

# MAINE STATE LEGISLATURE

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MINORITY

L.D. 526

Date: 6/17/15

(Filing No. S-299)

HEALTH AND HUMAN SERVICES

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 195, L.D. 526, "Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items"

Amend the resolve by striking out the title and substituting the following:

**'Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items and To Establish the Healthy Local Foods Initiative Pilot Program'**

Amend the resolve by striking out all of the emergency preamble.

Amend the resolve by inserting before section 1 the following:

**'PART A'**

Amend the resolve in section 1 in the last line (page 1, line 28 in L.D.) by striking out the following: "October 1, 2015" and inserting the following: 'January 1, 2016'

Amend the resolve by inserting after section 2 the following:

**'PART B'**

**Sec. B-1. Healthy Local Foods Initiative Pilot Program established.**

**Resolved:** That the Department of Health and Human Services shall establish the Healthy Local Foods Initiative Pilot Program, referred to in this Part as "the program," to engage in efforts to seek out and support, sustain or assist eligible applicants in submitting proposals for federal grants or funding to establish pilot projects designed to improve the diets of low-income persons enrolled in a statewide food supplement program administered as part of the federal Supplemental Nutrition Assistance Program under the Maine Revised Statutes, Title 22, section 3104, referred to in this Part as "project participants." For the purposes of this Part, "eligible applicant" means an

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1 applicant that meets the eligibility standards of the United States Department of  
2 Agriculture for accepting federal grants and funding through the federal Supplemental  
3 Nutrition Assistance Program under Title 22, section 3104; and be it further

4 **Sec. B-2. Working group. Resolved:** That the Department of Health and  
5 Human Services shall convene and staff a working group of 9 members, referred to in this  
6 Part as "the working group," to assist the department in carrying out the purposes of the  
7 program. The Commissioner of Health and Human Services shall appoint the members  
8 of the working group, which must include a representative of the department; a  
9 representative of Healthy Maine Partnerships established under the Maine Revised  
10 Statutes, Title 22, section 412; a representative from a local food access network  
11 administered by a statewide land trust organization that works to protect farmland; a food  
12 retailer; a person with expertise in nutrition policy; a person with an advanced degree and  
13 expertise in food policy; a person engaged in the production and sale of local fruits or  
14 vegetables; an anti-hunger advocate; and a participant in the program. The working  
15 group shall make recommendations to the department regarding the best practices and  
16 criteria for evaluating proposals and ensuring qualification for federal grants or funding  
17 for pilot projects under section 3 of this Part and to assist the department in identifying  
18 one or more applicants that the working group determines are eligible applicants and are  
19 qualified to conduct a pilot project; and be it further

20 **Sec. B-3. Pilot project criteria. Resolved:** That evaluation criteria developed  
21 by the working group under section 2 of this Part must provide for objective assessment  
22 of the extent to which a proposed pilot project by an eligible applicant under section 1 of  
23 this Part will improve the diets of project participants and households, reduce obesity and  
24 support farmers and businesses in the State by increasing purchases of fruits and  
25 vegetables by project participants and promoting effective and efficient use of program  
26 benefits. The criteria must provide a basis for weighing the extent to which a pilot  
27 project explores ways to make locally produced fruit and vegetable products without  
28 added sugars, fats or oils more affordable at the point of purchase and provide incentives  
29 to enable households of project participants to obtain additional fruits and vegetables  
30 when purchasing such produce at a local retail store or farmers' market or through a  
31 community-supported agriculture or fisheries enterprise. An eligible applicant shall  
32 ensure that a project participant is informed of any educational services provided by the  
33 statewide food supplement program under the Maine Revised Statutes, Title 22, section  
34 3104 available in the participant's area promoting healthy food choices and related  
35 practical food preparation techniques for a person living within a limited budget; and be it  
36 further

37 **Sec. B-4. Department support; assistance. Resolved:** That the Department  
38 of Health and Human Services shall consider working group criteria and  
39 recommendations in determining which eligible applicants' submissions for federal grants  
40 to support. The department may support more than one proposal for a pilot project under  
41 section 3 of this Part to implement the program. Upon determining proposals receiving  
42 support of the department, the department shall assist an eligible applicant receiving  
43 support in obtaining funding from the United States Department of Agriculture, Food  
44 Insecurity Nutrition Incentive Grant Program or another appropriate funding source and  
45 contribute, within the limits of available funds, the matching funds required of the  
46 eligible applicant for obtaining funding pursuant to section 5 of this Part. The department

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1 may require that an eligible applicant receiving a grant match a contribution provided by  
2 the department to the extent the eligible applicant is able; and be it further

3 **Sec. B-5. Healthy Local Foods Incentive Fund established. Resolved:**  
4 That the Healthy Local Foods Incentive Fund, referred to in this Part as "the fund," is  
5 established as a revolving, nonlapsing fund administered by the Department of Health  
6 and Human Services to carry out the purposes of the program. The fund includes funds  
7 received from a hospital organization in the State pursuant to the implementation strategy  
8 to meet community health needs identified through a community health needs assessment  
9 under the United States Internal Revenue Code of 1986, Section 501(r), as amended, and  
10 any other funds that the department determines suitable; and be it further

11 **Sec. B-6. Promotion by department. Resolved:** That the Department of  
12 Health and Human Services shall inform hospital organizations in the State of the  
13 opportunity to meet federal requirements pursuant to section 5 of this Part by providing  
14 funds to the fund and shall promote this opportunity; and be it further

15 **Sec. B-7. Rules. Resolved:** That the Department of Health and Human Services  
16 may adopt routine technical rules as defined in the Maine Revised Statutes, Title 5,  
17 chapter 375, subchapter 2-A to ensure compliance with federal and state requirements  
18 associated with any grant funds, to ensure fairness and accountability in the award and  
19 expenditure of a grant under this Part and to carry out the purposes of the program.'

20 Amend the resolve by striking out all of the emergency clause.

21 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or  
22 section number to read consecutively.

23 **SUMMARY**

24 This amendment, which is the minority report of the committee, removes the  
25 emergency preamble and emergency clause from the resolve. It changes the date by  
26 which the Department of Health and Human Services must request a waiver from  
27 October 1, 2015 to January 1, 2016. It requires the Department of Health and Human  
28 Services to establish the Healthy Local Foods Initiative Pilot Program to engage in efforts  
29 to seek out and support, sustain or assist eligible applicants in submitting proposals for  
30 federal grants or funding for pilot projects to improve the diets of low-income persons  
31 enrolled in a statewide food supplement program administered as part of the federal  
32 Supplemental Nutrition Assistance Program. The department is required to create a  
33 working group to make recommendations concerning best practices and criteria for  
34 evaluating proposals for federal grants or funding to conduct pilot projects designed to  
35 provide incentives to participants of the federal Supplemental Nutrition Assistance  
36 Program to improve their diets, reduce obesity and support farmers and businesses in the  
37 State. The amendment directs the department to provide the matching funds required of  
38 eligible applicants. The amendment establishes within the department the Healthy Local  
39 Foods Incentive Fund, which may include funds received from hospital organizations  
40 fulfilling United States Internal Revenue Service requirements to meet community health  
41 needs.

**FISCAL NOTE REQUIRED**  
**(See attached)**

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Approved: 06/16/15 *MAC*



# 127th MAINE LEGISLATURE

LD 526

LR 31(03)

**Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items**

Fiscal Note for Bill as Amended by Committee Amendment 'B'(S-299)

Committee: Health and Human Services

Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Fiscal Detail and Notes

Any additional costs to the Department of Health and Human Services to implement the provisions of this bill are expected to be minor and can be absorbed within existing budgeted resources.