

BILL ANALYSIS

C.S.H.B. 948
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The supplemental nutrition assistance program (SNAP), formerly known as the food stamps program, is the largest food assistance program in the United States. The program is federally funded and administered by the state through the Health and Human Services Commission. The State of Texas provides billions of dollars of SNAP benefits each year, and the program costs hundreds of millions of dollars to administer.

Interested parties assert that, despite clear research on and the adoption of nutritional guidelines in other federal nutrition assistance programs, SNAP currently does not operate under sufficient nutritional guidelines. The parties further assert that there currently is no way for the state to discourage retailers from advertising the acceptance of SNAP benefits around unhealthy food items. C.S.H.B. 948 seeks to address these issues.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 948 amends the Human Resources Code to require the Health and Human Services Commission (HHSC) to develop and seek waivers or other appropriate authorization from the United States Department of Agriculture or other applicable federal agency to implement the following separate pilot projects: a five-year pilot project in which recipients of benefits under the supplemental nutrition assistance program (SNAP) are provided targeted nutrition education or nutrition guidelines to encourage the recipients to purchase healthy foods and a five-year pilot project in which recipients of SNAP benefits receive additional benefits at the point of sale if the recipients purchase certain healthy foods. The bill authorizes a pilot project developed under the bill's provisions to be implemented only in a municipality or county the governing body of which authorizes participation in the pilot project.

C.S.H.B. 948 requires HHSC to submit a report containing an update on each pilot project to the legislature not later than the 30th day after the two-year anniversary and the four-year anniversary of the date of the commencement of the pilot project and to submit a report containing an evaluation of each pilot project, including recommendations regarding the continuation or expansion of the project, to the legislature not later than the 90th day after the date the pilot project is completed. The bill requires HHSC to make available to the United States Department of Agriculture or other applicable federal agency any report prepared under the bill's provisions and any data collected by HHSC in relation to the report and authorizes HHSC to collaborate with a public or private institution of higher education in preparing the required reports.

C.S.H.B. 948 requires HHSC to encourage a retailer to promote the purchase of healthy foods in

any advertising displayed by the retailer relating to the retailer's participation in SNAP and to discourage a retailer from displaying advertising relating to the retailer's participation in SNAP near food of minimal nutritional value. The bill requires HHSC, not later than December 1 of each even-numbered year, to submit to the legislature a report summarizing HHSC's efforts to discourage recipients of SNAP benefits from purchasing food of minimal nutritional value and to encourage recipients of SNAP benefits to purchase healthy foods. The bill authorizes HHSC to include such a report in another report that HHSC is required to submit to the legislature, if appropriate.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 948 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 33, Human Resources Code, is amended by adding Sections 33.032, 33.033, 33.034, and 33.035 to read as follows:

Sec. 33.032. PILOT PROJECTS TO ENCOURAGE HEALTHY FOOD CHOICES. (a) In this section, "private or independent institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b) The department shall develop and seek waivers or other appropriate authorization from the United States Department of Agriculture or other applicable federal agency to implement the following separate pilot projects:

(1) a five-year pilot project in which recipients of benefits under the supplemental nutrition assistance program are restricted from purchasing food of minimal nutritional value, as defined by Section 33.033; and

(2) a five-year pilot project in which recipients of benefits under the supplemental nutrition assistance program receive additional benefits at the point of sale if the recipients purchase certain healthy foods.

(c) A pilot project developed under this section may be implemented only in a municipality or county the governing body of which authorizes participation in the pilot project.

(d) Not later than the 30th day after the

HOUSE COMMITTEE SUBSTITUTE

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(a) The department shall develop and seek waivers or other appropriate authorization from the United States Department of Agriculture or other applicable federal agency to implement the following separate pilot projects:

(1) a five-year pilot project in which recipients of benefits under the supplemental nutrition assistance program are provided targeted nutrition education or nutrition guidelines to encourage the recipients to purchase healthy foods; and

(2) a five-year pilot project in which recipients of benefits under the supplemental nutrition assistance program receive additional benefits at the point of sale if the recipients purchase certain healthy foods.

(b) A pilot project developed under this section may be implemented only in a municipality or county the governing body of which authorizes participation in the pilot project.

(c) Not later than the 30th day after the

two-year anniversary and the four-year anniversary of the date of the commencement of each pilot project implemented under this section, the department, in collaboration with a private or independent institution of higher education, shall submit a report containing an update on the pilot project to the legislature.

(e) Not later than the 90th day after the date a pilot project implemented under this section is completed, the department, in collaboration with a private or independent institution of higher education, shall submit a report containing an evaluation of the pilot project to the legislature, including recommendations regarding the continuation or expansion of the project.

(f) The department shall make available to the United States Department of Agriculture or other applicable federal agency any report prepared under Subsection (d) or (e) and any data collected by the department in relation to the report.

(See Subsections (c) and (d) above.)

Sec. 33.033. ADVERTISING BY SNAP RETAILERS.

Sec. 33.034. REPORT ON EFFORTS TO ENCOURAGE HEALTHY FOOD PURCHASES.

Sec. 33.035. ADJUSTMENT OF BENEFITS UPON CHILD'S REMOVAL FROM HOUSEHOLD. The executive commissioner shall adopt rules to ensure that supplemental nutrition assistance benefits provided to a household are appropriately ceased or reduced when a child is removed from the household by the Department of Family and Protective Services or in accordance with a court order.

SECTION 2. Not later than January 1, 2014, the executive commissioner of the Health and Human Services Commission shall adopt the rules required by Section 33.035, Human Resources Code, as added by this Act.

two-year anniversary and the four-year anniversary of the date of the commencement of each pilot project implemented under this section, the department shall submit a report containing an update on the pilot project to the legislature.

(d) Not later than the 90th day after the date a pilot project implemented under this section is completed, the department shall submit a report containing an evaluation of the pilot project to the legislature, including recommendations regarding the continuation or expansion of the project.

(e) The department shall make available to the United States Department of Agriculture or other applicable federal agency any report prepared under Subsection (c) or (d) and any data collected by the department in relation to the report.

(f) The department may collaborate with a public or private institution of higher education in preparing the reports required under Subsections (c) and (d).

Sec. 33.033. ADVERTISING BY SNAP RETAILERS.

Sec. 33.034. REPORT ON EFFORTS TO ENCOURAGE HEALTHY FOOD PURCHASES.

No equivalent provision.

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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, 2013.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.