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SENATE BILL 217

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO NUTRITION; CREATING A NUTRITION COUNCIL; PROVIDING DUTIES; REQUIRING STUDIES; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "Nutrition Council Act".

Section 2. FINDINGS AND PURPOSE.--

A. The legislature finds that federal authorities have not intended to or expressed an intention to occupy and preempt the areas of nutrition addressed in the Nutrition Council Act and, therefore, the legislature may create a nutrition council to make recommendations to protect and ensure public health and safety for all New Mexicans.

B. The purpose of the Nutrition Council Act is to improve the quality of food grown in, produced in or imported

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1 into New Mexico or exported from New Mexico and to educate New
2 Mexico residents in good nutritional choices.

3 Section 3. DEFINITIONS.--As used in the Nutrition Council
4 Act:

5 A. "council" means the nutrition council; and

6 B. "director" means the director of the council.

7 Section 4. NUTRITION COUNCIL--CREATED--MEMBERSHIP.--

8 A. The "nutrition council" is created, composed of
9 the following members:

10 (1) the assistant attorney general for
11 consumer protection or the assistant attorney general's
12 designee;

13 (2) the secretary of public education or the
14 secretary's designee;

15 (3) the secretary of health or the secretary's
16 designee; and

17 (4) the following members appointed by the
18 governor, who serve at the pleasure of the governor:

19 (a) one pediatrician;

20 (b) one internist or family
21 practitioner;

22 (c) one cardiologist;

23 (d) one toxicologist;

24 (e) one doctorate-level biochemist;

25 (f) one licensed nutritionist;

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- 1 (g) one farmer;
2 (h) one rancher;
3 (i) one faculty member of the university
4 of New Mexico school of medicine;
5 (j) one dentist; and
6 (k) one public member who is appointed
7 on the basis of active involvement in the area of nutrition.

8 B. Members of the council who are not paid by
9 taxpayer funds may receive per diem and mileage expenses
10 pursuant to the Per Diem and Mileage Act, but shall receive no
11 other compensation, perquisite or allowance.

12 C. The council shall annually elect a chair and
13 vice chair. The council shall meet at the call of the chair, a
14 majority of the members or the director. The director shall
15 serve as staff to the council.

16 D. The council is administratively attached to the
17 department of health.

18 Section 5. COUNCIL--DUTIES.--The council shall:

19 A. study ways to improve the operations of state
20 government relating to nutrition programs and to the provision
21 of nutrition services to the residents of the state;

22 B. recommend courses of instruction and practical
23 training for employees of departments and other persons
24 involved in the administration of state nutrition programs with
25 the objective of improving the operations and efficiency of the

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1 administration;

2 C. develop nutrition education programs for food
3 stamp recipients;

4 D. in consultation with nutrition experts and the
5 appropriate state agencies, recommend nutrition programs,
6 public education programs and campaigns on health, nutrition
7 and ideal weight maintenance for all state institutions and
8 public schools, colleges and universities;

9 E. consult with the university of New Mexico school
10 of medicine to ensure that its nutrition curricula train
11 medical students in basic nutrition and how to prevent and
12 treat nutritional diseases;

13 F. recommend the development and implementation of
14 nutrition and food safety programs to ensure the nutritional
15 health of New Mexico residents and the safety of their food;

16 G. advise the appropriate departments, including
17 the office of the attorney general, on areas of concern such
18 as:

19 (1) the effect of food additives, specifically
20 carcinogens and neurotoxins, on the health of all New Mexicans,
21 particularly on pregnant women, neonates and preschool-age
22 children;

23 (2) the incidence of diabetes on Indian
24 pueblos and reservations;

25 (3) the effects of food-induced hyperactivity

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1 and attention deficit disorders in children resulting from
2 their ingestion of monosodium glutamate and excitotoxins;

3 (4) obesity in all age groups; and

4 (5) other areas deemed important by the
5 council;

6 H. make recommendations on ways to improve
7 nutrition in New Mexico;

8 I. assist the appropriate agencies in developing
9 educational materials on nutrition and on toxic or potentially
10 toxic additives to foods and processes that result in food
11 toxicity;

12 J. through the public education department, advise
13 public school districts on the development of nutrition courses
14 that are grade specific and that use texts in the field of
15 nutrition, preventive cardiology, preventive oncology and
16 preventive toxicology for New Mexico secondary school students;

17 K. develop a nutrition questionnaire to be sent to
18 students in New Mexico that will be used to build a statewide
19 nutrition database;

20 L. review the quality of public school lunch
21 programs and make a recommendation to the secretary of public
22 education to improve the sources of food for the school lunch
23 program; and

24 M. within available appropriations, hire an
25 executive director and such other employees as are necessary to

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1 carry out the provisions of the Nutrition Council Act.

2 Section 6. DIRECTOR OF COUNCIL--DUTIES.--

3 A. The director shall, at the direction of the
4 council:

5 (1) review and report on state agency efforts
6 to improve nutrition and food safety; and

7 (2) serve as a liaison with other state
8 agencies, including the department of health, the children,
9 youth and families department and the public education
10 department, in recommending the development and implementation
11 of nutrition and food safety programs.

12 B. The director shall recommend to the council a
13 list of foods, food additives or food processes that the
14 council should consider to determine if additional labeling
15 should be required because of carcinogens, neurotoxins or other
16 deleterious compounds. If the council determines additional
17 labeling should be required, it shall recommend the appropriate
18 labeling and recommend that such labeling be reflected in the
19 nutrition and food safety standards.

20 C. The director shall recommend to the council the
21 appointment and compensation of such employees as may be
22 necessary to carry out the provisions of the Nutrition Council
23 Act within the appropriations made by the legislature.

24 Section 7. APPROPRIATION.--Two hundred fifty thousand
25 dollars (\$250,000) is appropriated from the general fund to the
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1 nutrition council for expenditure in fiscal year 2007 for
2 staff, equipment, furnishings and other expenses to implement
3 the Nutrition Council Act. Any unexpended or unencumbered
4 balance remaining at the end of fiscal year 2007 shall revert
5 to the general fund.

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