

Amendment No. 273

Senate Amendment to Senate Bill No. 370	(BDR 50-824)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 370—COMMITTEE ON NATURAL RESOURCES

MARCH 25, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to food policy. (BDR 50-824)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to food policy; creating the Home Feeds Nevada Agriculture Food Purchase Program and the Nutritious Food Purchase Account; requiring the Director of the State Department of Agriculture to develop a procedure through which the Director may purchase nutritious foods ~~[for the Supplemental Food Program from certain providers of food before purchasing such food from other providers of food;]~~ that are grown, produced or processed in this State; requiring the Director to distribute nutritious food to ~~[emergency food service providers or]~~ certain food banks; requiring ~~[emergency food service providers and]~~ the food banks to distribute such food to persons in need; requiring the food banks to submit quarterly reports to the Director; requiring the Director ~~[emergency food service providers and food banks]~~ to submit an annual written ~~[reports]~~ report to the Council on Food Security; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Council on Food Security within the Department of Health and Human Services. (NRS 232.4966) Existing law requires the Council to develop, coordinate and implement a food system that, among other things, increases access to improved food resource programs. (NRS 232.4968) Existing law requires the Director of the State Department of Agriculture to establish a Supplemental Food Program to supplement the supply of food and services provided by programs which provide food to indigent persons. Such programs include food banks, emergency food pantries, soup kitchens and homeless shelters. Existing law requires the Director to purchase and distribute nutritious food to persons in this State who cannot afford to purchase food. Such purchases must be made with funds from the Donated Commodities Account. (NRS 561.485, 561.495)

~~[This]~~ Section 1.7 of this bill creates the Home Feeds Nevada Agriculture Food Purchase Program to supplement the supply to nutritious food which is available to persons through food banks and certain other providers in this State. Section 1.7 authorizes the Director to solicit and accept any gift, grant or donation for the Program, and section 1.5 creates the Nutritious Food Purchase Account in the State General Fund into which any money obtained by the Director for the Program must be deposited. Section 1.7 requires the Director to develop a procedure through which the Director may

purchase ~~[the]~~ nutritious food ~~[(1) from growers and producers operating in this State; (2) if the Director cannot obtain nutritious food from such persons, from food manufacturers operating in this State; or (3) if the Director cannot obtain nutritious food from such persons, from food vendors operating~~ **that is grown, produced or processed** in this State. ~~[This bill]~~ **Section 1.7** additionally requires the Director to distribute the food to ~~[(1) emergency food service providers; or (2) if an emergency food service provider is not operating in an area or is not in need of additional nutritious foods,]~~ **certain** food banks. ~~[This bill]~~ **Section 1.7** requires such ~~[emergency food service providers and]~~ food banks to distribute the nutritious food to persons, emergency food pantries, soup kitchens and homeless shelters based on need ~~[within]~~ **in the [boundaries] area** that the ~~[emergency food service provider or]~~ food bank ~~[operates]~~ **serves. Section 1.7 requires each food bank to submit a quarterly report to the Director concerning: (1) the amount of nutritious food that was distributed by the food bank; and (2) the manner of such distribution.** Finally, ~~[this bill]~~ **section 1.7** requires the Director ~~[emergency food service providers and food banks]~~ to submit **an** annual written ~~[reports]~~ **report** containing certain information to the Council on Food Security.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 561.495 is hereby amended to read as follows:~~

~~561.495 1. The Director shall establish a Supplemental Food Program to supplement the supply of food and the services provided by programs which provide food to indigent persons, including, without limitation, a food bank, emergency food pantry, soup kitchen and homeless shelter.~~

~~2. The Director may solicit and accept any gift, grant or donation for the Program. Upon receipt of any gift, grant or donation of money, the amount received must be deposited in the Donated Commodities Account created by NRS 561.485. Gifts, grants or donations deposited in the Account must be used in the same manner as other money in the Account.~~

~~3. The Director may maintain and operate central supply services at any center, including a central warehouse or storeroom service.~~

~~4. In carrying out the Program, the Director shall purchase and distribute nutritious food to persons in this State who cannot afford to purchase that food. Except as otherwise provided in subsection 2 of NRS 561.485, the money in the Account must be used in the following proportions:~~

~~(a) Not less than 95 percent must be used to purchase and distribute nutritious foods which are infrequently donated or which will supplement the food which is donated, including, [but not limited to,] without limitation, peanut butter, tuna fish, fruit, vegetables, dry milk and stew; and~~

~~(b) Any remainder may be used to provide educational information regarding nutrition and the purchase and preparation of food.~~

~~5. When purchasing nutritious food pursuant to subsection 4, the Director shall purchase nutritious foods from:~~

~~(a) Growers and producers operating in this State;~~

~~(b) If the Director cannot obtain nutritious foods from persons described in paragraph (a) due to issues with the price or supply of nutritious foods from such persons, food manufacturers operating in this State; or~~

~~(c) If the Director cannot obtain nutritious foods from persons described in paragraph (a) or (b) due to issues with the price or supply of nutritious foods from such persons, food vendors operating in this State who obtain nutritious foods that are grown, produced, manufactured or processed outside of this State.~~

~~6. To distribute nutritious food to persons in this State who cannot afford to purchase that food pursuant to subsection 4, the Director shall distribute the nutritious food to:~~

~~(a) Emergency food service providers that operate in this State, which shall distribute the nutritious food to persons, emergency food pantries, soup kitchens and homeless shelters pursuant to subsection 7; or~~

~~(b) If an emergency food service provider is not operating in an area in this State or is not in need of additional nutritious foods, food banks operating in that area, which shall distribute the nutritious food to persons, emergency food pantries, soup kitchens and homeless shelters pursuant to subsection 7.~~

~~7. Upon receiving nutritious food pursuant to subsection 6, the emergency food service provider or food bank, as applicable, shall distribute the nutritious food to persons, emergency food pantries, soup kitchens or homeless shelters, as applicable, based on need, within the boundaries that the emergency food service provider or food bank, as applicable, operates.~~

~~8. On or before September 30 of each year:~~

~~(a) The Director shall submit a written report to the Council on Food Security concerning:~~

~~(1) All expenditures from the Donated Commodities Account created by NRS 561.485;~~

~~(2) The number of people and households served; and~~

~~(3) The variety, supply and cost of purchases made pursuant to subsection 5; and~~

~~(b) Any emergency food service provider or food bank that received nutritious food pursuant to subsection 6 shall submit a written report to the Council on Food Security concerning the number of people and households served.~~

~~9. As used in this section:~~

~~(a) "Council on Food Security" means the Council on Food Security created by NRS 232.4966.~~

~~(b) "Emergency food service provider" means a food bank or other organization that satisfies the criteria for an eligible recipient agency set forth in 7 C.F.R. § 251.5(a).~~

~~(c) "Food manufacturer" means any person engaged in the business of manufacturing or processing food.] (Deleted by amendment.)~~

Sec. 1.3. Chapter 561 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. 1. The Nutritious Food Purchase Account is hereby created in the State General Fund for the use of the Director in carrying out the Home Feeds Nevada Agriculture Food Purchase Program in accordance with section 1.7 of this act.

2. All money received by the Director pursuant to section 1.7 of this act must be deposited in the State Treasury for credit to the Nutritious Food Purchase Account. The interest and income earned on the money in the Account must be credited to the Account.

Sec. 1.7. 1. The Director shall establish the Home Feeds Nevada Agriculture Food Purchase Program to supplement the supply of nutritious food available to persons through food banks and other providers, as identified in subsection 4.

2. The Director may solicit and accept any gift, grant or donation for the Program. Upon receipt of any gift, grant or donation of money, the amount received must be deposited in the Nutritious Food Purchase Account created by

section 1.5 of this act. Gifts, grants and donations deposited in the Account must be used in the same manner as other money in the Account.

3. In carrying out the Program, the Director shall develop a procedure through which nutritious food that is grown, produced or processed in this State may be purchased by the Director and distributed at no cost to food banks in this State for distribution pursuant to subsection 4. The Director shall determine the cost for purchasing such nutritious food through a negotiated process. The money in the Nutritious Food Purchase Account must only be used to pay reasonable expenses related to:

(a) Operating the Program; and

(b) Purchasing, transporting and distributing the nutritious food.

4. Upon receiving the nutritious food pursuant to subsection 3, a food bank shall distribute at no cost the nutritious food to persons, emergency food pantries, soup kitchens or homeless shelters, based on need, in the area that the food bank serves.

5. Any food bank that receives nutritious food pursuant to subsection 3 shall submit a quarterly report to the Director concerning:

(a) The amount of nutritious food that was distributed pursuant to subsection 4; and

(b) The manner in which the nutritious food was distributed pursuant to subsection 4.

6. On or before September 30 of each year, the Director shall submit a written report of the Council on Food Security concerning the following matters from the immediately preceding fiscal year:

(a) All expenditures from the Nutritious Food Purchase Account created by section 1.5 of this act;

(b) The number of people and households served by the Program; and

(c) The variety, supply and cost of purchases made pursuant to subsection 3.

7. As used in this section:

(a) "Council on Food Security" means the Council on Food Security created by NRS 232.4966.

(b) "Food bank" means a food bank or other organization that is a member of the Feeding America network.

Sec. 2. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee, other than the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance, may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after March 22, 2021.