
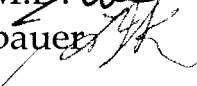



I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) Regular Session

Bill No. 164 (EC)

Introduced by:

Mike Cruz, M.D.   
L. F. Kasperbauer   
J. A. Lujan 

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.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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

8 Guam leads the nation in heart disease and obesity related ailments,  
9 such as diabetes. It impacts not only health, but also the financial expense  
10 of treating these illnesses. Steps need to be taken now to improve the

1 health of our future generation, as well as reduce future health costs for the  
2 coming generation.

3 Health professionals often use a Body Mass Index (BMI) 'growth  
4 chart' to help them assess whether a child or adolescent is overweight.  
5 Therefore, it is the intent of *I Liheslaturan Guåhan* to implement the Body  
6 Mass Index in Guam's Public School System and provide a confidential  
7 report to the student's parents or legal guardians. Additionally, the BMI  
8 shall be a tool to collect data for health officials to assess the general health  
9 of students by developing a Comprehensive Nutrition and Physical Fitness  
10 Plan.

11 **Section 2. Section 3207, Article 2, Division 2, Title 17 of the Guam**  
12 **Code Annotated is hereby *amended* to read as follows:**

13 **§ 3207. Physical Fitness.** The Board shall develop a physical fitness  
14 program for all students in the elementary and secondary schools, taking  
15 into consideration the age, sex and health condition of students. Such  
16 program shall include a periodical physical fitness achievement test, and,  
17 as feasible, intramural and other athletic competition. As part of the  
18 physical fitness program, schools shall provide parents or legal guardians  
19 periodic reports of their child's body mass index (BMI), which shall be  
20 computed and distributed to parents or legal guardians in such a manner  
21 that respects the student's privacy. The computation of the BMI must be  
22 done properly in a uniform standard, such as the University of California  
23 Berkeley's 'Guidelines for Collecting Heights and Weights on Children and

1 Adolescents in School Settings.' The report must also include: an  
2 explanation that body mass index is only a screening tool, not an  
3 evaluative tool for diagnosing a person as overweight; an explanation of  
4 the connection between a body mass index that is above the normal range  
5 and obesity, diabetes, and other health problems, together with references  
6 to local community health programs for nutrition and physical activity  
7 resources; and the suggestion that the parent seek a primary care  
8 provider's evaluation. Such program shall be implemented in accordance  
9 with the availability of facilities and personnel.

10 For purposes of this section, *Body Mass Index* (BMI) is a calculation  
11 that uses a child's height, age, and weight to estimate how much body fat  
12 he or she has compared to population-referenced standards.

13 **Section 3. Comprehensive Nutrition and Physical Fitness Plan.**

14 The Guam Public School System shall utilize the BMI to develop a  
15 Comprehensive Nutrition and Physical Fitness Plan, which shall be  
16 approved by the Guam Education Policy Board. The objectives of this plan  
17 may include, but are not limited to, the adoption of rules and training for  
18 the physical activity of students, nutrition education, the school lunch  
19 program, increasing awareness of healthy eating choices, and study the  
20 healthfulness of the school environment.

21 The Guam Education Policy Board shall submit the plan to *I*  
22 *Liheslaturan Guåhan* with recommendations for any legislation by June 1,  
23 2006.

1           **Section 5. Appropriation.**   The sum of \$150,000.00 shall be  
2 appropriated from the Healthy Futures Funds to the Guam Public School  
3 Systems to develop a Comprehensive Nutrition and Physical Fitness Plan.

4           **Section 6. Severability.**   *If* any provision of this Law or its  
5 application to any person or circumstance is found to be invalid or contrary  
6 to law, such invalidity shall *not* affect other provisions or applications of  
7 this Law, which can be given effect without the invalid provisions or  
8 application, and to this end the provisions of this Law are severable.