

2019 Texas Senate Bill No. 1834, Texas Eighty-Sixth Legislature

TEXAS BILL TEXT

TITLE: Relating to a study and pilot program regarding the use of incentives to purchase certain fruits or vegetables under the supplemental nutrition assistance program.

VERSION: Adopted

June 10, 2019

Alvarado, Johnson, Zaffirini, Rose, Rodriguez, Thompson, Senfronia, Collier



Image 1 within document in PDF format.

SUMMARY: S.B. 1834 will give low-income Texans access to affordable healthy foods through a pilot supplemental nutrition assistance program (SNAP) incentive program that will further stretch SNAP dollars. Low-income families are disproportionately impacted by obesity. SNAP is a program that helps millions of individuals and families with low incomes buy groceries. Almost 30 percent of all Texas children benefit from the SNAP program and over half of SNAP recipients in Texas are under 18. Through the Farm Bill, the federal government set aside \$250 million over five years for SNAP incentive programs to encourage fresh produce consumption. Texas has started to take the steps to promote the availability of SNAP incentive programs statewide, like the popular Sustainable Food Center Double Dollars project. The Double Dollars program gives SNAP recipients an extra dollar for every dollar of SNAP benefits spent on locally grown fresh fruits and vegetables. Several other successful SNAP incentive programs exist at the local level, but no state-level programming or investment exists. Farmers, grocery store owners, farmers' market vendors, and small retail stores benefit from higher sales of locally grown produce. This bill gives HHSC the authority to: i study local SNAP incentive programs across the state; and ii create a state pilot program to incentivize the purchase of fresh fruits and vegetables in the SNAP program. (Original Author's/Sponsor's Statement of Intent) S.B. 1834 amends current law relating to a study and pilot program regarding the use of incentives to purchase certain fruits or vegetables under the supplemental nutrition assistance program.

TEXT:

S.B. No. 1834

AN ACT relating to a study and pilot program regarding the use of incentives to purchase certain fruits or vegetables under the supplemental nutrition assistance program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Sections 33.035 and 33.036 to read as follows:

Sec. 33.035. PILOT PROGRAM TO INCENTIVIZE PURCHASE OF TEXAS-GROWN FRUITS OR VEGETABLES UNDER SNAP. (a) In this section:

(1) "Eligible fruits or vegetables" means any variety of fresh, canned, dried, or frozen whole or cut fruits or vegetables:

(A) with no added sugars, fats, oils, or salt; and

(B) that are produced or harvested in this state. (2) "Incentive" means a financial benefit provided to a recipient of supplemental nutrition assistance program benefits that encourages the recipient to purchase eligible fruits or vegetables.

(3) "Pilot program" means the pilot program described by Subsection (b).

(4) "Retailer" has the meaning assigned by Section 33.0023.

(b) The commission, in consultation with the work group established under Subsection (c), may establish a pilot program in one or more geographic areas of this state through which:

(1) a recipient of supplemental nutrition assistance program benefits is able to receive an incentive when purchasing eligible fruits or vegetables from a retailer that may be used toward a subsequent purchase of eligible fruits or vegetables; and

(2) a retailer is authorized to publicize the incentive to recipients of supplemental nutrition assistance program benefits.

(c) The commission shall establish a work group to assist the commission with the study described by Section 33.036 and, as applicable, provide input for the establishment of the pilot program. The work group must be composed of relevant stakeholders from rural and urban areas throughout this state who have expertise in providing incentives under the supplemental nutrition assistance program. At least one member of the work group must have direct marketing representative experience in operating a comparable program.

(d) The executive commissioner shall appoint one member of the work group to serve as presiding officer.

(e) The work group is not subject to Chapter 2110, Government Code.

(f) A member of the work group may not receive compensation for serving on the work group and may not be reimbursed for travel or other expenses incurred while conducting the business of the work group.

(g) If the commission establishes the pilot program under this section, the commission may contract with an entity that has appropriate experience and expertise in administering comparable programs to administer the pilot program.

(h) The commission may solicit and accept gifts, grants, and donations from any source to establish and administer the pilot program or to perform any other duty under this section.

(i) If the commission establishes the pilot program under this section, the commission, with assistance from the work group, shall:

(1) develop and the executive commissioner shall submit any necessary applications to obtain a federal waiver to operate the pilot program; and

(2) apply for any available federal money to operate the program, including federal nutrition incentives available under Section 4205, Agriculture Improvement Act of 2018 (7 U.S.C. Section 7517).

(j) The commission may delay the operation of the pilot program, as applicable, until the commission receives federal money to operate the program or until money is appropriated or donated to the commission to operate the program.

Sec. 33.036. STUDY ON EXISTING PROGRAMS THAT INCENTIVIZE PURCHASE OF TEXAS-GROWN FRUITS OR VEGETABLES UNDER SNAP. (a) In this section, "eligible fruits or vegetables" and "incentive" have the meanings assigned by Section 33.035.

(b) The commission, in consultation with the work group established under Section 33.035, shall conduct a study on programs in this state that provide incentives for the purchase of eligible fruits or vegetables under the supplemental nutrition assistance program. The study must include:

(1) an inventory of existing programs that provide incentives for the purchase of eligible fruits or vegetables under the supplemental nutrition assistance program, including details on how the programs are funded;

(2) recommendations on increasing the number and availability of programs in this state that provide incentives for the purchase of eligible fruits or vegetables under the supplemental nutrition assistance program; and

(3) an analysis of:

(A) strategies to encourage the purchase of eligible fruits or vegetables using supplemental nutrition assistance program benefits;

(B) the potential impact of programs in this state that provide incentives for the purchase of eligible fruits or vegetables on the specialty crop industry in this state; and

(C) federal programs and money available to encourage the purchase of eligible fruits or vegetables using supplemental nutrition assistance program benefits, including the Food Insecurity Nutrition Incentive (FINI) Grant Program operated by the United States Department of Agriculture.

(c) The commission may solicit and accept gifts, grants, and donations from any source to conduct the study.

(d) Not later than December 1, 2020, the commission shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature having primary jurisdiction over health and human services a written report that summarizes the commission's findings under Subsection (b) and recommendations for legislative or other action.

(e) This section expires September 1, 2021.

SECTION 2. As soon as practicable after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules necessary to implement Sections 33.035 and 33.036, Human Resources Code, as added by this Act.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019. _____

President of the Senate Speaker of the House

I hereby certify that S.B. No. 1834 passed the Senate on April 25, 2019, by the following vote: Yeas 26, Nays 4.
_____ Secretary of the Senate

I hereby certify that S.B. No. 1834 passed the House on May 21, 2019, by the following vote: Yeas 88, Nays 53, two present not voting. _____ Chief Clerk of the House Approved:

Date _____

Governor

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