

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1146 Session of  
1991

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BOYES, VAN HORNE AND MICHLOVIC, APRIL 16, 1991

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
APRIL 16, 1991

AN ACT

1 Providing for the establishment, operation and administration of  
2 the State Food Purchase Program.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the State Food  
7 Purchase Program Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Department." The Department of Agriculture of the  
13 Commonwealth.

14 "Emergency food provider." A nonprofit organization which  
15 operates a food pantry, soup kitchen, food bank or other program

1 to relieve hunger, undernutrition and food shortages among needy  
2 individuals and families, homeless people and victims of  
3 domestic violence.

4 "Program." The State Food Purchase Program.

5 "Program participant." An individual or household which is  
6 in need of food assistance to supplement the diet of  
7 economically depressed persons to prevent hunger or  
8 undernutrition.

9 "Regional food bank." A nonprofit charitable organization  
10 qualified under the provisions of section 501(c)(3) of the  
11 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1  
12 et seq.) which maintains an established operation involving the  
13 provision of food to nonprofit food pantries, soup kitchens,  
14 shelters or feeding centers that provide food packages or meals  
15 to people in need of food assistance.

16 "U.S.D.A. commodity programs." All food which is available  
17 through Federal programs.

18 Section 3. State Food Purchase Program.

19 (a) Establishment.--There is hereby established the State  
20 Food Purchase Program to provide funds to county governments,  
21 regional food banks or emergency food providers for the  
22 purchase, transportation, storage and distribution of food  
23 products to program participants, as described in this act.  
24 These funds may also be used for repackaging and the processing  
25 of food for distribution to program participants. This program  
26 shall be administered by the department.

27 (b) Purchase requirements.--Purchases shall be made in  
28 accordance with the following standards:

29 (1) The food products that are purchased with State  
30 funds shall be procured in household or soup kitchen

1 proportions, depending upon the intended usage.

2 (2) Purchases shall be wholesale, competitive bid prices  
3 or better.

4 (3) Food purchased under the program may not duplicate  
5 food items available under U.S.D.A. commodity programs or  
6 private donations of food to the emergency food providers  
7 unless the quantities available through these means are  
8 insufficient to meet the county or regional food bank's need  
9 for a particular product.

10 (4) The food purchased with program funds shall be  
11 combined with food available from other sources to compose a  
12 wholesome food package or meal for the program participants.

13 Section 4. Eligibility requirements.

14 The department shall establish procedures and guidelines for  
15 determining eligibility of program participants. The  
16 department's procedures shall not limit the established  
17 guidelines utilized by emergency food providers used for the  
18 program. A person who is eligible for food may not be charged  
19 for food or be encouraged to contribute money in order to  
20 receive food under this program.

21 Section 5. Contracts and subcontracts.

22 The department shall contract with local county governments  
23 or authorized agencies for operation of this program. The  
24 department, in conjunction with county governments or authorized  
25 agencies, may further designate and subcontract with a regional  
26 food bank, emergency food provider or county coordinating agency  
27 to operate this program. If a county chooses to not participate  
28 in the program or chooses to not designate a county coordinating  
29 agency to participate on its behalf by the 90th day of the  
30 fiscal year, the department shall immediately attempt to

1 contract with a coordinating agency to administer the program  
2 within such county.

3 Section 6. Advisory committee.

4 There is hereby established an advisory committee within the  
5 department, to be known as the Emergency Food Assistance  
6 Advisory Committee. This committee shall be composed of food and  
7 nutrition advocates, regional food bank representatives, county  
8 government representatives and representatives of the department  
9 and the Governor's Office. The advisory committee shall elect a  
10 chairperson at the first meeting of the calendar year who shall  
11 be empowered to call meetings when appropriate. The advisory  
12 committee shall be composed of not less than ten but no more  
13 than 15 members, appointed by the Secretary of Agriculture, no  
14 more than three of whom shall be State employees. Members of the  
15 advisory committee shall serve without remuneration except for  
16 reimbursement for travel expenses.

17 Section 7. Audit and reporting.

18 (a) Audit.--The program established by this act is subject  
19 to audit and review by the Auditor General to determine proper  
20 operation and compliance with statutes, regulations and  
21 policies. Contractors, subcontractors or approved agencies  
22 receiving funds or commodities under this act are subject at  
23 reasonable times to audit and review by the Auditor General, the  
24 department and persons authorized by the department to determine  
25 proper operation and compliance with statutes, regulations and  
26 policies.

27 (b) Annual report.--Within 90 days after the conclusion of  
28 each fiscal year, the entity with whom the department has  
29 contracted with for operation of the program shall submit an  
30 annual report to the department which accounts fully for or

1 specifies the expenditure of funds, number of people and  
2 households served, variety, pounds and cost of food purchases.  
3 Within 180 days of the end of the fiscal year, the Secretary of  
4 Agriculture shall submit an annual program report to the  
5 Secretary of the Senate and the Chief Clerk of the House of  
6 Representatives which shall include, but not be limited to, the  
7 allocation and expenditure of funds, the number of people and  
8 households served, quantity of food distributed by type of food  
9 and total cost and per pound cost of food purchases.

10 Section 8. Prohibited acts.

11 Officials and employees of the county governments, designated  
12 coordinating agency, regional food banks and emergency food  
13 providers for the program are prohibited from contracting or  
14 providing services for profit under the program.

15 Section 9. Rules and regulations.

16 The department shall by regulation develop program guidelines  
17 and policies for administration of this act and for a county-by-  
18 county allocation formula of funds for this program. The  
19 department shall seek the advice and counsel of the Emergency  
20 Food Assistance Advisory Committee. The department shall provide  
21 technical assistance and information to the emergency food  
22 providers, including nutrition information, information about  
23 the establishment and operation of emergency food services and  
24 information about other Federal and State nutrition programs.

25 Section 10. Effective date.

26 This act shall take effect immediately.