to HB 2 include:

- An exemption for cigar bars;
- And exemption for tobacco grower and processor facilities;
- And exemption for businesses where the owner is the only employee, the business is not open to the public and does not allow people under 18 to work there or enter the premises;
- An exemption for private clubs operating for social, recreational, patriotic or fraternal purposes and are not open to the public. To be exempt, these private clubs must also be tax exempt 501(c)3 organizations; and,
- **An exemption for public or workplaces that do not admit, serve or employ persons under 18 and that post signs at all entrances (and in advertizing) saying smoking is permitted on the premises. (This is known as a minors-only exemption with signage.)**

The last amendment is most concerning and does nothing to ensure protection of worker health.

Experiences in other states have shown that restaurant/bars/businesses will allow minors until 9 or 10 p.m., and then become adult-only from 9 p.m. – closing to allow smoking. Also, secondhand smoke lingers for some time and remains a health problem. Such policies do NOT protect public health; result is confusion among patrons, owners and employees; and are difficult to enforce.

In addition, HB 2 no longer restores clear authority to local governments to regulate smoking in indoor places. Each amendment approved above was also listed as exempt from local government authority, preventing local governments from passing any smoking regulations that might be stricter than the state's in these areas. It severely, if not completely, limits local government authority to do more to regulate secondhand smoke if they chose.

To view the current version of HB 2 and the amendments offered during House debate, go to:
<http://www.ncga.state.nc.us/gascripts/BillLookUp/BillLookUp.pl?Session=2009&BillID=HB+2>

**We need you NOW MORE THAN EVER
to demand that HB 2 be corrected and strengthened
by the Senate.**

**Please Contact Senate Health Care Committee Members
this week and next.**
(Double Click on the Senator below)

**Tell them the current version of HB 2 will not protect the public from
the dangers of secondhand smoke and
must be corrected.**

**Urge Senators to remove all amendments to HB 2
and restore the bill to its original form.**

**New Alliance talking points on the weakening amendments to HB 2 and why they must be removed will
be posted on the Alliance website by the end of the week.**

Please contact Senate Health Care Committee Members:

Co-Chairman	Sen. Stan Bingham (R-Davidson)
Co-Chairman	Sen. William R. Purcell (D- Scotland) PRIMARY SPONSOR
Vice Chairman	Sen. Katie G. Dorsett (D-Guilford) SPONSOR
Vice Chairman	Sen. Tony Foriest (D-Alamance) SPONSOR
Vice Chairman	Sen. James Forrester (R-Gaston)
Members	Sen. Austin M. Allran (R-Catawba)
	Sen. Bob Atwater (D-Chatam)
	Sen. Doug Berger (D-Franklin)
	Sen. Harris Blake (D- Moore)
	Sen. Harry Brown (R-Onslow)
	Sen. Peter S. Brunstetter (R-Forsyth)
	Sen. Debbie A. Clary (R-Cleveland)
	Sen. Charlie S. Dannelly (D- Mecklenburg)
	Sen. Don Davis (D-Greene, Pitt, Wayne) SPONSOR
	Sen. W. Edward (Eddie) Goodall (R-Union)
	Sen. Steve Goss (D-Watauga) SPONSOR
	Sen. Malcolm Graham (D-Mecklenburg) SPONSOR
	Sen. Fletcher L. Hartsell, Jr. (R-Cabarrus) SPONSOR
	Sen. David W. Hoyle (D-Gaston)
	Sen. Jim Jacumin (R-Burke)
	Sen. Eleanor Kinnaird (D-Orange) SPONSOR
	Sen. Vernon Malone (D-Wake) SPONSOR
	Sen. Martin L. Nesbitt, Jr. (D- Buncombe)
	Sen. Joe Sam Queen (D- Haywood, Madison, McDowell)

[Sen. Tony Rand](#) (D-Cumberland) SPONSOR
[Sen. David Rouzer](#) (R- Johnston, Wayne)
[Sen. Bob Rucho](#) (R-Mecklenburg)
[Sen. Josh Stein](#) (D-Wake) SPONSOR

HB 2 Talking Points:

- **Every Employee Has the Right to a Smoke-Free Workplace.**

The amendments added to HB 2 are inconsistent with the purpose of smoke-free laws, which is to protect **all** people, regardless of age, from secondhand smoke. Secondhand smoke is harmful to adults as well as minors and to employees as well as patrons.

While many worksites in the state have gone smoke-free voluntarily, restaurants and other service industry workers after left behind. All workers deserve safe and smoke-free worksites.

- **It's a matter of fairness: One worker's health is NOT more worthy of protection from secondhand smoke than another's.**

Every workplace – including restaurants, bars, government buildings, bowling alleys, and other public places – should be smoke-free.

- **The fairest system is one that levels the playing field for all worksites – including restaurants and bars.**

The original intent of HB 2 was not to protect only minors; it was to protect **all** workers and the public from the dangers of secondhand smoke.

- Every year, exposure to someone else's tobacco smoke kills 1,600 North Carolinians. This costs us more than \$250 million in health care costs. Tobacco use is even more devastating-- 12,000 deaths in NC a year and a medical bill of \$2.4 billion.

Support a STRONG and FAIR Version of HB 2;
Remove House Amendments.

Please also continue to contact ALL Senate Members!

How to Contact ALL Senators:

To email your Senator, go to the [General Assembly's Website](#), find the name of your Senator and double click on the email address.

To call your representative, please call 919-733-4111 and ask for your Senator by name to be transferred.

If you are not sure of the name of your Senator, check the General Assembly's website at:

<http://www.ncleg.net/GIS/RandR07/Home.html>

On this page, you may look up your representative by district number, by County, or by Zip Code +4. (Use the Postal Service's [ZIP Code Look-Up Engine](#) to find your zip code +4).

Senate Budget Includes NO Funding for Programs of Interest to Alliance Members

This week the Senate unveiled its budget proposal, however, none of the programs of interest to the Alliance received funding. The budget proposal estimated that roughly \$500 million in new revenue would need to be generated, but this portion of the Senate budget failed to identify *HOW* the revenue would be raised (therefore no information about a possible cigarette tax was released this week by the Senate). The revenue portion of the Senate budget is expected to be released next week.

Among the programs of interest to Alliance members that were not funded by the Senate budget:

Childhood Obesity Prevention Demonstration Projects (COPDP)

\$3 million had been requested to continue these demonstration projects in five counties, but the Senate did not fund continuation of the projects in Cabarrus, Dare, Henderson, Moore and Watauga counties. Funds for the COPDP's would have continued funding interventions in preschools, schools, communities, faith organizations, and health care settings that promote and support physical activity and healthy eating.

Tobacco Quitline

The Senate budget cuts \$500,000 in recurring funds to the Department of Public Health to provide services to adults not covered by funding from the Health and Wellness Trust Fund (HWTF). The HWTF pays only for calls from young people up to age 24, parents with children under 18 in the home, pregnant women and school personnel. This cut is especially concerning given the possible passage of HB 2 this session.

The Tobacco Quitline is a service provided by professionally trained quit coaches who work with each tobacco user who calls to develop and implement an individualized quit plan. Unless the prevalence of tobacco use is reduced dramatically, one out of two current smokers in NC will die prematurely of a disease caused by their dependence on tobacco, shortening lives by an average of 13-14 years.

Implement & Fund Child Nutrition Standards for Kindergarten – 5th Grade

The Senate budget includes no funding for the implementation of child nutrition standards – an effort that would address childhood obesity by ensuring that healthier foods are served in the state's elementary school cafeterias. The original request for funding was \$20 million. The implementation of child nutrition standards received NO funding in the budget last year or the year before despite the fact that the General Assembly approved the implementation of the new child nutrition standards back in 2005.

Attention now turns to the House as the House begins to craft its budget proposal.

Alliance members supportive of COPDP's and the Quitline should contact [House Health and Human Services Appropriations Committee members](#) to urge funding of these programs. Those interested in promoting the full funding of the child nutrition standards should contact the [House Education Appropriations Committee members](#).

Other Bills Recently Introduced of Interest to the NC Alliance for Health:

SB [1067](#) Albertston – ESTABLISH LOCAL FOOD POLICY COUNCIL

Sponsors: Sen. [Charles Albertson](#) (primary); [Bob Atwater](#); [Don Davis](#); [Steve Goss](#); [Clark Jenkins](#); [Eleanor Kinnaird](#); [William R. Purcell](#); and [David Weinstein](#) are co-sponsors.

The legislation is in part the result of the work performed by individuals participating in the Center for Environmental Farming Systems' Farm to Fork Summit.

HB 1121 Insko - Creative Active Living Communities Commission

Link to the bill: <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H1121v1.pdf>

HB 1248 Insko - COMMUNITY CARE NORTH CAROLINA/OBESITY PREVENTION INITIATIVE

Link to the bill: <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H1248v0.pdf>

HB 1273 Insko and Harrison (Primary Sponsors) - DEPARTMENT OF HEALTH AND HUMAN SERVICES/TECHNICAL ASSISTANCE FOR MENU LABELING.

Link to the bill: <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H1273v0.pdf>

HB 1274 Insko - CHILDHOOD OBESITY/COMMON METRIC MEASURES.

Link to the bill: <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H1274v0.pdf>

HB 1371 Yongue, Glazier, Insko and Johnson (Primary Sponsors) - LIMIT USE OF CHILD NUTRITION PROGRAM FUNDS.

Link to the bill: <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H1371v0.pdf>

HB 1372 Yongue, Glazier, Martin and Rapp (Primary Sponsors) - ELIMINATE REDUCED COST SCHOOL MEALS.

Link to the bill: <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H1372v0.pdf>

HB 1373 Glazier, Yongue, Bell and Fisher (Primary Sponsors) - PHASE IN PHYSICAL EDUCATION REQUIREMENTS.

Link to the bill: <http://www.ncga.state.nc.us/Sessions/2009/Bills/House/PDF/H1373v0.pdf>

(Additional sponsors of HB 1373: [Cotham](#); [Harrison](#); [Insko](#); [Lucas](#); [McLawhorn](#); [Tarleton](#); [Tolson](#); [Wray](#))

See below for Summary.

Summary of HB 1373: Phase in Physical Education Requirements

AN ACT DIRECTING THE STATE BOARD OF EDUCATION TO ADOPT AND PHASE IN A REQUIRED PHYSICAL EDUCATION PROGRAM.

SECTION 1. Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-81.4. **Required Physical Education Program.**

(a) The State Board of Education shall adopt and phase in a required physical education program. The program shall be implemented in kindergarten through first grade beginning with the 2010-2011 school year, in second through fifth grade beginning with the 2011-2012 school year, in sixth grade beginning with the 2012-2013 school year, in seventh and eighth grade beginning with the 2013-2014 school year, and in ninth through twelfth grade beginning with the 2014-2015 school year. At every grade level:

- (1) Physical education and health education classes shall be taught by certified teachers, beginning with the 2011-2012 school year;
- (2) Class size shall be equivalent to that of other core academic classes; and
- (3) There shall be assessments measuring knowledge, skill, and fitness.

(b) The elementary school program shall consist of at least 150 minutes of physical education each week.

(c) The healthful living middle school physical education program shall consist of at least 225 minutes of instruction in healthful living.

(d) The high school physical education program shall include healthful living honors courses. At least two credits of physical education shall be required for high school graduation.

(e) Elements of the evaluation process of the quality and the impact of the physical education program shall include:

- (1) The impact of physical activity;
- (2) The impact of the level of physical activity and the amount of physical education on students' ability to learn effectively and maximize performance in school;
- (3) Measurement of the impact of the instruction process in physical education; and
- (4) Evaluation by an independent evaluator to assess the costs and the impact of quality physical education."

SECTION 2. This act is effective when it becomes law.

Show Your Support of Quality PE in NC Schools - Sign the Alliance PE Resolution!

If you or your organization would like to show your support for quality PE in all NC schools, please consider signing the Alliance on-line [PE resolution](#). Consider forwarding the resolution to your organization's board members, staff and volunteers as well. The website is now capable of taking signatures directly on-line. Visit the [Alliance website](#) for talking points and other information about NC's childhood obesity epidemic and quality PE in schools.

Possible Hearing to be Scheduled on SB 977

This week the NC Alliance for Health delivered comments on SB 977 to Senators Bingham, Purcell, Malone and Rand as the primary sponsors of the bill. There seems to be interest in holding a hearing on SB 977 by the Senate Health Care Committee sometime in the next few weeks. The Alliance will keep you posted on further developments.

What MORE Can You Do?

Support HB 2 – Smoke-Free Worksites and Public Places:

- Visit www.smokefreenc.org to send an email to your legislator in support of HB 2. Simply point and click to send a message to your legislators. Forward to friends, family and colleagues so they can also show their support for a smoke-free North Carolina by visiting the Alliance's website.
- **Sign the Alliance Resolution Supporting a Smoke-free NC.** Have your organization, its board members, staff and volunteers sign the Alliance's resolution to demonstrate your support for making NC's worksites and public places smoke-free. Access the secondhand smoke resolution [HERE](#).

Support HB 1373 – Quality PE in NC Schools:

- Sign the Alliance's on-line [PE resolution](#) on the [Alliance website](#). Consider forwarding the resolution to your organization's board members, staff and volunteers as well. The Alliance website is now capable of taking signatures on-line.

Visit the Alliance website www.ncallianceforhealth.org for talking points on both tobacco and obesity issues supported by the Alliance.

For additional information about the North Carolina Alliance for Health, please contact Alliance Executive Director Lisa Familo at lisa.familo@ncallianceforhealth.org; or Alliance Policy Director Pam Seamans at pamseamans@nc.rr.com.

Or, go to www.ncallianceforhealth.org
for talking points and other resources.

Call 919-463-8328
or e-mail ncalliance@heart.org for more information

To unsubscribe, please email Lisa Familo at lisa.familo@ncallianceforhealth.org.