

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1658** Session of  
1983

INTRODUCED BY IRVIS, MANDERINO, CAPPABIANCA, WACHOB, KUKOVICH,  
RICHARDSON, CIMINI, ZWIKL, OLIVER AND FREEMAN, NOVEMBER 14,  
1983

REFERRED TO COMMITTEE ON STATE GOVERNMENT, NOVEMBER 14, 1983

AN ACT

1 Providing for the establishment, operation and administration of  
2 the Emergency Food Assistance Program for grants to food  
3 banks to offset the cost of the purchase, storage,  
4 transportation and distribution of food commodities, giving  
5 the highest priority to unemployed persons and families; and  
6 providing for audits.

TABLE OF CONTENTS

7  
8 Section 1. Short title.  
9 Section 2. Definitions.  
10 Section 3. Emergency Food Assistance Program.  
11 Section 4. Powers and duties of food banks.  
12 Section 5. Program participation.  
13 Section 6. Audit and report.  
14 Section 7. Sunset provisions.  
15 Section 8. Effective date.

16 The General Assembly of the Commonwealth of Pennsylvania  
17 hereby enacts as follows:

18 Section 1. Short title.

19 This act shall be known and may be cited as the Emergency

1 Food Assistance Act.

2 Section 2. Definitions.

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

6 "Agricultural commodities." All foods or foodstuffs which  
7 are suitable for and fit for human consumption.

8 "Emergency food center." An emergency food center includes  
9 nonprofit soup kitchens, food pantries and church food cupboards  
10 and shelters with food service capabilities.

11 "Emergency food pantry." A nonprofit entity which operates  
12 on the neighborhood or town level, and distributes food boxes  
13 containing a wide variety of food products to needy individuals  
14 and families.

15 "Food bank." A nonprofit entity which operates on a multi-  
16 county basis, and acts as a clearinghouse for surplus, salvaged  
17 and jointly-purchased foodstuffs for redistribution to nonprofit  
18 agencies and churches which operate emergency food centers.

19 "Program participants." Any individual or family unit which  
20 is in need of food assistance because of insufficient public  
21 benefits or low wages which are inadequate to feed oneself or  
22 one's family, or because an emergency exists within a household  
23 for further food to prevent conditions of hunger or  
24 undernutrition.

25 Section 3. Emergency Food Assistance Program.

26 (a) Establishment.--There is hereby created an Emergency  
27 Food Assistance Program which shall consist of the purchase,  
28 transportation, storage or other acquisition of Federal or State  
29 agricultural commodities for distribution to program  
30 participants.

1 (b) Purchase requirements.--The agricultural commodities  
2 that are purchased with State funds shall be purchased by food  
3 banks in bulk quantities at the lowest price available. In  
4 addition, the purchased agricultural commodities shall be  
5 selected to maximize the utilization of available Federal  
6 surplus agricultural commodities.

7 (c) Storage and distribution.--Food banks shall be  
8 responsible for the storage and distribution of commodities  
9 under this act. To meet expenses for the storage and  
10 distribution of foodstuffs made available under this act, food  
11 banks shall have the power to assess a shared maintenance fee on  
12 local emergency food centers on the basis of the quantity of  
13 food ordered. At no time will individuals or families be  
14 required to pay for food received through the Emergency Food  
15 Assistance Program.

16 Section 4. Powers and duties of food banks.

17 Food banks shall have the following powers and duties:

18 (1) Prepare and supervise the issuance of public  
19 information concerning the provisions of the program.

20 (2) Enter into contracts for the purchase of food  
21 commodities with food producers, food processors, food  
22 manufacturers and food distribution agencies. It is the  
23 intent of the General Assembly to encourage the purchase of  
24 commodities produced in this Commonwealth when appropriate  
25 and feasible.

26 (3) Accept agricultural commodities made available to  
27 the State for distribution by the Federal Government.

28 (4) Accept agricultural commodities donated by the  
29 private sector for distribution.

30 (5) Assist local emergency food pantries in selecting

1 the contents of food packages to be distributed under the  
2 program to maximize the use of available Federal and State  
3 agricultural commodities.

4 (6) Provide agencies in each county with an apportioned  
5 share of foodstuffs purchased with State funds, as determined  
6 by the Pennsylvania Department of Agriculture.

7 (7) Conduct training sessions in areas which are not  
8 adequately served by local emergency food centers to effect  
9 the start-up of these services.

10 (8) Make quarterly reports to the Department of  
11 Agriculture showing program costs and program activities  
12 which shall include, but not be limited to, the number of  
13 program participants and the quantity of State and Federal  
14 agricultural commodities distributed.

15 Section 5. Program participation.

16 (a) Eligibility.--Eligibility shall be determined by the  
17 local emergency food centers. In making a determination that a  
18 family does not have sufficient means to purchase food for  
19 immediate consumption, the emergency food center shall consider  
20 the size of the family unit, its income, including applicable  
21 Federal and State assistance, the outstanding and recurring  
22 obligations of the family unit and the utilization of available  
23 income.

24 (b) Amount of assistance.--Program participants shall  
25 receive packages of food which are sufficient to provide at  
26 least one full meal per day to the program participant and the  
27 family unit of the participant for a period of at least three  
28 days, yet not to exceed 14 days.

29 (c) Reapplication.--Persons who are determined to be  
30 initially eligible for food assistance shall be required to

1 apply for other State or Federal supplemental food programs  
2 prior to reapplying for assistance under this section.

3 (d) Penalty.--Any person who submits a false or fraudulent  
4 claim or who aids, abets or assists another person to submit a  
5 false or fraudulent claim or who otherwise violates any  
6 provisions of this act shall, upon conviction, be guilty of a  
7 summary offense.

#### 8 Section 6. Audit and report.

9 (a) Audit.--The Auditor General shall annually audit the  
10 expenses and activities of the Emergency Food Assistance  
11 Program. The audit shall be conducted without requiring any  
12 payment from the program.

13 (b) Annual report.--Within 30 days after the conclusion of  
14 each State fiscal year, each food bank shall submit an annual  
15 report to the Governor and the General Assembly which states the  
16 amount of foods purchased or acquired by donation, the amount of  
17 free Federal surplus agricultural commodities received, the  
18 amount of food distributed, the number of eligible participants  
19 who received assistance and the amount of food left  
20 undistributed.

#### 21 Section 7. Sunset provisions.

22 This act shall expire on June 30, 1986 unless extended by the  
23 General Assembly.

#### 24 Section 8. Effective date.

25 This act shall take effect immediately.