



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

13 DEC 2005

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 11:50 Date: 12-15-05

Dear Mr. Speaker:

Transmitted herewith is Bill No. 164 (EC), "AN ACT TO REPEAL AND REENACT SECTION 3207, ARTICLE 2, CHAPTER 3, DIVISION 2, TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING A CONFIDENTIAL REPORT OF A STUDENT'S BODY MASS INDEX AND WRITTEN INFORMATION TO PARENTS OR LEGAL GUARDIANS OF STUDENTS WHO HAVE A BODY MASS INDEX ABOVE OR BELOW THE NORMAL RANGE, AND PROVIDE FOR "THE LOCAL WELLNESS POLICY" UTILIZING THE BODY MASS INDEX" which I signed into law on December 12, 2005, as Public Law 28-87.

Sinseru yan Magåhet,

[Signature]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker

MARK FORBES

Date: 12/14/05

Time: 10:20 am

Rec'd by: Janice

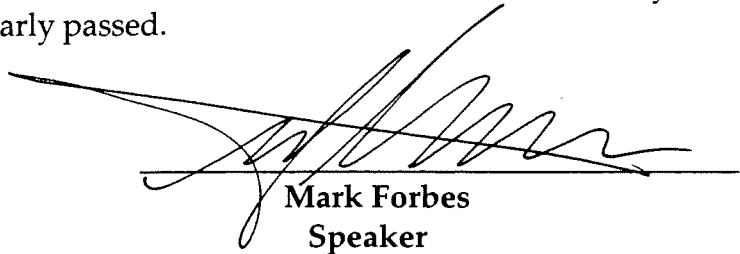
Print Name:

28-05-0483

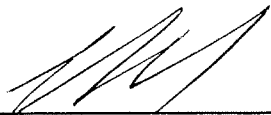
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

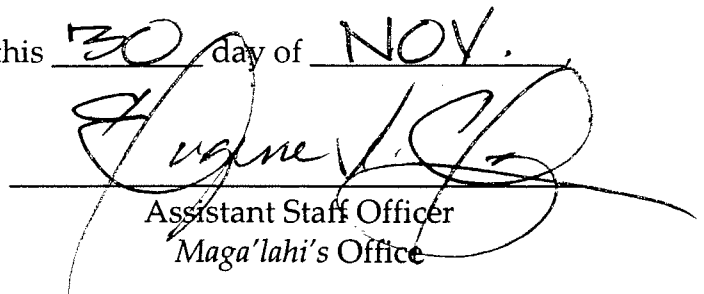
This is to certify that Substitute Bill No. 164 (EC), "AN ACT TO REPEAL AND REENACT SECTION 3207, ARTICLE 2, CHAPTER 3, DIVISION 2, TITLE 17 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROVIDING A CONFIDENTIAL REPORT OF A STUDENT'S BODY MASS INDEX AND WRITTEN INFORMATION TO PARENTS OR LEGAL GUARDIANS OF STUDENTS WHO HAVE A BODY MASS INDEX ABOVE OR BELOW THE NORMAL RANGE, AND TO PROVIDE FOR 'THE LOCAL WELLNESS POLICY' UTILIZING THE BODY MASS INDEX" was on the 30th day of November, 2005, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 30 day of NOV.
2005, at 5 o'clock P.M.


Assistant Staff Officer
Maga'laha's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 12 DEC 2005

Public Law No. 28-87

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 164 (EC)

As substituted by the Committee
on Finance and Taxation and
amended on the Floor.

Introduced by:

Mike Cruz
L. F. Kasperbauer
J. A. Lujan
F. B. Aguon, Jr.
J. M.S. Brown
Edward J.B. Calvo
B. J.F. Cruz
Mark Forbes
R. Klitzkie
L. A. Leon Guerrero
A. B. Palacios
R. J. Respicio
Ray Tenorio
A. R. Unpingco
J. T. Won Pat

**AN ACT TO *REPEAL AND REENACT* SECTION 3207,
ARTICLE 2, CHAPTER 3, DIVISION 2, TITLE 17 OF THE
GUAM CODE ANNOTATED, RELATIVE TO PROVIDING
A CONFIDENTIAL REPORT OF A STUDENT'S BODY
MASS INDEX AND WRITTEN INFORMATION TO
PARENTS OR LEGAL GUARDIANS OF STUDENTS WHO
HAVE A BODY MASS INDEX ABOVE OR BELOW THE
NORMAL RANGE, AND TO PROVIDE FOR "THE LOCAL
WELLNESS POLICY" UTILIZING THE BODY MASS
INDEX.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that obesity is a major health problem on Guam. *I Liheslaturan Guåhan* further
4 finds that childhood obesity is a growing health concern on Guam. The Surgeon
5 General of the United States has determined that obesity in children and
6 adolescents has tripled in the last two (2) decades.

7 Guam leads the nation in heart disease and obesity related ailments, such as
8 diabetes. It impacts not only health, but also the financial expense of treating these
9 illnesses. Steps to improve the health, as well as reduce future health care costs for
10 the generations to come, are crucial.

11 Health professionals often use a Body Mass Index (BMI) 'growth chart' to
12 help them assess whether a child or adolescent is overweight or underweight.
13 Therefore, it is the intent of *I Liheslaturan Guåhan* to implement the Body Mass
14 Index in the Guam Public School System (GPSS) and provide a confidential report
15 to the student's parents or legal guardians. Additionally, the BMI shall be a tool to
16 collect data for health officials to assess the general health of students by
17 developing "The Local Wellness Policy."

18 **Section 2. Section 3207, Article 2, Division 2, Title 17 of the Guam Code**
19 **Annotated is hereby *repealed* and *reenacted* to read as follows:**

20 **"§3207. Local Wellness Policy.** (a) In accordance with the Child
21 Nutrition and W.I.C. Reauthorization Act of 2004 and guidelines of the Food and
22 Nutrition Service of the United States Department of Agriculture, GPSS shall
23 establish and implement 'The Local Wellness Policy' (Policy) as adopted and
24 approved by the Board.

25 The Board shall adopt a uniform *Body Mass Index* (BMI) standard in
26 evaluating measurable objectives of the Policy. The Policy shall conform to the

1 standards of the U. S. Department of Health and Human Services' Centers for
2 Disease Control and Prevention and the National Center for Health Statistics.

3 For purposes of this Section, the *BMI* is a calculation that uses a child's
4 height, age, and weight to estimate how much body fat he or she has compared to
5 population-referenced standards.

6 The objectives of the Policy may include, *but are not limited to*, the
7 adoption of rules, regulations and training for:

8 (1) Nutrition, to include optimal nutrition through the School Breakfast,
9 Lunch, and After-School-Snack Programs for student growth, development, and
10 academic achievement;

11 (2) Nutrition Education in the school curriculum;

12 (3) Physical Fitness, which includes intramural sports, playground
13 equipment, interscholastic sports, and other competitive athletic activities;

14 (4) Physical Fitness Education, which includes curriculum and physical
15 education classes;

16 (b) GPSS schools shall provide annual reports of each student's BMI,
17 which shall be computed and distributed to the student's parents or legal guardians
18 in a manner respecting the dignity and privacy of the student. The BMI report
19 must include:

20 (1) a statement disclosing that the BMI is used as a screening tool
21 and not an evaluative tool that diagnoses a student as
22 overweight or underweight;

23 (2) a comprehensive analysis of consequent health problems
24 associated with a student's BMI rating that is not within the
25 suggested BMI range;

26 (3) provide references for available nutrition and physical activity
27 health programs; and

1 (4) if applicable, suggest that the parent or legal guardian seek
2 further evaluation from the student's primary physician.

3 (c) Evaluation of the Policy: GPSS and health officials shall utilize data
4 collected from the BMI to apply for grants; to implement accessory nutritional,
5 health or fitness programs; to assess the general health of students; and to evaluate
6 the implementation, objectives and performance of the Policy. GPSS shall
7 continually review the Policy and effect improvements in accordance with current
8 nutrition, nutrition education, physical fitness, physical fitness education trends
9 and practices. GPSS shall also establish standards for the preparation of evaluative
10 reports with such statistical data and other information as the Board may require."

11 **Section 3. Implementation.** The Guam Education Policy Board shall
12 submit "The Local Wellness Policy" to *I Maga'lahaen Guåhan*, the Speaker and the
13 Chairman of the Committee on Health and Human Services of *I Liheslaturan*
14 *Guåhan* and shall recommend additional legislation or other actions it deems
15 necessary to fulfill the purposes of this Act by October 1, 2006.

16 **Section 4. Appropriation.** The sum of One Hundred Fifty Thousand
17 Dollars (\$150,000.00) is appropriated from the Fiscal Year 2007 Guam Public
18 School System Operations Fund to carry out the provisions of this Act.

19 **Section 5. Severability.** *If* any provision of this Law or its application to
20 any person or circumstance is found to be invalid or contrary to law, such
21 invalidity shall *not* affect other provisions or applications of this Law, which can
22 be given effect without the invalid provisions or application, and to this end the
23 provisions of this Law are severable.

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 11/30/05
12:290

VOTING SHEET

S Bill No. 164 (EC)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				✓
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

PL. = 8-87



MINA BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE

Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE

OFFICE OF FINANCE AND BUDGET

E-Mail address: senatorcalvo@hotsheet.com
155 Hessler Street Hagåtña, Guam 96910

Telephone: (671) 475-8801
Facsimile: (671) 475-8805

October 20, 2005

The Honorable Mark Forbes
Speaker
Mina Bente Ocho na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910


Håfa adai, Mr. Speaker:

The Committee on Finance, Taxation, and Commerce, to which **Bill No. 164 (EC): "An Act To Amend Section 3207, Article 2, Division 2, Title 17 Of The Guam Code Annotated, Relative To Providing A Confidential Report Of A Student's Body Mass Index And Written Information To Parents Or Legal Guardians Of Students Who Have A Body Mass Index Above The Normal Range, And Provide For A Comprehensive Nutrition And Physical Fitness Plan Utilizing The Body Mass Index"**, was referred, wishes to report its findings and recommendations **TO PASS** Bill No. 164 (EC), as substituted by the Committee.

The voting record for Bill No. 164 (EC) is as follows:

TO PASS	<u>5</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT	<u>1</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention in this matter. *Si Yu'os Ma'åse!*


Senator Edward J.B. Calvo
Chairman



MINA'BE' TE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE

Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE

OFFICE OF FINANCE AND BUDGET

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Telephone: (671) 475-8801
Facsimile: (671) 475-8805

October 20, 2005

MEMORANDUM

To: Committee Members


From: Chairman, Committee on Finance, Taxation, and Commerce

Subject: Committee report on Bill 164 (EC) as substituted by the Committee

This memorandum is accompanied by the following:

1. Committee voting sheet
2. Public Hearing sign-in sheet
3. Notice of Public Hearing
4. Testimonies submitted

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should there be any questions regarding this matter, please feel free to contact my office at 475-8801.




Senator Edward J.B. Calvo
Chairman

Committee Voting Sheet
Committee on Finance, Taxation, and Commerce
Office of Finance and Budget
Sinadot Edward J.B. Calvo, Ge'Hilo'

Bill No. 164 (EC): "An Act To Amend Section 3207, Article 2, Division 2, Title 17 Of The Guam Code Annotated, Relative To Providing A Confidential Report Of A Student's Body Mass Index And Written Information To Parents Or Legal Guardians Of Students Who Have A Body Mass Index Above The Normal Range, And Provide For A Comprehensive Nutrition And Physical Fitness Plan Utilizing The Body Mass Index", as substituted by the Committee.

Committee Members	To Pass	Not to Pass	Report Out	Abstain	Inactive File
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 Senator Edward J.B. Calvo Chairperson	✓				
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 Senator Lawrence F. Kasperbauer Vice Chairperson			X		
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 Speaker Mark Forbes Member	✓				
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 Senator Antonio R. Delgado Member	✓				
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 Senator Ray Tenorio Member	✓				
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 Senator Jesse A. Lujan Member	11/17/05				
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Senator Adolpho B. Palacios Member					
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Senator Frank B. Aguon, Jr. Member					
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Following the testimonies provided by members of the public, Chairman Edward J.B. Calvo asked the public panel whether public school students are required to undergo a physical examination. Dr. Lee Meadows informed the Committee that children are not required to have a comprehensive physical examination, with Ms. Marites Bondoc commenting that BMI assessments are not included in normal physical examinations.

Senator Adolpho Palacios provided brief comments in support of Bill No. 164 (EC), citing the absence of parental and familial concerns of children who have problems with their weight. Senator Palacios is hopeful that the proposed measure will help initiate public awareness on this very serious issue. Senator Judith Won Pat shared her concerns about the necessary personnel that will measure the data required for BMI information.

Senator Mike Cruz, the author of Bill No. 164 (EC), thanked those in attendance for offering testimony on a very critical issue confronting our island community. Senator Cruz shared his concerns regarding people's acceptance of unhealthy lifestyles and diet, of which involves the consumption of popular processed foods that have almost, if not are already a part of our culture. Senator Cruz concluded his remarks with recommendations for parents, school personnel, and others who come in contact with children to concentrate on teaching our youth a better and healthier lifestyle.

Chairman Edward J.B. Calvo extended his appreciation to those in attendance for presenting testimony on Bill No. 164 (EC). The Chairman informed the public that an additional ten (10) working days is provided for individuals wanting to submit written testimony on said legislation and subsequently moved to the next item on the agenda.

III. COMMITTEE FINDINGS AND RECOMMENDATIONS:

The Committee on Finance, Taxation, and Commerce finds that obesity is a major health problem on Guam. The Committee further finds that childhood obesity is a growing health concern on Guam. The Surgeon General of the United States has

determined that overweight and obesity in children and adolescents has tripled in the last two decades.

Guam leads the nation in heart disease and obesity related ailments, such as diabetes. It impacts not only health, but also the financial expense of treating these illnesses. Steps need to be taken now to improve the health of our future generation, as well as to reduce future health costs for generations to come.

Health professionals often use a Body Mass Index (BMI) "growth chart" to help them assess whether a child or adolescent is overweight. The Committee, therefore, recommends the implementation of the Body Mass Index in Guam's Public School System and to provide a confidential report to the students' parents or legal guardians. Additionally, the BMI shall be a tool to collect data for health officials to assess the general health of students by developing a Comprehensive Nutrition and Physical Fitness Plan.

The Committee on Finance, Taxation, and Commerce, to which Bill No. 164 (EC) *"An Act To Amend Section 3207, Article 2, Division 2, Title 17 Of The Guam Code Annotated, Relative To Providing A Confidential Report Of A Student's Body Mass Index And Written Information To Parents Or Legal Guardians Of Students Who Have A Body Mass Index Above The Normal Range, And Provide For A Comprehensive Nutrition And Physical Fitness Plan Utilizing The Body Mass Index"*, was referred, does hereby submit its findings and recommendations to *I Mina' Bente Ocho Na Liheslaturan Guåhan* **TO PASS** Bill No. 164 (EC), as substituted by the Committee.



MINA´BENTE OCHO NA LIHESLATURA GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE

Chairman
COMMITTEE ON FINANCE, TAXATION & COMMERCE

OFFICE OF FINANCE AND BUDGET

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Legislative Public Hearing
Wednesday, October 12, 2005, 9:30 a.m.

Agenda:

- **Bill 164 (EC):** An Act To Amend Section 3207, Article 2, Division 2, Title 17 Of The Guam Code Annotated, Relative To Providing A Confidential Report Of A Student's Body Mass Index And Written Information To Parents Or Legal Guardians Of Students Who Have A Body Mass Index Above The Normal Range, And Provide For A Comprehensive Nutrition And Physical Fitness Plan Utilizing The Body Mass Index. *Introduced by M. Cruz, L.F. Kasperbauer, and J.A. Lujan*
- **Bill 166 (EC):** An Act To Amend Section 9 (b) Of Chapter IV Of Public Law 27-106 To Streamline The Process To Make Available Existing Funding For The Guam Memorial Hospital Authority. *Introduced by M. Cruz and J.A. Lujan*
- **Bill 162 (EC):** An Act To Establish Rules And Regulations For Emergency And Non-Emergency Use Of An Ambulance Primarily For Transportation, For Conducting Building Inspections, Review Of Building Plans And For Issuance Of Permits Of The Guam Fire Department. *Introduced by the Committee on Calendar at the request of I Maga'låhen Guåhan.*
- **Bill 167 (EC):** An Act To Subdivide And Transfer A Portion Of Block 1, Tract 268, Municipality Of Yona From The Guam Waterworks Authority To The Guam Public School System For The Purpose Of Establishing A Satellite School Campus And To Appropriate The Amount Of Up To One Hundred Fifty Thousand Dollars (\$150,000.00) From The General Fund FY 2005 Appropriations To The Guam Public School System Pursuant To Public Law 27-106 For The Transfer Of The Chattel Interest Of Eight (8) Buildings Containing 16 Classrooms And Other Ancillary Structures From St. Francis School To The Guam Public School System And For Site Work Repair, Renovation, And Outfitment Of The Structures In Preparation For School Year 2005-2006 And To Further Subdivide And Transfer A Portion Of The Parcel To The Yona Mayor's Office For The Purpose Of Maintaining The Existing Multi-Purpose Field And Providing The Community Of Yona With Additional Park And Recreational Opportunities. *Introduced by E.J.B. Calvo, M. Forbes, and A.R. Unpingco*

Individuals wishing to provide verbal/written testimony, please sign your name on the roster sheet available at the legislative staff table.

Committee on Finance, Taxation, & Commerce

Office of Finance and Budget

Senator Edward J.B. Calvo, Chairman

TESTIMONY - SIGN IN SHEET

October 12, 2005 Public Hearing
9:30 a.m.

BILL NUMBER 164 (EC): An Act To Amend Section 3207, Article 2, Division 2, Title 17 Of The Guam Code Annotated, Relative To Providing A Confidential Report Of A Student's Body Mass Index And Written Information To Parents Or Legal Guardians Of Students Who Have A Body Mass Index Above The Normal Range, And Provide For A Comprehensive Nutrition And Physical Fitness Plan Utilizing The Body Mass Index.

<u>NAME</u>	<u>DEPT/ORGANIZATION</u>	<u>ORAL / WRITTEN</u>	<u>CONTACT NO.</u>
<u>Jennifer T. Holbrook</u>	<u>GPSS FNSM Dept</u>	<u> / ✓</u>	<u>475-6407</u>
<u>Shelly Blas</u>	<u>GPSS FNSM Dept</u>	<u> / ✓</u>	<u>475-6405</u>
<u>Lee H Mendonsa MD</u>	<u>Guam SDA Clinic</u>	<u>✓ /</u>	<u>646-8881</u>
<u>Keith Florinouchi MD</u>	<u>SDA Wellness Center</u>	<u>✓ /</u>	<u>647-7520</u>
<u>Renee VeKster</u>	<u>GMH Health Educator</u>	<u>✓ /</u>	<u>647-2351</u>
<u>Rachael Leon Guerrero</u>	<u>UOG</u>	<u>✓ /</u>	<u>735-2626</u>
<u>Ike Santos</u>	<u>GPSS</u>	<u> / ✓</u>	<u>475-0515</u>
_____	_____	<u> / </u>	_____
_____	_____	<u> / </u>	_____
_____	_____	<u> / </u>	_____
_____	_____	<u> / </u>	_____



GUAM PUBLIC SCHOOL SYSTEM

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JUAN P. FLORES
Superintendent of Education

October 12, 2005

HONORABLE EDWARD J.B. CALVO
Senator, *Mina' Bente Ocho Na Liheslaturan Guahan*
Chairman, Committee on Finance, Taxation & Commerce
HAND DELIVER

Subject: Testimony Supporting Bill 164 (EC)

Dear Senator Calvo:

Buenas yan Hafa Adai! The Guam Public School System commends you and Senators Mike Cruz, Larry Kasperbauer, and Jesse Lujan in exploring strategies to promote nutrition education and physical fitness in our public schools through a confidential report using the Body Mass Index of students. The Guam Public School System supports the intent of Bill 164 – *An act to amend section 3207, Article 2, Division 2, Title 17 of the Guam Code Annotated, relative to providing a confidential report of a student's body mass index and written information to parents or legal guardians of students who have a body mass index above the normal range, and provide for a comprehensive nutrition and physical fitness plan utilizing the body mass index.*

As the State Agency for the Child Nutrition and Food Distribution Programs for the U.S. Department of Agriculture, Food Nutrition Service, Bill 164 is timely as we establish and implement the School Wellness Policy. The School Wellness Policy is a federal mandate (U.S. Public Law 108-265), requiring State Agencies participating in the Child Nutrition Program to develop a local wellness policy by the beginning of the 2006-2007 school year. Congress recognizes that schools play a critical role in promoting student health, preventing childhood obesity, and combating problems associated with poor nutrition and physical inactivity. This legislation supports President George W. Bush's *HealthierUS Initiative*. This Initiative helps Americans take steps to improve personal health and fitness and encourages all Americans, including children to be physically active every day; eat a nutritious diet; get preventive screening; and make healthy choices. This legislation further places the responsibility on State Agencies to develop a wellness policy at the local level, so that the individual needs of each district can be addressed. According to the requirements for the Local Wellness Policy, school districts must set goals for nutrition education, physical activity, campus food provision, and other school-based activities designed to promote student wellness. Additionally, districts are required to involve a broad group of individuals in policy development and to have a plan for measuring policy implementation.

Testimony Supporting Bill 164 (EC)

Page 2 of 3.

As a result of this mandate, on July 27, 2005, the Guam Education Policy Board passed the Food & Nutrition Services Management Policy 705. Policy 705 is a prelude to the Local Wellness Policy that places detailed requirements for all public schools to promote sound nutrition education and healthy eating lifestyle to our students and their families. In summary, the Food & Nutrition Services Management Policy provides all public schools guidelines and requirements on:

- Nutrition Education at all grade levels, Pre-School (Head Start) through grade twelve; and
- non-food rewards and incentives used to encourage student achievement and desirable behavior; and
- prohibiting Foods of Minimal Nutritional Value from being sold (to include vending machines and “ready-to-eat-foods”), distributed, or promoted at anytime during school hours of operation; and
- optimal nutrition through the School Breakfast, Lunch, and After-School-Snack Programs for student growth, development, and academic achievement; and
- limiting the sale of food and drinks in competition with the School Breakfast and Lunch Programs; and
- the establishment of a Nutrition Advisory Council appointed by the Superintendent of Education. The Council shall be responsible for advising and making recommendations to the Superintendent on food and nutrition education opportunities and requirements. The Council shall consist of parents, students, school administrators, teachers, school health counselors (nurses), and industry professionals.

As we look forward to the passage of Bill 164, the Guam Public School System’s Food & Nutrition Management Services Division has commenced with a Plan of Action to implement the Local Wellness Policy and incorporate the BMI requirement. This Plan includes a draft of the Local Wellness Policy; the appointment of the Nutrition Advisory Council that will take the lead in reviewing and providing recommendations on the Local Wellness Policy; the establishment of guidelines for collecting heights and weights on children and adolescents in school settings using the standards set forth by the U.S. Department of Health and Human Services’ Centers for Disease Control and Prevention and the National Center for Health Statistics; and the development of an education campaign to ensure all stakeholders are familiar with Local Wellness Policy to include the BMI requirement.

In the area of Child Nutrition meal participation, we have made considerable progress in the number of students eating breakfast and lunch. For example, at George Washington High School in school year 2002, the average daily number of participants in the School Lunch program was about 112 students. As a result of the implementation of “*My Healthy Meals*” and “*My Healthy Meals Plus*”, we have seen an increase of over 1,000 students participating daily in the Child Nutrition Program this school year. The increase in the average daily participation is wide spread throughout Guam’s public schools, most especially in our secondary schools.

Testimony Supporting Bill 164 (EC)
Page 3 of 3.

With the federal mandate and the anticipated passage of Bill 164, the Guam Public School System will ensure the implementation of the Local Wellness Policy utilizing the Body Mass Index requirement. In fact, we anticipate the final draft of the Local Wellness Policy by March 2006 with the program to be "test-piloted" using the BMI requirement in the Spring of 2006; and with full implementation of the Local Wellness Policy by School Year 2006-2007.

We look forward to the successful implementation of the Guam Public School System's Local Wellness Policy; and should additional legislation and/or funding be required to execute the Comprehensive Nutrition and Physical Fitness Plan we will work collaboratively with the *I Liheslaturan Guahan* by June 1, 2006. On behalf of over 32,000 public school children, we thank you for your commitment and for supporting our effort in improving our island's educational system through nutrition and physical fitness.

Para I Fama'guon!



LUIS S.N. REYES

Superintendent of Education, Acting

October 12, 2005
9:30 am
Guam Legislature

Legislature Resolution

Written/oral testimony by:

Maria Teresa "Marites" M. Bondoc
Provider Services Manager,
Healthwatch Program, StayWell Guam, Inc.

I support the bill on 164 (EC) .

What is the problem of overweight in children and adolescents?

The United States Department of Health and Human Services states that in 1999, risk factors for heart disease, such as high cholesterol and high blood pressure, occur with increased frequency in overweight children and adolescents compared to children with a healthy weight.

Type 2 Diabetes, previously considered an adult disease, has increased dramatically in children and adolescents. Overweight and obesity are closely linked to Type 2 diabetes.

Overweight adolescents have a 70% chance of becoming overweight or obese adults. This increases to 80% if one or more parent is overweight or obese. Overweight or obese adults are at risk for a number of health problems including heart disease, type 2 diabetes, high blood pressure, and some forms of cancer.

The most immediate consequence of overweight as perceived by the children themselves is social discrimination. This is associated with poor self-esteem and depression.

The U.S. government reports that childhood obesity is responsible for 50 percent of new cases of pediatric diabetes, sleep apnea, and asthma. Hard-hit budget cuts, only a third of U.S. schools offer physical education classes.

American Heart Association (AHA) recommends successfully preventing and treating overweight in childhood to reduce the risk of adult overweight, risk of heart disease and other diseases (Oct 10, 2005 AHA)

What are the causes of overweight?

Overweight in children and adolescents is generally caused by lack of physical activity, unhealthy eating patterns, or a combination of the two, with genetics and lifestyle both playing important roles in determining a child's weight.

Our society has become very sedentary. Television, computer and video games contribute to children's inactive lifestyles. Forty-three (43%) of adolescents watch more than 2 hours of television each day. Children, especially girls, become less active as they move through adolescence.

Reviews and statistics showed that at least 15% of children and adolescents in the United States of America alone (more than 9 million young children) are overweight, three times as many as 1980's. Prevalence is higher among ethnic groups, e.g. Mexican American, non-Hispanic black, Native American, by as high as 30% (CDC Jun 2005).

Among American children ages 6-11, the ff are overweight using BMI values on the CDC 1000 growth chart:

- (1) whites only, 11.9 percent of boys and 12 percent of girls.

- (2) Blacks or African Americans only, 17.6 percent of boys and 22.1 percent of girls
- (3) Mexican Americans, 27.3 percent of boys and 19.6 percent of girls. (AHA Oct 2005)

Based on the data from 1999-2000 NHANES**, the prevalence of overweight in children ages 6-11 increased from 4.2 percent to 15.3 percent compared with data from 1963-65. The prevalence of overweight in adolescents ages 12-19 increased from 4.6 percent to 15.5 percent.

Why use Body Mass Index (BMI) for assessing overweight status?

Body mass index is an effective screening tool, widely recommended by CDC, US Dept of Health, American Pediatrics Association, American Diabetes Association, American Heart Association, and the majority of health organizations and institutions in the world. It is evaluated and recommended in different studies published in the American Journal of Clinical Nutrition and Pediatrics. (Am J Clin Nutr 1994, Am J Clin Nutr 1999, Pediatrics 1998)

In children, BMI is age and gender specific, so BMI-for-age is the measure used. For children and teens, it is a useful tool because:

- (1) BMI-for-age provides a reference for adolescents that can be used beyond puberty. Such reference was not previously available.
- (2) BMI-for-age in children and adolescents compares well to laboratory measures of body fat.
- (3) BMI-for-age can be used to track body size throughout life.

It is consistent with adult index so it can be used continuously from 2 years of age to adulthood. It tracks childhood overweight into adulthood.

- (4) BMI-for-age relates to health risks. Studies found that it correlates with clinical risk factors for cardiovascular disease including hyperlipidemia, elevated insulin, and high blood pressure.
- (5) BMI-for-age during pubescence is related to lipid levels and high blood pressure in middle age.
- (6) In Diabetes Care 2004, a journal of the American Diabetes association, it states... "indeed, as BMI increases, the risk of developing type 2 diabetes increases in a "dose-dependent" manner.

Comparisons between the weight-for-stature curve and BMI-for-Age curve shows significant differences especially when considering ethnic groups, some of whom have low height-for-age values.

What is being done to address childhood overweight and obesity?

U.S. Surgeon General rolls out 2005 agenda: The Year of the Healthy Child. US. Surgeon general Richard H. Carmona said, "We know that the health needs of children grow into the health problems of adulthood, so this year I will be taking a hard look at ways to improve the health of children both domestically and internationally. By improving the holistic health of our children, we can ensure a healthier population for the next generation".

The Office of the Surgeon General addresses these primary concerns: pre-pregnancy, immunizations, **childhood obesity**, illness and injury prevention, healthy indoor environment,

mental health, child abuse prevention, drug and alcohol use prevention, and safe teen driving.

Under CDC, the Nutrition and Physical Activity Program to Prevent Obesity and Other Chronic Diseases is designed to help the different states of the USA prevent obesity and other chronic diseases by addressing 2 closely related factors – poor nutrition and inadequate physical activity. The program's major goals are balancing caloric intake and expenditure; increasing physical activity; improving nutrition through increased consumption of fruits and vegetables; reducing television time; and increasing breastfeeding.

In 2005-2006, 21 states are funded at \$400,000 to \$450,000 for capacity building. Seven (7) states are funded at \$750,000 to \$1.3 million for basic implementation, bringing the total number of funded states to 28.

The 2005 Parents-Teachers Association Illinois Convention also presented resolutions addressing Childhood Overweight and Obesity, acknowledging its effects on Type 2 diabetes, congestive heart disease, asthma, sleeping disorders, arthritis, and several forms of cancer.

The U.S. Senate also addresses obesity by introducing the program IMPACT which stands for Improved Nutrition and Physical Activity Act. The different senators coming from California, Tennessee, Connecticut, Texas, Indiana and other states have already taken steps to implement the objectives of the program. The IMPACT recognizes the serious health issues that arise from obesity and seeks to reduce those problems by using proven and innovative programs to encourage healthier lifestyles.

Different places in the world are also addressing the concerns of child overweight and obesity. Italy and Malta have the highest number of overweight children in the developed world, followed by Scotland, where one in five 12-year-olds are clinically obese. Malta has started implementing programs aimed to curb the ads in television promoting junk food in children.

In Australia, around 30 percent of children are overweight, and the effects of television are also a concern for them.

In United Kingdom, one in four men and one in five women are classed as obese. Again, ads on unhealthy products are being addressed.

In France and Sweden, 18% are overweight. Germany has a figure of 15%, Netherlands, 13% of children, and Slovakia has 10% of children overweight. These figures are definitely lower than what we have in the U.S.

Many studies support the unhealthy consequence of overweight both in children and adults. Preventing such consequences demands that we do something effective to lessen and avoid overweight children, definitely not by reducing inappropriately the amount of food given to them, but by promoting good nutrition and physical activity.

The American Academy of Pediatrics, in August 2003, states that "it is critically important that Congress pass legislation that will promote a healthy and active lifestyle for children, and curb the growing epidemic of obesity. Congress should pass legislation that both raises public awareness of the health impacts of obesity and encourages community and school support in efforts to promote better nutrition and more physical activity."

Scientist Goran, associate director of the USC Institute for Prevention Research, “These overweight children are effectively “walking time-bomb”, and the metabolic basis of these risk factors must be targeted in interventions”. The scale of the problem suggests that even with preventive measure being taken now, a large part of the U.S. population will need weight loss treatment and help managing glucose levels in the future.

I strongly support this bill:

GUAM NUTRITION PROGRAM

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FAX

Attn:

Fax No.:

From:

Date:

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Re:

Hi Carlotta,

Here is a brief summary of the Elementary Nutrition Education Project (ENEP). If you need more information, let me know.

Thanks,



Dawn M. Oakley

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DATE: 07/12/05

The Department of Public Health & Social Services, General Nutrition Services conducted a Elementary Nutrition Education Study at a Southern Guam elementary school during the 2001-2002 school year to evaluate the effectiveness of nutrition education and increased physical activity. The Elementary Education Project was aimed at grades 3rd - 5th and increased efforts were directed towards Chamorros and Filipinos who comprise 73% of the population. Since the Elementary Nutrition Education Project was conducted at one school, the target number of kids served were under 500 kids.

The Elementary Nutrition Education Project showed 21% of subjects (3rd, 4th, and 5th graders) were overweight (overweight defined as BMI greater than age and sex-specific 85th percentile). The study found Chamorro subjects surveyed were 84% overweight, whereas Filipino subjects were only 7% overweight.

Source: Dawn M. Oakley, MPH, RD, LD, CDE conducted this study. Ms. Oakley is a registered dietitian, certified diabetes educator, and has a master's degree in public health nutrition. She is a nutrition specialist with the Department of Public Health and Social Services, General Nutrition Services.