

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Crook DATE TYPED 3-8-05 HB HM 50

SHORT TITLE Ban Junk Food From House of Representatives SB _____

ANALYST Collard

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 794, HB 61, HB 62, SB 10, SJM 2, SB 295, HB 681, SB 595, SB 525, and SB 273

SOURCES OF INFORMATION

LFC Files
 National Health and Nutrition Examination Survey
 NM Youth Risk and Resiliency Survey
 Behavioral Risk Factor Surveillance System

Responses Received From
 Department of Health (DOH)

SUMMARY

Synopsis of Bill

House Memorial 50 proposes to ban junk food from the roundhouse and encourage members of the House of Representatives to serve as positive role models for children. Portions of this proposal mirror similar proposals to limit sales of unhealthy foods in schools. The memorial would prohibit both the sale and consumption of junk food in the roundhouse vending machines and coffee shops, and provides for consequences, including fines and rehabilitation programs, if members of the House are found to be in possession of banned foods.

Significant Issues

DOH research indicates, during the past two decades the nationwide rates of overweight for children ages 6-11 has doubled to 15 percent and for adolescents aged 12-19 has tripled to 15 percent based on directly measured heights and weights. Self-reported survey data for New Mexico

indicate that at least 10.2 percent of high school students are overweight; with an additional 13.3 percent at risk for overweight, and 57 percent of New Mexico adults are now overweight or obese.

DOH has identified obesity as one of its top five health priorities, as a result of statewide meetings in 2004 with stakeholders who participated in this identification process. These stakeholders, along with a steering committee currently advising the development of a statewide obesity plan, identified the importance of state political leaders introducing policies that promote healthier school and work environments.

DOH notes because most of the foods targeted by the memorial are high in calories and fat and low in nutrition, it would be a health benefit to replace them with more nutritious options. Having more nutritious options available in snack machines and coffee shops would help legislators develop better eating and snacking habits.

FISCAL IMPLICATIONS

There is no fiscal implication associated with this memorial.

RELATIONSHIP

House Memorial 50 relates to House Bill 794, which appropriates money to DOH for FY06 to provide programs to improve nutrition and physical activity in schools and communities to prevent obesity in children and youth; House Bill 61 and House Bill 62, introduced on behalf of the Legislative Education Study Committee in response to House Memorial 28 of the 2004 legislative session, House Bill 61 addresses the nutrition standards for schools, while House Bill 62 addresses physical activity; Senate Bill 10 which appropriates \$50 thousand for a study and recommendations for current nutritional offerings in public schools, restricting the sale of junk food, developing a curriculum for promoting healthy physical activity, and assessing financial impact on public schools; Senate Joint Memorial 2, which proposes DOH and the Public Education Department work collaboratively to make recommendations to increase the physical activity and improve the eating habits of youth; Senate Bill 295, which proposes to establish nutritional standards and standard portion sizes for competitive foods and beverages sold and distributed in public and charter schools; House Bill 681 and its duplicate, Senate Bill 595, which propose to create the Student Wellness Fund and enable the legislature to appropriate monies to the fund for school based health centers and child nutrition and wellness education activities; Senate Bill 525, which creates a Nutrition Council that would develop and/or recommend nutrition education programs for food stamp recipients, all state institutions, medical students, and others; and Senate Bill 273, which creates a Nutrition and Food Safety Division to develop public education programs and campaigns on health, nutrition and ideal weight maintenance.

TECHNICAL ISSUES

DOH suggests the memorial would benefit from a definition for “junk food” and “junk food rehabilitation program”. The use of state police officers to confiscate junk food from members of the House may not be appropriate or feasible. Additionally, the memorial does not indicate who would collect the proposed fines or what the revenues would be used for.

OTHER SUBSTANTIVE ISSUES

DOH indicates the memorial would take a punitive approach to improving the diets and health of members of the House, and would require the state police to be vigilant in terms of spotting contraband in the roundhouse and apprehending those suspected of possession.

ALTERNATIVES

DOH suggests maintaining the provisions in the memorial regarding banning the sale of junk food in the round house, including vending machines and coffee shops, which would be consistent with supporting a healthier work environment. Additionally, DOH suggests eliminating the provisions in the memorial regarding possession or consumption of junk food, including any penalties to members of the House (i.e., fines, community service, rehabilitation program, offender registry) for possessing unhealthy snack items. These measures are not evidence-based and could create a punitive environment that might be counter-productive to the intended health status outcomes.

KBC/rs