

By: Raymond

H.B. No. 1101

A BILL TO BE ENTITLED

AN ACT

1  
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 shall develop and seek a  
22 waiver or other appropriate authorization from the United States  
23 secretary of agriculture under Section 17, Food and Nutrition Act  
24 of 2008 (7 U.S.C. Section 2026), to restrict the purchase of food

1 items with minimal nutritional value under the supplemental  
2 nutrition assistance program provided under Chapter 33, Human  
3 Resources Code, by:

4 (1) amending the list of allowable food items under  
5 the program to better align that list with the allowable food  
6 purchases under the national free or reduced-price lunch program  
7 established under 42 U.S.C. Section 1751 et seq.; and

8 (2) restricting the purchase of food items considered  
9 to have minimal nutritional value under the national free or  
10 reduced-price lunch program, including items in the categories of  
11 foods listed in 7 C.F.R. Part 210, Appendix B.

12 (b) As soon as practicable after the effective date of this  
13 Act, the Health and Human Services Commission shall apply for and  
14 actively pursue the waiver or other authorization as required by  
15 that subsection.

16 SECTION 3. EFFECTIVE DATE. This Act takes effect  
17 immediately if it receives a vote of two-thirds of all the members  
18 elected to each house, as provided by Section 39, Article III, Texas  
19 Constitution. If this Act does not receive the vote necessary for  
20 immediate effect, this Act takes effect September 1, 2013.