

By: Rose

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  
21 established under 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), shall establish a pilot program  
2 in 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 provide  
11 input for the establishment of the pilot program. The work group  
12 must be composed of relevant stakeholders from rural and urban  
13 areas throughout this state who have expertise in providing  
14 incentives under the supplemental nutrition assistance program. At  
15 least one member of the work group must have direct marketing  
16 representative experience in operating a comparable program.

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

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

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

25 (g) The commission may contract with an entity that has  
26 appropriate experience and expertise in administering comparable  
27 programs to administer the pilot program.

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

4       (i) The commission, with assistance from the work group,  
5 shall:

6           (1) develop and the executive commissioner shall  
7 submit any necessary applications to obtain a federal waiver to  
8 operate the pilot program; and

9           (2) apply for any available federal money to operate  
10 the program, including federal nutrition incentives available  
11 under Section 4205, Agriculture Improvement Act of 2018 (7 U.S.C.  
12 Section 7517).

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

17       (b) The commission, in consultation with the work group  
18 established under Section 33.035, shall conduct a study on programs  
19 in this state that provide incentives for the purchase of eligible  
20 fruits or vegetables under the supplemental nutrition assistance  
21 program. The study must include:

22           (1) an inventory of existing programs that provide  
23 incentives for the purchase of eligible fruits or vegetables under  
24 the supplemental nutrition assistance program, including details  
25 on how the programs are funded;

26           (2) recommendations on increasing the number and  
27 availability of programs in this state that provide incentives for

1 the purchase of eligible fruits or vegetables under the  
2 supplemental nutrition assistance program; and

3 (3) an analysis of:

4 (A) strategies to encourage the purchase of  
5 eligible fruits or vegetables using supplemental nutrition  
6 assistance program benefits;

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

10 (C) federal programs and money available to  
11 encourage the purchase of eligible fruits or vegetables using  
12 supplemental nutrition assistance program benefits, including the  
13 Food Insecurity Nutrition Incentive (FINI) Grant Program operated  
14 by the United States Department of Agriculture.

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

17 (d) Not later than December 1, 2020, the commission shall  
18 prepare and submit to the governor, the lieutenant governor, the  
19 speaker of the house of representatives, and each standing  
20 committee of the legislature having primary jurisdiction over  
21 health and human services a written report that summarizes the  
22 commission's findings under Subsection (b) and recommendations for  
23 legislative or other action.

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

25 SECTION 2. As soon as practicable after the effective date  
26 of this Act, the executive commissioner of the Health and Human  
27 Services Commission shall adopt rules necessary to implement

1 Sections 33.035 and 33.036, Human Resources Code, as added by this  
2 Act.

3 SECTION 3. If before implementing any provision of this Act  
4 a state agency determines that a waiver or authorization from a  
5 federal agency is necessary for implementation of that provision,  
6 the agency affected by the provision shall request the waiver or  
7 authorization and may delay implementing that provision until the  
8 waiver or authorization is granted.

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