

By: Representative Stamps

To: Agriculture; Public
Health and Human Services

HOUSE BILL NO. 792

1 AN ACT TO ESTABLISH THE "HEALTHY FOODS ACCESS PROGRAM ACT";
2 TO DEFINE TERMINOLOGY USED IN THE ACT; TO REQUIRE THE MISSISSIPPI
3 DEPARTMENT OF AGRICULTURE AND COMMERCE TO ESTABLISH A PROGRAM TO
4 PROVIDE RESIDENTS OF FOOD DESERT COMMUNITIES WITH ACCESS TO FRESH
5 AND AFFORDABLE PRODUCE; TO REQUIRE THE DEPARTMENT TO SELECT
6 PARTNERING PROVIDERS TO ESTABLISH WEEKLY MARKETS IN THREE FOOD
7 DESERT COMMUNITIES; TO PRESCRIBE THE DUTIES OF THE DEPARTMENT AND
8 PARTNERING PROVIDERS; TO ESTABLISH THE MISSISSIPPI FOOD SYSTEMS
9 ADVISORY COUNCIL TO PROVIDE RECOMMENDATIONS REGARDING INCREASING
10 HEALTHY FOOD ACCESS FOR ALL MISSISSIPPI RESIDENTS, CREATING
11 ECONOMIC OPPORTUNITIES FOR MISSISSIPPI AGRICULTURAL PRODUCERS AND
12 FOOD-RELATED BUSINESSES; TO PROVIDE FOR THE COMPOSITION OF THE
13 COUNCIL AND PRESCRIBE ITS DUTIES AND RESPONSIBILITIES; TO
14 AUTHORIZE THE COUNCIL TO SEEK AND ACCEPT GIFTS, GRANTS OR
15 DONATIONS, INCLUDING IN-KIND DONATIONS, FROM PRIVATE OR PUBLIC
16 SOURCES FOR THE PURPOSE OF CARRYING OUT ITS DUTIES; TO REQUIRE THE
17 COUNCIL TO SUBMIT AN ANNUAL REPORT, BEGINNING ON DECEMBER 31,
18 2022, TO THE CHAIRMEN OF THE HOUSE AND SENATE AGRICULTURE
19 COMMITTEES; AND FOR RELATED PURPOSES.

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

21 **SECTION 1.** This act shall be known, and may be cited as, the
22 "Healthy Foods Access Program Act."

23 **SECTION 2.** As used in this act, the following terms shall
24 have the meaning ascribed in the section, unless context clearly
25 requires otherwise:



26 (a) "Council" means the Mississippi Food Systems
27 Advisory Council.

28 (b) "Department" means the Mississippi Department of
29 Agriculture and Commerce.

30 (c) "Federal WIC program" means the Special
31 Supplemental Nutrition Program for Women, Infants and Children,
32 established pursuant to the federal "Child Nutrition Act of 1966"
33 (42 USCS Section 1771, et seq.).

34 (d) "Food desert community" means a municipality, or
35 physically contiguous area in the state, in which residents have
36 limited access to nutritious foods, such as fresh fruits and
37 vegetables, through supermarkets, grocery stores and farmers
38 markets.

39 (e) "Food voucher" means any type of food voucher,
40 coupon, stamp, certificate, written authorization, or benefits
41 card, which has been issued to a person by a government entity in
42 accordance with the provisions of the Supplemental Nutrition
43 Assistance Program, the federal WIC program or any other federal
44 or state level nutrition or income assistance program.

45 (f) "Partnering provider" means an entity that
46 qualifies for allowable federal or state reimbursements for food
47 vouchers, and is selected by the Department of Agriculture to
48 participate in the program.



(g) "Program" means the food desert produce pilot program established by the Mississippi Department of Agriculture and Commerce as authorized under the provisions of this act.

(h) "Supplemental Nutrition Assistance Program" or "SNAP" means the Supplemental Nutrition Assistance Program, established pursuant to the federal "Food and Nutrition Act of 2008" (7 USCS Section 2011, et seq.).

SECTION 3. (1) The Mississippi Department of Agriculture and Commerce shall establish a program to provide residents of food desert communities with access to fresh and affordable produce. In establishing the program, the department shall select one or more partnering providers to establish weekly markets in three (3) food desert communities, one (1) of which shall be located in a rural area, in order to make fruits and vegetables more affordable to families and individuals with limited access to fresh food.

(2) The department shall:

(a) Solicit and select a partnering provider that demonstrates the ability to reliably provide a consistent, year-round supply of reasonably priced fresh fruits and vegetables to serve food desert communities;

(b) Work with food desert communities to identify and recruit a partnering provider to establish weekly markets, which may be operated in partnership with local public schools, community organizations or nonprofit organizations; and



(c) Engage in appropriate outreach efforts with food desert communities, the agricultural industry and the public concerning the availability of the program.

(3) A partnering provider that operates a market shall, at a minimum:

(a) Demonstrate to the department the ability to reliably provide a consistent, year-round supply of reasonably priced fresh fruits and vegetables;

(b) Accept cash, credit, debit and food vouchers for produce at any market operating under the program;

(c) Offer reduced price produce packages;

(d) Include storage guides containing information on how to keep the produce fresh and recipes for use of the produce; and

(e) Donate any surplus produce at the end of each market to food banks, food pantries, soup kitchens and other nonprofit organizations that distribute food to individuals in need located in the state.

(4) Within two (2) years after the date of enactment of this act, the department shall submit a written report to the Legislature:

(a) Summarizing the program established under this section;

(b) Identifying the partnering providers and food desert communities participating in the program, as well as the



99 number of families and individuals served by the markets, and the
100 amount of food vouchers redeemed at the markets; and

101 (c) Providing recommendations for legislative actions
102 to expand access to, and the affordability of, fruits and
103 vegetables to residents in food desert communities throughout the
104 state.

105 **SECTION 4.** (1) There is hereby established the Mississippi
106 Food Systems Advisory Council, which is created as an advisory
107 committee to provide recommendations regarding increasing healthy
108 food access for all Mississippi residents, creating economic
109 opportunities for Mississippi agricultural producers and
110 food-related businesses and strengthening local and regional food
111 systems.

112 (2) The council shall consist of the following members:

113 (a) One (1) representative of the State Department of
114 Education, appointed by the State Superintendent of Public
115 Education;

116 (b) One (1) representative of the State Department of
117 Health, appointed by the State Health Officer;

118 (c) One (1) representative of the Mississippi
119 Department of Agriculture and Commerce, appointed by the
120 Commissioner of Agriculture and Commerce;

121 (d) One (1) representative of the Mississippi
122 Department of Human Services, appointed by the Executive Director
123 of the Department of Human Services;



(e) One (1) representative of the Mississippi State University Extension Service, appointed by the Director of the Extension Service;

(f) One (1) representative of the Mississippi Development Authority, appointed by the Executive Director of the Mississippi Development Authority;

(g) Sixteen (16) members appointed by the Governor, as follows:

(i) Two (2) members who are recipients of a federal food assistance program, at least one (1) of whom is a recipient of SNAP;

(ii) Two (2) members who represent different sectors of agricultural production, one (1) of whom is a specialty crop producer, and at least one (1) of whom sells agricultural products to a public school or school district;

(iii) Two (2) members who represent food wholesalers or food retailers, one (1) of whom must be a direct market retailer;

(iv) One (1) member who represents a statewide anti-hunger organization;

(v) Two (2) members who are knowledgeable about federal agencies, one (1) of whom has expertise in federal food and nutrition services programs, and one (1) of whom has expertise in rural community and regional development programs or community and economic development programs;



(vi) One (1) member from an academic institution who specializes in economic systems, agriculture or health care;

(vii) Two (2) members who represent institutional procurement, one (1) of whom is from an educational setting, and one (1) of whom is from a health care setting;

(viii) One (1) member who represents a local, nonprofit, community organization engaged in a farm-to-school program or local food systems;

(ix) One (1) member who represents a food distributor or food hub;

(x) One (1) member who is knowledgeable about nutrition, preferably, a physician licensed in this state or a registered dietician; and

(xi) One (1) member who is a representative of a statewide healthy food systems organization.

(3) In making appointments to the council, the appointing authority shall ensure, to the extent possible, that the membership of the council includes geographic and social diversity, as well as a balance of expertise, both governmental and nongovernmental, in issues relating to Mississippi's food systems.

(4) Each member of the council shall serve at the pleasure of the appointing authority who appointed said member. Each member of the council shall serve a three-year term, except that the Governor shall appoint six (6) members to serve a two-year term



174 and four (4) members to serve four-year terms. An appointing
175 authority may reappoint the member for one (1) additional
176 three-year term.

177 (5) The appointing authorities shall make their initial
178 appointments to the council as specified in subsection (2) of this
179 section no later than August 15, 2021.

180 (6) Any vacancy on the council shall be filled in the same
181 manner in which the original appointment was made, and the term
182 shall be for the balance of the unexpired term of the member whose
183 position on the council is vacant.

184 (7) A majority of the members of the council shall elect a
185 chair and a vice-chair, who shall serve for two-year terms. A
186 member of the council who is an executive director or commissioner
187 of a state department or agency may be elected to be a chair or a
188 vice-chair of the council, but both positions shall not be held at
189 the same time by members who are executive directors or
190 commissioners of state departments or agencies.

191 (8) Each member of the council shall serve without
192 compensation, but shall be entitled to reimbursement for all
193 actual and necessary expenses incurred in the discharge of his or
194 her duties as a member of the council, including mileage as
195 authorized by law.

196 (9) The chair shall hold meetings as often as the chair
197 deems necessary but not less than four (4) times each calendar
198 year. The council shall adopt policies and procedures necessary



to carry out its duties. If needed, and if funding is available, Mississippi State University may staff the council.

SECTION 5. (1) The purpose of the council includes:

(a) Growing local, regional and statewide food economies within which producers have access to new markets and low-income populations have access to fresh, affordable, and healthy foods. The council will collaborate and coordinate with agricultural producers, relevant state and federal educational institutions, nongovernmental organizations, and consumers to connect state and federal agencies and to provide Mississippi agricultural producers, including fruit and vegetable producers, with viable market opportunities. Areas of focus include:

(i) Connecting Mississippi agricultural producers to federal food assistance programs by functioning as an interagency liaison between relevant state and federal agencies; and

(ii) Leveraging the purchasing power of the state's institutions to create new and reliable markets for Mississippi agricultural products and support the growth of robust and resilient food systems while providing fresh, affordable and healthy foods to vulnerable populations;

(b) Conducting research regarding national best practices regarding food and nutrition assistance, direct and intermediated market development, institutional procurement and



farm-to-school programs, as well as other priorities determined by the council;

(c) Collaborating with, serving as a resource to, and receiving input from local and regional food policy councils in the state; and

(d) Exploring methods of collecting and assessing statewide data relating to council activities and reporting the relevant information and data regarding council activities.

(2) The Mississippi Department of Agriculture and Commerce, State Department of Education, Department of Human Services and State Department of Health shall cooperate with the council with respect to the council's duties specified in subsection (1) of this section.

(3) (a) The council may create subcommittees, as the council deems necessary, to carry out the work of the council.

(b) If created, the subcommittees must include representatives of the council and may include persons, appointed by the chair and the vice-chair, who are not members of the council.

(4) The council may engage in any other activity the council determines is necessary to accomplish the purposes outlined in this act.

SECTION 6. (1) For the purposes of carrying out the duties of the council, the council is authorized to seek and accept gifts, grants or donations, including in-kind donations, from



private or public sources for the purposes of this act. However, the council may not accept a gift, grant or donation that is subject to conditions that are inconsistent with this act or any other law of the state. The council may accept in-kind donations of staff services from the private sector to staff the council. The council is also authorized to accept and expend federal funds available for its activities. All private and public monies received through gifts, grants or donations shall be transmitted to the State Treasurer, who shall credit the same to the "Food Systems Advisory Council Fund," which fund is hereby created in the State Treasury and referred to in this section as the "fund." The money in the fund must be appropriated by the Legislature to Mississippi State University for allocation to the council for the direct and indirect costs associated with implementing this act. Any monies in the fund not expended for the purpose of this act by the end of each fiscal year shall not lapse into the General Fund, but may be invested by the State Treasurer as provided by law. The State Treasurer shall credit all interest and income derived from the investment and deposit of monies in the fund to the fund.

(2) Money in the fund may be used for the following purposes:

(a) The actual and necessary expenses incurred by members of the council for serving on the council;



272 (b) The costs of staffing the council, if the council
273 is staffed by the Mississippi State University;

274 (c) The costs of funding programs initiated by the
275 council or council staff.

276 **SECTION 7.** No later than December 31, 2022, and every year
277 thereafter, the council shall report the information specified in
278 Section 5 of this act to the Chairmen of the House and Senate
279 Agriculture Committees.

280 **SECTION 8.** This act shall take effect and be in force from
281 and after July 1, 2021.

