

By: Rose

H.B. No. 3541

Substitute the following for H.B. No. 3541:

By: Deshotel

C.S.H.B. No. 3541

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a study and pilot program regarding the use of
3 incentives to purchase certain fruits or vegetables under the
4 supplemental nutrition assistance program.

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

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

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

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

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

15 (B) that are produced or harvested in this state.

16 (2) "Incentive" means a financial benefit provided to
17 a recipient of supplemental nutrition assistance program benefits
18 that encourages the recipient to purchase eligible fruits or
19 vegetables.

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

22 (4) "Retailer" has the meaning assigned by Section
23 33.0023.

24 (b) The commission, in consultation with the work group

1 established under Subsection (c), may establish a pilot program in
2 one or more geographic areas of this state through which:

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

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

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

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

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

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

27 (g) If the commission establishes the pilot program under

1 this section, the commission may contract with an entity that has
2 appropriate experience and expertise in administering comparable
3 programs to administer the pilot program.

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

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

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

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

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

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

25 (b) The commission, in consultation with the work group
26 established under Section 33.035, shall conduct a study on programs
27 in this state that provide incentives for the purchase of eligible

1 fruits or vegetables under the supplemental nutrition assistance
2 program. The study must include:

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

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

11 (3) an analysis of:

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

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

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

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

25 (d) Not later than December 1, 2020, the commission shall
26 prepare and submit to the governor, the lieutenant governor, the
27 speaker of the house of representatives, and each standing

1 committee of the legislature having primary jurisdiction over
2 health and human services a written report that summarizes the
3 commission's findings under Subsection (b) and recommendations for
4 legislative or other action.

5 (e) This section expires September 1, 2021.

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

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

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