

1 HOUSE BILL NO. 400

2 INTRODUCED BY K. DUDIK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE NUTRITION INCENTIVES PROGRAM FOR
5 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPANTS TO BUY ELIGIBLE FRUITS AND
6 VEGETABLES; PROVIDING RULEMAKING AUTHORITY; PROVIDING AN APPROPRIATION; AND
7 PROVIDING AN EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Short title.** [Sections 1 through 5] is known and may be cited as the
12 "Nutrition Incentives Program Act".

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14 NEW SECTION. **Section 2. Purpose.** The purpose of [sections 1 through 5] is to develop a nutrition
15 incentives program to double the purchasing power of Montana residents with limited access to fresh fruits and
16 vegetables, support Montana farmers, and invest in Montana's local economy.

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18 NEW SECTION. **Section 3. Definitions.** For the purposes of [sections 1 through 5], the following
19 definitions apply:

20 (1) "Department" means the department of public health and human services provided for in 2-15-2201.

21 (2) "Eligible fruits and vegetables" means any fresh or frozen, whole or cut fruits and vegetables that do
22 not contain added sugar, fat, oil, or salt.

23 (3) "Eligible grocery store" means a small business whose principal office is located in Montana and that
24 has a demonstrated commitment to procuring Montana-grown foods, including fruits and vegetables.

25 (4) "SNAP" means the supplemental nutrition assistance program, also known as the food stamp
26 program as defined in 53-2-902.

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28 NEW SECTION. **Section 4. Rulemaking authority.** (1) The department shall adopt rules necessary
29 for the administration of [sections 1 through 5].

30 (2) The rules may include but are not limited to:

- 1 (a) eligibility requirements for the qualified Montana nonprofit organization or agency;
- 2 (b) eligibility requirements for the participating nonprofits, farmers markets, producer-to-consumer
- 3 venues, and eligible grocery stores; and
- 4 (c) reporting requirements for the program.

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6 **NEW SECTION. Section 5. Nutrition incentives program -- grant -- reporting requirements.** (1)

7 The department shall make an annual grant to a qualified Montana nonprofit or agency from funds appropriated
8 by the legislature for the purposes of this section.

9 (2) To receive the grant, the qualified Montana nonprofit or agency shall demonstrate that it:

- 10 (a) has prior experience in building a statewide network;
- 11 (b) has created a plan for designing and implementing a program to distribute funds to participating
- 12 nonprofits, farmers markets, producer-to-consumer venues, and eligible grocery stores for the purpose of
- 13 providing matching dollar incentives to SNAP recipients purchasing eligible fruits and vegetables; and
- 14 (c) has created a plan for implementing processes for fund distribution and reporting.

15 (3) If the requirements of subsection (2) are met, the grant must be awarded.

16 (4) The qualified Montana nonprofit or agency that receives the grant shall submit a progress report to
17 the department by the end of fiscal year 2020 and a final report at the end of fiscal year 2021 containing
18 information requested by the department, including but not limited to:

- 19 (a) the impact of the program on increasing the quantity of fruits and vegetables consumed by SNAP
- 20 recipients; and
- 21 (b) the impact of the program on Montana farmers and the agricultural economy in the state.

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23 **NEW SECTION. Section 6. Appropriation.** (1) The sum of \$200,000 is appropriated from the state
24 general fund to the department of public health and human services for use during the biennium beginning July
25 1, 2019, for the purposes of [section 5].

26 (2) Money remaining unexpended and unencumbered on June 30, 2021, if any, must revert to the state
27 general fund.

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29 **NEW SECTION. Section 7. Codification instruction.** [Sections 1 through 5] are intended to be codified
30 as an integral part of Title 50, chapter 49, and the provisions of Title 50, chapter 49, apply to [sections 1 through

1 5].

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3 NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 2019.

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