

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2385

Introduced by Assembly Member Ting

February 21, 2014

An act to ~~amend Section 38083 of the Education Code, relating to school nutrition.~~ *add Article 6 (commencing with Section 510) to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural Code, relating to food and agriculture.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2385, as amended, Ting. ~~School nutrition: cafeterias. Market Match Nutrition Incentive Program.~~

Existing law establishes the Department of Food and Agriculture, which is tasked with, among other things, promoting and protecting the agricultural industry of the state, and seeking to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber to benefit the general welfare and economy of the state.

This bill would establish the Market Match Nutrition Incentive Program in the department, and would create the Market Match Nutrition Incentive Account in the Department of Food and Agriculture Fund to collect matching funds received from a specified federal grant program used to provide grants under the Market Match Nutrition Incentive Program and to administer the Market Match Nutrition Incentive Program in accordance with specified requirements. The bill would require the department to establish minimum standards, funding schedules, and procedures for awarding grants, as specified, and would require the department to award grants to qualified entities, as defined, in accordance with certain priorities.

~~Existing law authorizes the governing board of any school district to establish cafeterias in the schools under its jurisdiction. Existing law authorizes a school district to purchase perishable foodstuffs and seasonal commodities needed in the operation of cafeterias, as specified.~~

~~This bill would authorize the purchase of perishable foodstuffs and seasonal commodities needed in the operation of cafeterias to be given preference by the school district, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 6 (commencing with Section 510) is added
2 to Chapter 3 of Part 1 of Division 1 of the Food and Agricultural
3 Code, to read:

4

5 Article 6. Market Match Nutrition Incentive Program

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7 510. (a) The Market Match Nutrition Incentive Program is
8 hereby established in the department for purposes of encouraging
9 the purchase and consumption of California fresh fruits, nuts, and
10 vegetables by directly linking California fresh fruit, nut, and
11 vegetable producers with nutrition benefit clients.

12 (b) It is the intent of the Legislature in establishing the Market
13 Match Nutrition Incentive Program to double the purchasing value
14 of the nutrition assistance received by nutrition benefit clients
15 when purchasing fresh fruits, nuts, and vegetables from authorized
16 vendors operating in conjunction with qualified entities.

17 511. For purposes of this article, the following definitions shall
18 apply:

19 (a) "Nutrition benefit client" means a person who receives
20 services or payments through any of the following:

21 (1) CalFresh, as described in Section 18900.2 of the Welfare
22 and Institutions Code.

23 (2) Implementation of the federal WIC Farmers' Market
24 Nutrition Act of 1992 (Public Law 102-314).

25 (3) The Senior Farmers' Market Nutrition Program, as
26 described in Section 3007 of Title 7 of the United States Code.

1 (4) Supplemental Security Income or State Supplementary
2 Payment, as described in Section 1381 et seq. of Title 42 of the
3 United States Code.

4 (b) “Qualified entity” means a certified farmers’ market, as
5 described in Section 47004, an association of certified producers,
6 or a nonprofit organization representing a collective or association
7 of certified producers that is authorized by the United States
8 Department of Agriculture to accept federal Supplemental Nutrition
9 Assistance Program (Chapter 51 (commencing with Section 2011)
10 of Title 7 of the United States Code) benefits from recipient
11 purchasers at a farmers’ market. Certified producers shall be
12 certified by the county agricultural commissioner pursuant to
13 Section 47020.

14 512. The Market Match Nutrition Incentive Account is hereby
15 created in the Department of Food and Agriculture Fund to collect
16 matching funds from the federal Food Insecurity Nutrition
17 Incentives Grant Program (7 U.S.C. Sec. 7517) used to provide
18 grants under the Market Match Nutrition Incentive Program and
19 to administer the Market Match Nutrition Incentive Program in
20 accordance with all of the following:

21 (a) Subject to the adoption of regulations by the United States
22 Department of Agriculture in accordance with the federal
23 Agricultural Act of 2014 (Public Law 113-79) and an appropriation
24 in the annual Budget Act, moneys in the Market Match Nutrition
25 Incentive Account shall be awarded in the form of grants to
26 qualified entities for market match programs.

27 (b) The department shall establish minimum standards, funding
28 schedules, and procedures for awarding grants in consultation
29 with the United States Department of Agriculture and other
30 interested stakeholders including, but not limited to, the California
31 Health and Human Services Agency, organizations with expertise
32 in nutrition benefit programs, and certified farmers’ market
33 operators.

34 (c) Priority in the awarding of grants to qualified entities shall
35 be based on, but not limited to, the degree of the existence of the
36 following demographic conditions and the character of the
37 communities in which direct sales of fresh fruits, nuts, and
38 vegetables are made to the public by authorized vendors operating
39 in conjunction with a qualified entity:

1 (1) *The number of people who are eligible for, or receiving,*
2 *nutrition benefit program services.*

3 (2) *The prevalence of diabetes, obesity, and other diet-related*
4 *illnesses.*

5 (3) *The availability of access to fresh fruits, nuts, and vegetables.*

6 (4) *The qualified entities with the greatest efficiencies in the*
7 *administration of a market match program.*

8 SECTION 1. Section 38083 of the Education Code is amended
9 to read:

10 ~~38083. Perishable foodstuffs and seasonal commodities needed~~
11 ~~in the operation of cafeterias may be purchased and given~~
12 ~~preference by the school district in accordance with rules and~~
13 ~~regulations for the purchases and preferences adopted by the~~
14 ~~governing board of the school district notwithstanding any~~
15 ~~provisions of this code in conflict with those rules and regulations.~~