

By: Rodriguez

H.B. No. 482

A BILL TO BE ENTITLED

AN ACT

1
2 relating to programs to increase the availability of fresh produce
3 to, and the purchase and consumption of fresh produce by, certain
4 low-income individuals.

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

6 SECTION 1. Title 2, Agriculture Code, is amended by adding
7 Chapters 23 and 24 to read as follows:

8 CHAPTER 23. SMALL RETAILERS COMPETITIVE GRANT PILOT PROGRAM

9 Sec. 23.001. DEFINITIONS. In this chapter:

10 (1) "Fresh produce" means fresh fruits and vegetables.

11 (2) "Program" means the small retailers competitive
12 grant pilot program established under this chapter.

13 Sec. 23.002. ESTABLISHMENT OF SMALL RETAILERS COMPETITIVE
14 GRANT PILOT PROGRAM. (a) The department shall develop and
15 implement a small retailers competitive grant pilot program through
16 which the department will award grants to small retailers in
17 certain low-income communities in this state to increase the access
18 to fresh produce by individuals in those communities.

19 (b) The department by rule shall define "small retailer" for
20 purposes of this chapter.

21 (c) The department shall select at least two urban and at
22 least two rural counties in which to operate the program. To be
23 selected, a county must:

24 (1) have at least 75,000 residents who have net family

1 incomes below 100 percent of the federal poverty level; or

2 (2) have a poverty rate above the statewide average.

3 Sec. 23.003. ADVERTISEMENT. Before issuing a request for
4 proposals or awarding a grant under this chapter, the department
5 shall advertise the program by:

6 (1) posting information about the program on the
7 department's Internet website; and

8 (2) as the department determines appropriate,
9 distributing information about the program to food retailer
10 associations, fresh produce associations, chambers of commerce,
11 and other membership organizations with members that are small
12 retailers.

13 Sec. 23.004. ELIGIBILITY. A small retailer is eligible to
14 apply for a grant under the program if:

15 (1) the small retailer's place of business is located
16 within a county in which the department operates the program; and

17 (2) there is no other retailer of fresh produce within
18 a one-mile radius of the small retailer's place of business on the
19 date of the application.

20 Sec. 23.005. USE OF AWARDED GRANT MONEY. A grant recipient
21 may use grant money awarded under the program only to cover costs
22 that are approved by the department, which may include costs
23 related to:

24 (1) training employees regarding the proper storage of
25 fresh produce;

26 (2) training employees regarding the marketing of
27 fresh produce;

1 (3) obtaining marketing materials, including signage
2 and flyers;

3 (4) obtaining refrigeration units for the storage of
4 fresh produce; and

5 (5) obtaining technical assistance regarding
6 refrigeration units and other equipment required to store fresh
7 produce.

8 Sec. 23.006. GRANT RECIPIENT REPORTING REQUIREMENTS. A
9 grant recipient shall report information related to the program to
10 the department in the form and manner and at regular intervals as
11 prescribed by the department. Each report must include the
12 following information for the period covered by the report:

13 (1) the amount of fresh produce that was added to the
14 recipient's inventory as a result of the grant;

15 (2) the amount of monthly gross receipts earned from
16 the sale of fresh produce; and

17 (3) a detailed accounting of how the grant money was
18 spent.

19 Sec. 23.007. EVALUATION BY DEPARTMENT. The department
20 shall monitor and periodically evaluate:

21 (1) the performance of each grant recipient under the
22 program;

23 (2) how each grant recipient uses the grant money
24 awarded under the program; and

25 (3) the effect of the program on the ability of the
26 grant recipient to include fresh produce in the grant recipient's
27 inventory.

1 Sec. 23.008. FUNDING. The department shall seek and apply
2 for any available federal funding, including federal matching
3 funds, to assist with financing the program.

4 Sec. 23.009. REPORT TO LEGISLATURE. Not later than
5 December 1, 2010, the department shall submit an initial report to
6 the legislature that includes:

7 (1) an evaluation of the performance and operation of
8 the program; and

9 (2) recommendations on the continuation, elimination,
10 or expansion of the program.

11 Sec. 23.010. EXPIRATION. This chapter expires September 1,
12 2011.

13 CHAPTER 24. FARMERS' MARKET NUTRITION PROGRAM FOR SENIORS

14 Sec. 24.001. DEFINITION. In this chapter, "program" means
15 the farmers' market nutrition program for seniors established under
16 this chapter.

17 Sec. 24.002. ESTABLISHMENT OF FARMERS' MARKET NUTRITION
18 PROGRAM FOR SENIORS. Subject to available federal funding, the
19 department shall establish and implement a farmers' market
20 nutrition program for seniors in accordance with 7 U.S.C. Section
21 3007 to provide low-income persons who are 60 years of age or older
22 with fresh fruits, vegetables, and herbs through farmers' markets
23 and other local venues.

24 Sec. 24.003. FUNDING. The department shall seek and apply
25 for any available federal funding to finance the program.

26 Sec. 24.004. RULES. The department shall adopt rules
27 necessary to implement the program.

1 SECTION 2. Not later than January 1, 2010, the Department of
2 Agriculture shall implement the small retailers competitive grant
3 pilot program established under Chapter 23, Agriculture Code, as
4 added by this Act.

5 SECTION 3. As soon as practicable after the completion of
6 the small retailers competitive grant pilot program implemented
7 under Chapter 23, Agriculture Code, as added by this Act, but not
8 later than November 1, 2011, the Department of Agriculture shall
9 submit a final report to the legislature that includes an overall
10 evaluation of the performance and operation of the program.

11 SECTION 4. As soon as practicable, the Department of
12 Agriculture shall apply for and actively pursue federal funding to
13 implement the farmers' market nutrition program for seniors
14 established under Chapter 24, Agriculture Code, as added by this
15 Act. The department shall delay implementing the program until the
16 federal funding applied for under this section is granted.

17 SECTION 5. This Act takes effect September 1, 2009.