

March 15, 2013

Senator Galen Hadley
Revenue Committee
State Capitol, Room 1116
Lincoln, NE 68509

Dear Senator Hadley and members of the Revenue Committee:

I am writing in regard to LB 447. The Department is concerned with the section of this bill which includes soft drinks in the defined list of taxable categories of food and requirements of the Supplemental Nutrition Assistance Program (SNAP).

The United States Department of Agriculture, Food and Nutrition Service specifically states that food purchased with SNAP, formerly known as Food Stamps cannot be subject to tax. The Food Stamp Act - Section 3(g) defines food as "any food or food product for home consumption except alcoholic beverages, tobacco, and hot foods or hot food products ready for immediate consumption other than those authorized" Section 4(a) of the Act also states that "a State may not participate in the food stamp program if the Secretary determines that State or local sales taxes are collected within that State on purchases of food made with coupons issued under this Act."

Under LB 447, Nebraska could potentially be disqualified from participating in the federal SNAP program. This would impact approximately 75,000 households in Nebraska who currently receive SNAP at a loss to the State of Nebraska of \$260,350,616 in direct federal assistance.

In addition, there are apparent redundancies to current functions and activities within the DHHS Division of Public Health.

- Public schools are currently required to meet school health screening requirements found in state statutes (Neb. Rev. Stat. 79-248 through 79-253) and DHHS regulations, including a requirement to measure height and weight of students in grades 1, 4, 7 and 10 on an annual basis and calculate Body Mass Index (BMI). The DHHS School Health Program has for many years provided technical assistance and training to schools on screening methods and practices, culminating in the development of screening competencies in regulations for school health screenings. There is currently not a requirement for fitness testing as a health screening requirement and the bill is not explicit on how schools would conduct fitness testing.
- DHHS, through the School Health Program, is in the third year of planned iterative data project drawing screening and chronic disease data from schools on a voluntary basis. In 2011, several Division of Public Health programs gathered BMI data using a modified version of the CDC's Children's BMI Tool for Schools. A total of 303 schools from 61 school districts submitted data on 25,313 students. The report of this study is on the DHHS website at:

<http://dhhs.ne.gov/publichealth/Documents/2010-2011YouthBMISurveillanceProjectReport.pdf>

In 2013, the School Health Program is collecting information on the prevalence of chronic conditions among students in grades 1, 4, 7 and 10.

- LB 447 specifically names and allocates funding to the University of Nebraska at Kearney (UNK) for the weight and fitness data project and creation of a statewide database. The language of the bill is not clear on whether or not the weight and fitness data collected will be public data or private property of UNK. Other surveillance systems, such as the Centers for Disease Control and Prevention's Youth Risk Behavioral Survey System (YRBS), and the Behavioral Risk Factor Surveillance System (BRFSS) maintained by the DHHS Division of Public Health, and other DHHS databases, are publicly available. Local public health departments, to be eligible for continued funding through the Healthy Kids Fund, would report wellness activities to UNK. UNK would provide training to schools on data collection. In the data-gathering and training for data collection, the bill is redundant to current functions and activities of the DHHS School Health Program.

We appreciate the opportunity to share this important information as it relates to LB 447. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry T. Winterer". The signature is fluid and cursive, with the first name "Kerry" being more prominent and larger than the last name "Winterer".

Kerry T. Winterer
Chief Executive Officer
Department of Health and Human Services

Cc: Sen Bill Avery