

AMENDMENTS TO HOUSE BILL NO. 580

Sponsor: REPRESENTATIVE PASHINSKI

Printer's No. 554

1 Amend Bill, page 1, lines 1 through 3, by striking out all of
2 said lines and inserting

3 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
4 Statutes, providing for the Fresh Food Financing Initiative;
5 establishing the Fresh Food Financing Initiative Restricted
6 Account; and imposing duties on the Department of
7 Agriculture.

8 Amend Bill, page 1, lines 6 through 17; pages 2 through 6,
9 lines 1 through 30; page 7, lines 1 through 8; by striking out
10 all of said lines on said pages and inserting

11 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
12 is amended by adding a part to read:

13 PART XI

14 FOOD SECURITY

15 Chapter

16 121. Fresh Food Financing Initiative

17 CHAPTER 121

18 FRESH FOOD FINANCING INITIATIVE

19 Sec.

20 12101. Scope of chapter.

21 12102. Purpose.

22 12103. Definitions.

23 12104. Establishment.

24 12105. Administration of program.

25 12106. Grant fund eligibility.

26 12107. Regulations.

27 12108. Grant money.

28 § 12101. Scope of chapter.

29 This chapter relates to the Fresh Food Financing Initiative.

30 § 12102. Purpose.

31 The purpose of this chapter is to strengthen local food
32 systems and increase market opportunities for Pennsylvania
33 farmers by providing grant money for:

34 (1) A State program designed to increase the
35 availability of fresh and nutritious food, known as the

1 Pennsylvania Fresh Food Financing Initiative, that will
2 stimulate capital, job creation and economic vitality.

3 (2) Construction, rehabilitation or expansion of grocery
4 stores, farmers' markets or retail food establishments in
5 underserved and low-income or moderate-income communities in
6 this Commonwealth.

7 § 12103. Definitions.

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

11 "Black, Indigenous and person of color communities" or "BIPOC
12 communities." Municipalities with:

13 (1) a Black, Indigenous and person of color population
14 of 50% or higher; or

15 (2) a Black, Indigenous and person of color population
16 greater than 700 people.

17 "Farmers' market." A building, structure or place owned,
18 leased or otherwise in possession by a person, municipal
19 corporation or public or private organization, used or intended
20 to be used by two or more farmers or an association of farmers
21 for the purpose of selling agricultural commodities directly to
22 consumers and which is physically located within this
23 Commonwealth.

24 "Food access organization." A nonprofit organization with
25 expertise in improving access to food in underserved
26 communities.

27 "Grocery store." A for-profit or not-for-profit self-service
28 retail establishment that primarily sells meat, seafood, fruits,
29 vegetables, dairy products, dry groceries, household products
30 and sundries.

31 "Low-income or moderate-income community." A census tract as
32 reported in the most recently completed Federal decennial census
33 published by the United States Census Bureau that has a poverty
34 rate of at least 20% or in which the median family income does
35 not exceed 80% of the greater of the Statewide or metropolitan
36 median family income.

37 "Program." The Pennsylvania Fresh Food Financing Initiative
38 established under section 12104 (relating to establishment).

39 "Regional anchor supermarket." A company that owns multiple
40 grocery stores within a given region.

41 "Retail food establishment." As defined under section 5702
42 (relating to definitions).

43 "Underserved community." A census tract determined to be an
44 area with low grocery store access by either the United States
45 Department of Agriculture as identified in the Food Access
46 Research Atlas or through a methodology that has been adopted
47 for use by another governmental entity or food access
48 organization.

49 "USDA-designated food desert." A census tract declared to be
50 a food desert by the United States Department of Agriculture's
51 Economic Research Service.

1 § 12104. Establishment.

2 The Pennsylvania Fresh Food Financing Initiative is
3 established.

4 § 12105. Administration of program.

5 (a) Administration.--The program shall be administered by
6 the department. The department may collaborate with the
7 Department of Community and Economic Development to improve food
8 access in this Commonwealth.

9 (b) Program management.--The department shall develop and
10 establish program guidelines and eligibility criteria to meet
11 the needs of program applicants and the communities served.

12 (c) Program priority.--

13 (1) The program shall promote local agricultural
14 products by placing priority on projects producing,
15 aggregating, sourcing or selling Pennsylvania agricultural
16 commodities, including the department's Pennsylvania
17 Preferred® program, that:

18 (i) are located in, owned by or primarily serve
19 BIPOC communities. Eligibility for this prioritization
20 shall be determined by the Center for Rural
21 Pennsylvania's municipal data;

22 (ii) promote supplier diversity and, where possible,
23 increase business opportunities for businesses recognized
24 by the Department of General Services as verified as a
25 small diverse business or a small veteran business; or

26 (iii) are located in or serve a USDA-designated food
27 desert.

28 (2) For regional anchor supermarket projects, those with
29 matching funds under subsection (e) shall be prioritized.

30 (d) Project class.--The department shall make grants
31 available in the following classes:

32 (1) Regional anchor supermarkets.

33 (2) Grocery stores.

34 (3) Retail food establishments.

35 (e) Matching funds.--Grants in an amount not to exceed 15%
36 of the funding for any of the project classes established under
37 subsection (d) shall be awarded to qualifying applicants
38 selected to receive the awards for the purposes of capital
39 projects. Grants for capital projects must be matched by private
40 money in an amount equal to the State grant.

41 (f) Administrative or operational costs.--No more than 10%
42 of the funding under section 12108 (relating to grant money) may
43 be reserved for administrative and operational costs to manage
44 the program. Costs for personnel may be included as part of the
45 department's administrative or operational costs.

46 § 12106. Grant fund eligibility.

47 (a) Eligible applicants.--A for-profit, nonprofit or
48 cooperative entity that meets the following criteria shall be
49 eligible to apply for a grant under the program:

50 (1) The primary business, measured as being greater than
51 or equal to 50% of the entity's previous year's annual

1 revenue, is from the sale of staple and perishable food to
2 consumers or direct to retail settings.

3 (2) The entity operates and provides service in this
4 Commonwealth.

5 (3) The entity serves customers that live in a low-
6 income or moderate-income community.

7 (4) The entity provides access to affordable, high-
8 quality fresh produce, meat and dairy products and other
9 grocery items for low-to-moderate income shoppers.

10 (5) Eligible projects are supported by the community as
11 determined by the department using maps, data tools and other
12 forms of market research.

13 (b) Eligible uses.--An eligible use for grant money includes
14 any of the following:

15 (1) Equipment purchases that improve the availability
16 and quality of fresh produce, meat and dairy products and
17 other grocery items.

18 (2) Innovative food access technology that assists an
19 existing or new grocery store.

20 (3) Innovative food access technology that assists the
21 food access efforts of a retail food establishment.

22 (4) Innovative food access technology or delivery of
23 food to retail that assists the food access efforts of an
24 eligible applicant.

25 (c) Application review and approval.--The department shall
26 devise, award and administer grants to eligible applicants.

27 (d) Standards and requirements.--

28 (1) The department shall establish grant program
29 standards and requirements for a grant program under this
30 chapter and shall transmit notice of the grant program
31 standards and requirements to the Legislative Reference
32 Bureau for publication in the next available issue of the
33 Pennsylvania Bulletin.

34 (2) Grant program standards and requirements must do the
35 following:

36 (i) Establish eligibility standards for applicants.

37 (ii) Describe the objectives of the grant program,
38 which shall be consistent with this chapter.

39 (iii) Establish caps, limits and restrictions with
40 respect to grant amounts.

41 (iv) Establish an application process and timetable.

42 (v) Present the criteria under which grant
43 applications shall be evaluated by the department.

44 (vi) Establish a timetable within which the
45 department shall award or disapprove a completed grant
46 application.

47 (vii) Establish procedures by which the department
48 shall verify expenditures of grant money by a grant
49 recipient.

50 (e) Limitation on grants.--

51 (1) Grants may only be awarded to the extent money is

1 appropriated by the General Assembly.

2 (2) The secretary may approve a grant in less than a
3 requested amount. The secretary may also impose restrictions
4 or special conditions upon the issuance of a grant.

5 (f) Disposition of grants.--

6 (1) The department may require a written agreement
7 describing the terms and conditions of the grant.

8 (2) The department may establish criteria under which
9 the secretary may demand the return of all or a portion of
10 the grant money.

11 § 12107. Regulations.

12 The department may promulgate rules and regulations to
13 administer and enforce this chapter.

14 § 12108. Grant money.

15 (a) Establishment of account.--The Fresh Food Financing
16 Initiative Restricted Account is established in the General Fund
17 and shall be used exclusively for the program in accordance with
18 this chapter. The money in the account is appropriated on a
19 continuing basis to the department for the purposes of this
20 chapter.

21 (b) Supplements to account.--In addition to State money
22 appropriated to the department for the program, the department
23 may also accept gifts, donations, legacies and other revenues,
24 including Federal appropriations, for deposit into the
25 restricted account.

26 Section 2. This act shall take effect in 60 days.