

1-1 By: Alvarado S.B. No. 1834
 1-2 (In the Senate - Filed March 7, 2019; March 18, 2019, read
 1-3 first time and referred to Committee on Health & Human Services;
 1-4 April 17, 2019, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 17, 2019,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1834 By: Perry

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to a study and pilot program regarding the use of
 1-22 incentives to purchase certain fruits or vegetables under the
 1-23 supplemental nutrition assistance program.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter A, Chapter 33, Human Resources Code,
 1-26 is amended by adding Sections 33.035 and 33.036 to read as follows:

1-27 Sec. 33.035. PILOT PROGRAM TO INCENTIVIZE PURCHASE OF
 1-28 TEXAS-GROWN FRUITS OR VEGETABLES UNDER SNAP. (a) In this section:

1-29 (1) "Eligible fruits or vegetables" means any variety
 1-30 of fresh, canned, dried, or frozen whole or cut fruits or
 1-31 vegetables:

1-32 (A) with no added sugars, fats, oils, or salt;
 1-33 and

1-34 (B) that are produced or harvested in this state.

1-35 (2) "Incentive" means a financial benefit provided to
 1-36 a recipient of supplemental nutrition assistance program benefits
 1-37 that encourages the recipient to purchase eligible fruits or
 1-38 vegetables.

1-39 (3) "Pilot program" means the pilot program described
 1-40 by Subsection (b).

1-41 (4) "Retailer" has the meaning assigned by Section
 1-42 33.0023.

1-43 (b) The commission, in consultation with the work group
 1-44 established under Subsection (c), may establish a pilot program in
 1-45 one or more geographic areas of this state through which:

1-46 (1) a recipient of supplemental nutrition assistance
 1-47 program benefits is able to receive an incentive when purchasing
 1-48 eligible fruits or vegetables from a retailer that may be used
 1-49 toward a subsequent purchase of eligible fruits or vegetables; and

1-50 (2) a retailer is authorized to publicize the
 1-51 incentive to recipients of supplemental nutrition assistance
 1-52 program benefits.

1-53 (c) The commission shall establish a work group to assist
 1-54 the commission with the study described by Section 33.036 and, as
 1-55 applicable, provide input for the establishment of the pilot
 1-56 program. The work group must be composed of relevant stakeholders
 1-57 from rural and urban areas throughout this state who have expertise
 1-58 in providing incentives under the supplemental nutrition
 1-59 assistance program. At least one member of the work group must have
 1-60 direct marketing representative experience in operating a

2-1 comparable program.

2-2 (d) The executive commissioner shall appoint one member of
2-3 the work group to serve as presiding officer.

2-4 (e) The work group is not subject to Chapter 2110,
2-5 Government Code.

2-6 (f) A member of the work group may not receive compensation
2-7 for serving on the work group and may not be reimbursed for travel
2-8 or other expenses incurred while conducting the business of the
2-9 work group.

2-10 (g) If the commission establishes the pilot program under
2-11 this section, the commission may contract with an entity that has
2-12 appropriate experience and expertise in administering comparable
2-13 programs to administer the pilot program.

2-14 (h) The commission may solicit and accept gifts, grants, and
2-15 donations from any source to establish and administer the pilot
2-16 program or to perform any other duty under this section.

2-17 (i) If the commission establishes the pilot program under
2-18 this section, the commission, with assistance from the work group,
2-19 shall:

2-20 (1) develop and the executive commissioner shall
2-21 submit any necessary applications to obtain a federal waiver to
2-22 operate the pilot program; and

2-23 (2) apply for any available federal money to operate
2-24 the program, including federal nutrition incentives available
2-25 under Section 4205, Agriculture Improvement Act of 2018 (7 U.S.C.
2-26 Section 7517).

2-27 (j) The commission may delay the operation of the pilot
2-28 program, as applicable, until the commission receives federal money
2-29 to operate the program or until money is appropriated or donated to
2-30 the commission to operate the program.

2-31 Sec. 33.036. STUDY ON EXISTING PROGRAMS THAT INCENTIVIZE
2-32 PURCHASE OF TEXAS-GROWN FRUITS OR VEGETABLES UNDER SNAP. (a) In
2-33 this section, "eligible fruits or vegetables" and "incentive" have
2-34 the meanings assigned by Section 33.035.

2-35 (b) The commission, in consultation with the work group
2-36 established under Section 33.035, shall conduct a study on programs
2-37 in this state that provide incentives for the purchase of eligible
2-38 fruits or vegetables under the supplemental nutrition assistance
2-39 program. The study must include:

2-40 (1) an inventory of existing programs that provide
2-41 incentives for the purchase of eligible fruits or vegetables under
2-42 the supplemental nutrition assistance program, including details
2-43 on how the programs are funded;

2-44 (2) recommendations on increasing the number and
2-45 availability of programs in this state that provide incentives for
2-46 the purchase of eligible fruits or vegetables under the
2-47 supplemental nutrition assistance program; and

2-48 (3) an analysis of:

2-49 (A) strategies to encourage the purchase of
2-50 eligible fruits or vegetables using supplemental nutrition
2-51 assistance program benefits;

2-52 (B) the potential impact of programs in this
2-53 state that provide incentives for the purchase of eligible fruits
2-54 or vegetables on the specialty crop industry in this state; and

2-55 (C) federal programs and money available to
2-56 encourage the purchase of eligible fruits or vegetables using
2-57 supplemental nutrition assistance program benefits, including the
2-58 Food Insecurity Nutrition Incentive (FINI) Grant Program operated
2-59 by the United States Department of Agriculture.

2-60 (c) The commission may solicit and accept gifts, grants, and
2-61 donations from any source to conduct the study.

2-62 (d) Not later than December 1, 2020, the commission shall
2-63 prepare and submit to the governor, the lieutenant governor, the
2-64 speaker of the house of representatives, and each standing
2-65 committee of the legislature having primary jurisdiction over
2-66 health and human services a written report that summarizes the
2-67 commission's findings under Subsection (b) and recommendations for
2-68 legislative or other action.

2-69 (e) This section expires September 1, 2021.

3-1 SECTION 2. As soon as practicable after the effective date
3-2 of this Act, the executive commissioner of the Health and Human
3-3 Services Commission shall adopt rules necessary to implement
3-4 Sections 33.035 and 33.036, Human Resources Code, as added by this
3-5 Act.

3-6 SECTION 3. If before implementing any provision of this Act
3-7 a state agency determines that a waiver or authorization from a
3-8 federal agency is necessary for implementation of that provision,
3-9 the agency affected by the provision shall request the waiver or
3-10 authorization and may delay implementing that provision until the
3-11 waiver or authorization is granted.

3-12 SECTION 4. This Act takes effect immediately if it receives
3-13 a vote of two-thirds of all the members elected to each house, as
3-14 provided by Section 39, Article III, Texas Constitution. If this
3-15 Act does not receive the vote necessary for immediate effect, this
3-16 Act takes effect September 1, 2019.

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