

HOUSE No. 1157

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Sánchez

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote healthy people and a healthy economy in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jeffrey Sánchez</i>	<i>15th Suffolk</i>	<i>2/4/2011</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>	<i>2/4/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>1/28/2011</i>
<i>William N. Brownsberger</i>		<i>1/31/2011</i>
<i>James B. Eldridge</i>		<i>2/3/2011</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/3/2011</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>	<i>2/4/2011</i>

HOUSE No. 1157

By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 1157) of Jeffrey Sánchez and others relative to environmental and health impact reports. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to promote healthy people and a healthy economy in Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 30 of the General Laws is hereby amended by striking out section
2 62B, as appearing in the 2008 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 62B. Environmental and health impact reports; preparation and submission;
5 funding.

6 In the case of projects directly undertaken by an agency, the environmental and health
7 impact reports shall be prepared and submitted by the responsible agency. If two or more
8 agencies are responsible, joint reports shall be prepared and submitted by the agency designated
9 by the secretary of environmental affairs and the secretary of health and human services. In the
10 case of projects which require a permit or financial assistance from an agency, said reports shall
11 be prepared and submitted by the person or agency seeking the permit or financial assistance.

12 Public funds made available for the purpose of design of or planning or undertaking a
13 project subject to sections 62 to 62H, inclusive, may be expended for the research, preparation,

14 and publication of the reports and expenses incidental thereto, and said funds may be transferred
15 or otherwise may be made available to other agencies designated by the secretary of
16 environmental affairs to evaluate the draft or final report.

17 An environmental impact report shall contain statements describing the nature and extent
18 of the proposed project and its environmental impact; all measures being utilized to minimize
19 environmental damage; any adverse short-term and long-term environmental consequences
20 which cannot be avoided should the project be undertaken; and reasonable alternatives to the
21 proposed project and their environmental consequences. A health impact report shall contain
22 statements describing the nature and extent of the proposed project and its health impact on the
23 surrounding community, and shall include statements describing the impact on residents or
24 employees who will occupy any capital facility project as defined by section 39(a) of chapter 7.
25 The secretaries shall encourage agencies and persons to commence preparation of reports during
26 the initial planning and design phase of projects. Said reports shall be prepared and disseminated
27 to inform the originating or permitting agency, reviewing agencies, the appropriate regional
28 planning commission, the attorney general and the public of the environmental consequences of
29 state actions and the alternatives thereto prior to any commitment of state funds for and prior to
30 the commencement of the project if undertaken by an agency or prior to the issuance of any
31 permit or grant of financial assistance for the project if undertaken by a person.

32 SECTION 2. Section 57 of chapter 71 of the General Laws, as so appearing, is hereby
33 amended by inserting after the words "sight or hearing," in line 11, the following words:-

34 "to ascertain the child's body mass index,"

SECTION 3. Section 57 of said chapter 71 of the General Laws, as so appearing, is hereby further amended by inserting after the third sentence the following new sentence:-

“Tests ascertaining body mass index and corresponding percentile of each student in grades one, four, seven, and ten, or, in the case of ungraded classrooms, by a student’s seventh, tenth, thirteenth and sixteenth birthday.”

SECTION 4. Section 1 of chapter 63 of the General Laws, as so appearing, is hereby amended by adding the following sentence:-

““Food business”, any store, shop, supermarket, grocer, warehouse-type seller, club, outlet, farm stand, farmers market, or other seller, whose primary business is selling food, including fruit and vegetables, excluding candy or confectionary, coffee or coffee substitutes, and soft drinks, for consumption off the seller’s premises alone or in combination with grocery items typically found in a supermarket, and such items are sold at least in part to individuals for their own personal, family, or household use.”

SECTION 5. Section 31A of said chapter 63 of the General Laws, as so appearing, is hereby further amended by inserting after the words “commercial fishing,” in line 4, by inserting the following:-

“or any other food business as defined in Section 1,”

SECTION 6. Section 1D of chapter 69 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

“Subject to appropriation, the board shall establish a grant program which shall award grants to school districts to reimburse for the costs associated with establishing physical activity

56 within the classroom curriculum. The board shall promulgate regulations defining the standards
57 of eligibility and other implementation guidelines for this program.

58 SECTION 7. Section 3 of Chapter 71 of the General Laws, as so appearing, is hereby
59 amended by adding the following sentence:-

60 “In the event that physical education classes are not taught daily, all students shall have at
61 least 30 minutes of physical activity daily. Physical activity is any bodily movement produced
62 by large muscle groups that result in an expenditure of energy, and may be performed in the
63 classroom or during recess.”