

1-1 By: Nelson S.B. No. 343  
1-2 (In the Senate - Filed December 8, 2008; February 11, 2009,  
1-3 read first time and referred to Committee on Health and Human  
1-4 Services; March 2, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 March 2, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 343 By: Nelson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of an advisory committee to study the  
1-11 retail availability of healthy foods in certain underserved areas  
1-12 of this state.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. HEALTHY FOOD ADVISORY COMMITTEE. (a) The  
1-15 executive commissioner of the Health and Human Services Commission  
1-16 and the commissioner of the Department of Agriculture shall jointly  
1-17 establish an advisory committee to study and provide  
1-18 recommendations to the legislature regarding:

1-19 (1) the areas of this state that are underserved in the  
1-20 retail availability of fresh fruits and vegetables and other  
1-21 healthy foods; and

1-22 (2) the impact of the limited retail availability on  
1-23 proper nutrition and on obesity and related chronic illnesses.

1-24 (b) The advisory committee consists of eight members as  
1-25 follows:

1-26 (1) four members appointed by the executive  
1-27 commissioner of the Health and Human Services Commission; and

1-28 (2) four members appointed by the commissioner of the  
1-29 Department of Agriculture.

1-30 (c) In appointing members of the advisory committee, the  
1-31 executive commissioner of the Health and Human Services Commission  
1-32 and the commissioner of the Department of Agriculture shall ensure  
1-33 that the members reflect the diversity of this state, with members  
1-34 representing:

1-35 (1) rural areas;

1-36 (2) urban areas; and

1-37 (3) different geographical regions of the state.

1-38 (d) An advisory committee member is not entitled to  
1-39 reimbursement of expenses or to compensation.

1-40 (e) The advisory committee shall meet not later than the  
1-41 30th day after the date the initial appointments are made and shall  
1-42 select a presiding officer. The committee shall meet regularly as  
1-43 necessary at the call of the presiding officer.

1-44 (f) The advisory committee shall:

1-45 (1) investigate the retail availability of fresh  
1-46 fruits and vegetables and other healthy foods in this state;

1-47 (2) develop recommendations for creating and a plan  
1-48 for implementing a statewide financing program to bring fresh food  
1-49 retailers into areas of this state that are underserved in regard to  
1-50 the retail availability of fresh fruits and vegetables and other  
1-51 healthy foods; and

1-52 (3) perform other advisory duties as requested by the  
1-53 executive commissioner of the Health and Human Services Commission  
1-54 or the commissioner of the Department of Agriculture regarding the  
1-55 availability of fresh fruits and vegetables and other healthy foods  
1-56 in this state.

1-57 (g) Not later than September 1, 2010, the advisory committee  
1-58 shall submit to the legislature a report outlining:

1-59 (1) the costs, benefits, and feasibility of a  
1-60 statewide financing program to bring fresh food retailers into  
1-61 areas of this state that are underserved in regard to the retail  
1-62 availability of fresh fruits and vegetables and other healthy  
1-63 foods; and

2-1 (2) a plan for implementing the program.

2-2 SECTION 2. INAPPLICABILITY OF CERTAIN LAW. Chapter 2110,  
2-3 Government Code, does not apply to the advisory committee  
2-4 established under this Act.

2-5 SECTION 3. EXPIRATION. The advisory committee established  
2-6 under this Act is abolished and this Act expires September 1, 2011.

2-7 SECTION 4. EFFECTIVE DATE. This Act takes effect  
2-8 immediately if it receives a vote of two-thirds of all the members  
2-9 elected to each house, as provided by Section 39, Article III, Texas  
2-10 Constitution. If this Act does not receive the vote necessary for  
2-11 immediate effect, this Act takes effect September 1, 2009.

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