

SECOND REGULAR SESSION

# HOUSE BILL NO. 1833

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MUNZLINGER (Sponsor), FLANIGAN, ZERR, FUNDERBURK, GRISAMORE, SCHAAF, STORCH, NANCE, FISHER (125), BURLISON, LAMPE, RUESTMAN, SANDER, OXFORD, WILSON (119), WALLACE, McGHEE AND AULL (Co-sponsors).

4101L.05I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 261, RSMo, by adding thereto two new sections relating to the farm to institution initiative.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 261, RSMo, is amended by adding thereto two new sections, to be known as sections 261.325 and 261.328, to read as follows:

**261.325. 1. Sections 261.325 and 261.328 shall be known and may be cited as the "Farm to Institution Initiative".**

**2. For the purposes of sections 261.325 and 261.328, the following terms shall mean:**

**(1) "Food system", the network of agricultural production, food processing, distribution, retail, and consumption related to our food supply, and the transformation of raw materials into foods for human consumption in which actions in one food system sector influences all others;**

**(2) "Percentage price preference", the percent by which a responsive bid by a responsible bidder whose product is locally grown and processed may exceed the lowest responsive bid by a responsible bidder whose product is not locally grown and processed;**

**(3) "Small agribusiness", an independent agribusiness that produces or processes Missouri food products with gross annual sales of less than five million dollars;**

**(4) "Small farm" or "small farmer", an independent family-owned farm in the state of Missouri with at least one family member working in the day-to-day operation of the farm.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **3. There is hereby created the "Farm to Institution Initiative" within the**  
17 **agriculture business development division within the department of agriculture. Subject**  
18 **to appropriation, the division may employ staff to carry out the functions of sections**  
19 **261.325 and 261.328.**

20           **4. The mission of the farm to institution initiative created in this section shall be to**  
21 **improve public awareness of and access to the agricultural products that are produced or**  
22 **processed by small farmers and small agribusinesses, to promote a sustainable Missouri**  
23 **food system, and to enable more food dollars to stay within the state's economy. To**  
24 **accomplish this mission, the division will provide technical and financial assistance to small**  
25 **farmers and small agribusinesses for the branding, marketing, and distribution of locally-**  
26 **grown Missouri agricultural products. The division may coordinate with the departments**  
27 **of elementary and secondary education, health and senior services, corrections, mental**  
28 **health, and economic development to promote the economic benefits as well as health**  
29 **benefits of the initiative.**

30           **5. The duties of the farm to institution initiative shall be to:**

31           **(1) Administer the Missouri farm to institution program created under section**  
32 **261.328;**

33           **(2) Collaborate with the AgriMissouri brand program created under section**  
34 **261.230 by:**

35           **(a) Assisting small farmers and small agribusinesses in marketing locally grown**  
36 **and processed agricultural products within this state;**

37           **(b) Supporting a marketing plan for Missouri-grown and -processed agricultural**  
38 **products produced by small farmers and small agribusinesses;**

39           **(3) Collaborate with the university extension and other state and regional programs**  
40 **that promote state and regional programs that promote diversification of agricultural**  
41 **production by local farmers to expand local food production to meet increased consumer**  
42 **demands in Missouri;**

43           **(4) Seek funding for the initiative by gift, bequest, donation, and other sources for**  
44 **the issuance of grants. All moneys shall be held in the farm to institution initiative fund**  
45 **created under subsection 5 of section 261.328;**

46           **(5) Administer funding for the initiative's operations and programs; and**

47           **(6) Promulgate rules for the programs in this section. Any rule or portion of a rule,**  
48 **as that term is defined in section 536.010, that is created under the authority delegated in**  
49 **this section shall become effective only if it complies with and is subject to all of the**  
50 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**  
51 **are nonseverable and if any of the powers vested with the general assembly pursuant to**

52 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
53 subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
54 proposed or adopted after August 28, 2010, shall be invalid and void.

261.328. 1. The department of agriculture, in collaboration with the departments  
2 of elementary and secondary education, health and senior services, and economic  
3 development, shall create the "Farm to Institution Program" to reduce obesity and  
4 improve nutrition and public health, as well as strengthen local agricultural economies by  
5 increasing access to and promoting the consumption of locally grown foods and enabling  
6 more food dollars to stay within this state.

7 2. The first phase of the farm to institution program shall be the establishment of  
8 the "Farm Fresh Schools Program" which shall:

9 (1) Link schools with local and regional farms in order to provide schools with  
10 locally grown foods for inclusion in school meals, vending machines, salad bars, and  
11 snacks;

12 (2) Develop nutritional awareness, healthy eating habits, and physical activity for  
13 overall wellness of students;

14 (3) Provide students with hands-on learning opportunities, such as farm visits,  
15 cooking demonstrations, and school gardening and composting programs to integrate  
16 nutrition, physical activity, health, and agricultural education as basic life skills into school  
17 curricula;

18 (4) Emphasize the purchase of locally grown foods by schools to improve child  
19 nutrition, strengthen local and regional farm economies, and enable food dollars to stay  
20 within Missouri;

21 (5) Establish a goal of ten percent by 2013, increasing to twenty percent by 2018 of  
22 total food purchased by school cafeterias being procured from local small farmers and  
23 small agribusinesses;

24 (6) Identify existing resources for processing foods locally and identify funding  
25 sources for expanding local food processing facilities to meet increased demands for locally  
26 processed foods; and

27 (7) Allow for a percentage price preference.

28 3. The second phase of the farm to institution program shall be the establishment  
29 of a "Farm to Cafeteria Program", which shall:

30 (1) Build partnerships required to reform state institution food procurement  
31 policies to facilitate the purchase of locally grown foods to the maximum extent practical;

32 (2) Link state institution cafeterias with local and regional small farms to provide  
33 cafeterias with locally grown foods for inclusion in meals, salad bars, and snacks;

34           **(3) Emphasize and promote the purchase of locally grown foods by state institution**  
35 **cafeterias to improve access to Missouri-grown and -processed food products, develop the**  
36 **local food system, strengthen local and regional farm economies, and enable more food**  
37 **dollars to stay within Missouri;**

38           **(4) Establish a goal of ten percent by 2020, increasing to twenty percent by 2028 of**  
39 **total food purchased by state institution cafeterias being procured from local small farmers**  
40 **and small agribusinesses;**

41           **(5) Identify and update existing resources for processing foods locally and identify**  
42 **funding sources for expanding local food processing facilities to meet increased demands**  
43 **for locally grown foods; and**

44           **(6) Allow for a percentage price preference.**

45           **4. In implementing the farm to institution program, the departments of agriculture,**  
46 **elementary and secondary education, health and senior services, corrections, mental health,**  
47 **and economic development shall:**

48           **(1) Amend school and state institution cafeteria procurement regulations to:**

49           **(a) Include in the department's website a mechanism to link farmers, processors,**  
50 **schools, and institutions for the purpose of locally grown food procurement;**

51           **(b) Coordinate with local and federal authorities to obtain resources necessary to**  
52 **accomplish the goal of building a farm and food network which facilitates the expansion**  
53 **of the numbers of farmers growing local food products, food processing, and**  
54 **transportation, distribution mechanisms for locally grown foods, and marketing to create**  
55 **awareness of the benefits of supporting a locally grown and sustainable food system;**

56           **(c) Revise food procurement procedures to remove barriers and maximize the**  
57 **purchase of locally grown foods by schools and state institutions; and**

58           **(d) Require state food contracts to include a plan to maximize the purchase of**  
59 **locally grown food;**

60           **(2) Provide training that includes but is not limited to the United States Department**  
61 **of Agriculture policies for food safety in production, post harvest storage and distribution,**  
62 **and food processing. Such training shall address good agricultural practices (GAP), good**  
63 **handling practices (GHP), and hazard analysis and critical points (HACCP) as appropriate**  
64 **for farmers and food processing facilities;**

65           **(3) Conduct workshops, training sessions, and technical assistance to farm, food**  
66 **processing, and school food service personnel, including in-services on procurement;**

67           **(4) Assist schools in developing and implementing nutrition education curricula**  
68 **that include locally grown foods and gardening; and**

69           **(5) Promote development of school gardens and encourage local authorities to**  
70 **permit school-grown foods to be served in school cafeterias.**

71           **5. (1) There is hereby created in the state treasury the "Farm to Institution**  
72 **Initiative Fund", which shall consist of moneys appropriated for the program, and any**  
73 **gifts, bequests, or donations to the program. The state treasurer shall be custodian of the**  
74 **fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve**  
75 **disbursements. Upon appropriation, money in the fund shall be used solely for the**  
76 **administration of this section.**

77           **(2) Notwithstanding the provisions of section 33.080 to the contrary, any moneys**  
78 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
79 **general revenue fund.**

80           **(3) The state treasurer shall invest moneys in the fund in the same manner as other**  
81 **funds are invested. Any interest and moneys earned on such investments shall be credited**  
82 **to the fund.**

83           **6. The department of agriculture shall develop a request for proposals (RFP) for**  
84 **grants to expand the ability to produce, process, and distribute locally grown foods. The**  
85 **department of agriculture shall collaborate with the departments of elementary and**  
86 **secondary education, health and senior services, corrections, mental health, and economic**  
87 **development to jointly administer a process to review grant proposals and award grants**  
88 **from the farm to institution initiative fund on a competitive bid basis to eligible**  
89 **participants to implement the farm to institution program. The first six grants awarded**  
90 **under the program shall be awarded in counties with a significant agricultural economy**  
91 **based on need.**

92           **7. The department of agriculture, in consultation with the departments of**  
93 **elementary and secondary education, health and senior services, corrections, mental health,**  
94 **and economic development, shall promulgate rules to implement the provisions of this**  
95 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
96 **created under the authority delegated in this section shall become effective only if it**  
97 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
98 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
99 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
100 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
101 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**  
102 **shall be invalid and void.**

103           **8. Under section 23.253 of the Missouri sunset act:**

104           **(1) The provisions of the new program authorized under this section shall**  
105 **automatically sunset six years after the effective date of this section unless reauthorized by**  
106 **an act of the general assembly; and**

107           **(2) If such program is reauthorized, the program authorized under this section**  
108 **shall automatically sunset twelve years after the effective date of the reauthorization of this**  
109 **section; and**

110           **(3) This section shall terminate on September first of the calendar year immediately**  
111 **following the calendar year in which the program authorized under this section is sunset.**

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