

By: King of Taylor

H.B. No. 3451

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to allowable food purchases under the supplemental  
3 nutrition assistance program.

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

5 SECTION 1. FINDINGS AND DECLARATION OF POLICY. The  
6 legislature finds that:

7 (1) Texans are committed to ensuring the health of  
8 families and children and understand the importance of the role  
9 preventive health care measures have on population health and the  
10 state economy;

11 (2) consuming healthy foods such as fruits,  
12 vegetables, whole grains, fat-free and low-fat dairy products, and  
13 seafood, and consuming fewer foods with sodium, saturated and trans  
14 fats, added sugars, and refined grains, are important preventive  
15 health care measures; and

16 (3) tax dollars intended to support a family's access  
17 to an adequate and nutritional diet should not be diverted to  
18 subsidize the purchase of items of minimal nutritional value.

19 SECTION 2. WAIVER OR OTHER AUTHORIZATION TO ALIGN ALLOWABLE  
20 FOOD ITEMS UNDER CERTAIN PROGRAMS. (a) The executive commissioner  
21 of the Health and Human Services Commission, the Department of  
22 State Health Services, and the Texas Department of Agriculture  
23 shall develop and seek a waiver or other appropriate authorization  
24 from the United States secretary of agriculture under Section 17,

1 Food and Nutrition Act of 2008 (7 U.S.C. Section 2026), to restrict  
2 the purchase of food items with minimal nutritional value under the  
3 supplemental nutrition assistance program provided under Chapter  
4 33, Human Resources Code, by amending the list of allowable food  
5 items under the program to better align that list with the allowable  
6 food purchases under the Special Supplemental Nutrition Program for  
7 Women, Infants and Children established under 42 U.S.C. Section  
8 1786 and the national free or reduced-price lunch program  
9 established under 42 U.S.C. Section 1751 et seq.

10 (b) As soon as practicable after the effective date of this  
11 Act, the agencies described by Subsection (a) of this section shall  
12 apply for and actively pursue the waiver or other authorization as  
13 required by that subsection.

14 SECTION 3. EFFECTIVE DATE. This Act takes effect  
15 immediately if it receives a vote of two-thirds of all the members  
16 elected to each house, as provided by Section 39, Article III, Texas  
17 Constitution. If this Act does not receive the vote necessary for  
18 immediate effect, this Act takes effect September 1, 2011.