

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2139 Session of
2009

INTRODUCED BY MYERS, BELFANTI, BISHOP, BRIGGS, CARROLL,
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GRUCELA, HALUSKA, HANNA, HENNESSEY, HORNAMAN, JOSEPHS, KORTZ,
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SIPTROTH, M. SMITH, SONNEY, STABACK, STERN, TALLMAN, WAGNER,
WATERS, WHEATLEY AND REICHLEY, DECEMBER 8, 2009

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, DECEMBER
8, 2009

AN ACT

1 Providing for the Pennsylvania Agricultural Surplus System and
2 for powers and duties of the Department of Agriculture.

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 Pennsylvania
7 Agricultural Surplus System Act.

8 Section 2. Declaration of policy.

9 The General Assembly finds and declares as follows:

10 (1) This Commonwealth is a worldwide leader in
11 agricultural production and food processing.

12 (2) Despite this Commonwealth's agricultural
13 productivity, a significant number of Pennsylvanians continue
14 to struggle with hunger and food insecurity and lack access
15 to sufficient nutritious food.

1 (3) Hunger and food insecurity are harmful to the health
2 and well-being of Pennsylvanians, especially children and
3 seniors, and have a detrimental impact on urban, suburban and
4 rural communities throughout this Commonwealth.

5 (4) Increasing the consumption of fresh fruits and
6 vegetables and other nutritious foods by Pennsylvanians
7 living in low-income households can help reduce instances of
8 diet-related illnesses and medical conditions, including
9 obesity and diabetes, and lower health care costs.

10 (5) This Commonwealth is home to a network of regional
11 food banks, food pantries and cupboards, soup kitchens and
12 other private charitable food assistance providers with the
13 capacity to safely and efficiently distribute food to people
14 in need.

15 (6) This network, through the Pennsylvania Association
16 of Regional Food Banks, has demonstrated the capacity to
17 administer food distribution in collaboration with the
18 Department of Agriculture as evidenced by the success of the
19 Commodity Supplemental Food Program and the PASS pilot
20 program.

21 (7) Pennsylvania's farmers, food packers and processors
22 and Pennsylvanians who rely upon the network would derive
23 mutual benefit from the establishment of a system linking the
24 agricultural community with the food assistance network for
25 the purpose of acquiring surplus agricultural products and
26 distributing these products to Pennsylvania residents
27 challenged by hunger and food insecurity.

28 Section 3. Definitions.

29 The following words and phrases when used in this act shall
30 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Association." The Pennsylvania Association of Regional Food
3 Banks.

4 "Department." The Department of Agriculture of the
5 Commonwealth.

6 "PASS." The Pennsylvania Agricultural Surplus System
7 established under this act.

8 "Secretary." The Secretary of Agriculture of the
9 Commonwealth.

10 Section 4. PASS.

11 (a) Authorization.--The department is authorized to award a
12 contract or contracts for the purpose of developing and
13 operating PASS as a safe, fast and convenient system for this
14 Commonwealth's food industry to donate nutritious products to
15 the private charitable food assistance network operating within
16 this Commonwealth.

17 (b) Requirements.--PASS shall include the following:

18 (1) Identification of sources of nutritious surplus
19 agricultural products available for distribution to food
20 banks in this Commonwealth, including a list of farmers in
21 this Commonwealth who have agreed to supply food products
22 from farms located in this Commonwealth, verifiable by the
23 department.

24 (2) Determination of cost-effective mechanisms for
25 transportation of these agricultural products to maximize
26 freshness.

27 (3) Encouragement of food donations by growers, packers
28 and processors through reimbursements for services needed to
29 prepare the donations for safe and efficient transportation
30 and distribution.

1 (4) Distribution of these donated nutritious surplus
2 agricultural products to needy or low-income individuals and
3 families by the member organizations of the association using
4 a formula for the equitable distribution of donated products
5 identical to the formula used in the administration of the
6 State Food Purchase Program. The department shall maintain a
7 list of members of the association eligible for participation
8 in the distribution of donated products.

9 (5) Administration by the association.

10 (6) Oversight by the department.

11 (7) An annual report to the secretary by the association
12 providing detailed information on the sources, types and
13 pounds of product donated, the distribution of these products
14 and the number of households served by the distributions.

15 Section 5. Administration and contracting.

16 Funds appropriated for PASS may be used for the
17 administrative purposes of PASS, including contracting with the
18 association to carry out the provisions of this act.

19 Section 6. Regulations.

20 The department shall promulgate regulations as it deems
21 necessary to carry out the purposes of this act.

22 Section 7. Funding.

23 PASS shall acquire and distribute Pennsylvania food products
24 to the extent funds are made available by the General Assembly.

25 Section 8. Effective date.

26 This act shall take effect in 60 days.