

No. 1992-129

AN ACT

HB 1146

Providing for the establishment, operation and administration of the State Food Purchase Program.

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

Section 1. Short title.

This act shall be known and may be cited as the *State Food Purchase Program Act*.

Section 2. Definitions.

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

“Department.” The Department of Agriculture of the Commonwealth.

“Emergency food provider.” A nonprofit organization which operates a food pantry, soup kitchen, food bank or other program to relieve hunger, undernutrition and food shortages among needy individuals and families, homeless people and victims of domestic violence.

“Program.” The State Food Purchase Program.

“Program participant.” An individual or household which is in need of food assistance to supplement the diet of economically depressed persons to prevent hunger or undernutrition.

“Regional food bank.” A nonprofit charitable organization qualified under the provisions of section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 1 et seq.) which maintains an established operation involving the provision of food to nonprofit food pantries, soup kitchens, shelters or feeding centers that provide food packages or meals to people in need of food assistance.

“U.S.D.A. commodity programs.” All food which is available through Federal programs.

Section 3. State Food Purchase Program.

(a) Establishment.—There is hereby established the State Food Purchase Program to provide funds to county governments, regional food banks or emergency food providers for the purchase, transportation, storage and distribution of food products to program participants as described in this act. These funds may also be used for repackaging and the processing of food for distribution to program participants. This program shall be administered by the department.

(b) Purchase requirements.—Purchases shall be made in accordance with the following standards:

(1) The food products that are purchased with State funds shall be procured in household or soup kitchen proportions, depending upon the intended usage.

(2) Purchases shall be wholesale, competitive bid prices or better.

(3) Food purchased under the program may not duplicate food items available under U.S.D.A. commodity programs or private donations of food to the emergency food providers unless the quantities available through these means are insufficient to meet the county or regional food bank's need for a particular product.

(4) The food purchased with program funds shall be combined with food available from other sources to compose a wholesome food package or meal for the program participants.

Section 4. Eligibility requirements.

The department shall establish procedures and guidelines for determining eligibility of program participants. The department's procedures shall not limit the established guidelines utilized by emergency food providers used for the program. A person who is eligible for food may not be charged for food or be encouraged to contribute money in order to receive food under this program.

Section 5. Contracts and subcontracts.

The department shall contract with local county governments for operation of this program. With department approval, county governments may designate and subcontract with a regional food bank or emergency food provider to operate this program. If a county chooses not to participate in the program and chooses not to designate an emergency food provider to participate on its behalf by the 90th day of the fiscal year, the department shall immediately attempt to contract with an emergency food provider to administer the program within such county.

Section 6. Advisory committee.

There is hereby established an advisory committee within the department to be known as the Emergency Food Assistance Advisory Committee. This committee shall be composed of food and nutrition advocates, regional food bank representatives, county government representatives and representatives of the department and the Governor's Office. The advisory committee shall elect a chairperson at the first meeting of the calendar year who shall be empowered to call meetings when appropriate. The advisory committee shall be composed of not less than ten but no more than 15 members appointed by the Secretary of Agriculture, no more than three of whom shall be State employees. Members of the advisory committee shall serve without remuneration except for reimbursement for travel expenses.

Section 7. Audit and reporting.

(a) **Audit.**—The program established by this act is subject to audit and review by the Auditor General to determine proper operation and compliance with statutes, regulations and policies. Contractors, subcontractors or approved agencies receiving funds or commodities under this act are subject at reasonable times to audit and review by the Auditor General, the department and persons authorized by the department to determine proper operation and compliance with statutes, regulations and policies.

(b) **Annual report.**—Within 90 days after the conclusion of each fiscal year, the entity with whom the department has contracted with for operation

of the program shall submit an annual report to the department which accounts fully for or specifies the expenditure of funds, number of people and households served, variety, pounds and cost of food purchases. Within 180 days of the end of the fiscal year, the Secretary of Agriculture shall submit an annual program report to the Secretary of the Senate and the Chief Clerk of the House of Representatives which shall include, but not be limited to, the allocation and expenditure of funds, the number of people and households served, quantity of food distributed by type of food and total cost and per pound cost of food purchases.

Section 8. Prohibited acts.

Officials and employees of the county governments, regional food banks and emergency food providers for the program are prohibited from contracting or providing services for profit under the program.

Section 9. Rules and regulations.

The department may utilize the program guidelines and policies in effect on the effective date of this act for one year. Thereafter, the department shall by regulation develop program guidelines and policies for administration of this act and for a county-by-county allocation formula of funds for this program. The department shall seek the advice and counsel of the Emergency Food Assistance Advisory Committee. The department shall provide technical assistance and information to the emergency food providers, including nutrition information, information about the establishment and operation of emergency food services and information about other Federal and State nutrition programs.

Section 10. Effective date.

This act shall take effect immediately.

APPROVED—The 11th day of December, A. D. 1992.

ROBERT P. CASEY