

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 652

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE STEVENS (46).

0365H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 208.018, 208.285, and 210.251, RSMo, and to enact in lieu thereof five new sections relating to nutritional assistance programs.

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

Section A. Sections 208.018, 208.285, and 210.251, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 135.1610, 208.018, 208.285, 210.251, and 261.021, to read as follows:

135.1610. 1. As used in this section, the following terms mean:

- (1) "Eligible expenses", expenses incurred in the construction or development of establishing an urban farm in a food desert;**
- (2) "Food desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population is located at least one-quarter mile away from a full-service grocery store in an urban area;**
- (3) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;**
- (4) "Taxpayer", any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;**

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.

15 (5) "Urban area", an urban place as designated by the United States Census
16 Bureau;

17 (6) "Urban farm", an agricultural plot or facility in an urban area that produces
18 agricultural products, as that term is defined in section 262.900. "Urban farm" shall
19 include, but not be limited to, community-run gardens.

20 2. For all tax years beginning on or after January 1, 2022, a taxpayer shall be
21 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal
22 to fifty percent of the taxpayer's eligible expenses for establishing an urban farm in a food
23 desert.

24 3. The amount of the tax credit claimed shall not exceed the amount of the
25 taxpayer's state tax liability in the tax year for which the credit is claimed, and the
26 taxpayer shall not be allowed to claim a tax credit under this section in excess of one
27 thousand dollars for each urban farm. However, any tax credit that cannot be claimed in
28 the tax year the contribution is made may be carried over to the next three succeeding tax
29 years until the full credit is claimed.

30 4. The total amount of tax credits that may be authorized under this section shall
31 not exceed one hundred thousand dollars in any calendar year.

32 5. Tax credits issued under the provisions of this section shall not be sold, assigned,
33 or otherwise transferred.

34 6. The department of revenue and the department of agriculture may promulgate
35 rules to implement the provisions of this section. Any rule or portion of a rule, as that term
36 is defined in section 536.010, that is created under the authority delegated in this section
37 shall become effective only if it complies with and is subject to all of the provisions of
38 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
39 nonseverable, and if any of the powers vested with the general assembly pursuant to
40 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
42 proposed or adopted after August 28, 2021, shall be invalid and void.

43 7. Under section 23.253 of the Missouri sunset act:

44 (1) The program authorized under this section shall automatically sunset on
45 December thirty-first six years after the effective date of this section unless reauthorized
46 by an act of the general assembly;

47 (2) If such program is reauthorized, the program authorized under this section
48 shall automatically sunset on December thirty-first twelve years after the effective date of
49 the reauthorization of this section;

50 **(3) This section shall terminate on September first of the calendar year immediately**
51 **following the calendar year in which the program authorized under this section is sunset;**
52 **and**

53 **(4) Nothing in this subsection shall be construed to prevent a taxpayer from**
54 **claiming a tax credit properly issued before the program is sunset in a tax year after the**
55 **program is sunset.**

208.018. 1. Subject to federal approval, the department of social services shall establish
2 a pilot program for the purpose of providing Supplemental Nutrition Assistance Program
3 (SNAP) participants with access and the ability to afford fresh food when purchasing fresh food
4 at farmers' markets. The pilot program shall be established in at least one rural area and one
5 urban area. Under the pilot program, such participants shall be able to:

6 (1) Purchase fresh fruit, vegetables, meat, fish, poultry, eggs, and honey with SNAP
7 benefits with an electronic benefit transfer (EBT) card; and

8 (2) Receive a dollar-for-dollar match for every SNAP dollar spent at a participating
9 farmers' market or vending urban agricultural zone as defined in section 262.900 in an amount
10 up to ten dollars per week whenever the participant purchases fresh food with an EBT card.

11 2. For purposes of this section, the term "farmers' market" shall mean a market with
12 multiple stalls at which farmer-producers sell agricultural products, particularly fresh fruit and
13 vegetables, directly to the general public at a central or fixed location.

14 3. Purchases of approved fresh food by SNAP participants under this section shall
15 automatically trigger matching funds reimbursement into the central farmers' market vendor
16 accounts by the department.

17 4. The funding of this pilot program shall be subject to appropriation. In addition to
18 appropriations from the general assembly, the department may apply for available grants and
19 shall be able to accept other gifts, grants, and donations to develop and maintain the program.

20 5. The department shall promulgate rules setting forth the procedures and methods of
21 implementing this section. Any rule or portion of a rule, as that term is defined in section
22 536.010, that is created under and pursuant to the authority delegated in this section shall become
23 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
24 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
25 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
26 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
27 rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be invalid
28 and void.

29 6. Under and pursuant to section 23.253 of the Missouri sunset act:

30 (1) The provisions of this section shall ~~[sunset automatically six years after the effective~~
 31 ~~date of this section unless reauthorized by an act of the general assembly, and~~

32 ~~—— (2) If such program is reauthorized, the program authorized under this section shall~~
 33 ~~sunset automatically twelve years after the effective date of the reauthorization of this section]~~
 34 **expire on August 28, 2033; and**

35 ~~[(3)]~~ (2) This section shall terminate on September ~~[first of the calendar year~~
 36 ~~immediately following the calendar year in which the program authorized under this section is~~
 37 ~~sunset]~~ **1, 2034.**

208.285. 1. The department of agriculture shall apply for a grant under the United States
 2 Department of Agriculture's Senior Farmers' Market Nutrition Program **and apply for a grant**
 3 **and submit a state plan under the United States Department of Agriculture's Women,**
 4 **Infants and Children (WIC) Farmers' Market Nutrition Program** to provide low-income
 5 seniors **and pregnant and postpartum women, infants, and children under five years of age**
 6 **who are found to be at nutritional risk** with vouchers or other approved and acceptable
 7 methods of payment including, but not limited to, electronic cards that may be used to purchase
 8 eligible foods at farmers' markets~~[, roadside stands, and community-supported agriculture (CSA)~~
 9 ~~programs].~~

10 2. There is hereby established the "Missouri ~~[Senior]~~ Farmers' Market Nutrition
 11 Program" within the department of agriculture. Upon receipt of any grant moneys under
 12 subsection 1 of this section, the program shall supply Missouri-grown, fresh produce to ~~[senior]~~
 13 participants through the distribution of vouchers or other approved methods of payment that may
 14 be used only at designated Missouri farmers' markets~~[, roadside stands, and CSA programs].~~ The
 15 program is designed to provide a supplemental source of fresh produce for the dietary needs of
 16 low-income seniors **and pregnant and postpartum women, infants, and children under five**
 17 **years of age who are found to be at nutritional risk;** to stimulate an increased demand for
 18 Missouri-grown produce at farmers' markets~~[, roadside stands, and CSA programs];~~ and to
 19 develop new and additional farmers' markets~~[, roadside stands, and CSA programs].~~

20 3. Eligible seniors **and pregnant and postpartum women, infants, and children**
 21 **under five years of age who are found to be at nutritional risk** shall receive ~~[senior]~~ farmers'
 22 market nutrition program vouchers or other approved methods of payment from designated
 23 distribution sites in their county of residence **or a neighboring county.** Upon the issuance of
 24 vouchers or other approved methods of payment, participants shall be provided with a list of
 25 participating farmers~~[,] and farmers' markets[, roadside stands, and CSA programs. The~~
 26 ~~department shall provide distribution site information at all county area agencies on aging].~~

27 4. For purposes of this section, "[~~senior~~] participant" means a person who is sixty years
 28 of age or older ~~[by December thirty-first of the program year]~~ **at the time of application and**

29 who meets the income eligibility criteria based on guidelines published annually by the United
30 States Department of Agriculture **or a person who participates in the women, infants and**
31 **children (WIC) special supplemental nutrition program administered by the department**
32 **of health and senior services.**

33 **5. The department of agriculture and any other state department, state or local**
34 **government agency, or nonprofit entity participating in the Missouri farmers' market**
35 **nutrition program shall cooperate as necessary including, but not limited to, entering into**
36 **written agreements in order to effectively establish and maintain the United States**
37 **Department of Agriculture's Senior Farmers' Market and the Women, Infants and**
38 **Children (WIC) Farmers' Market Nutrition Programs.**

39 **6.** The department may promulgate rules to implement the provisions of this section.
40 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
41 authority delegated in this section shall become effective only if it complies with and is subject
42 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
43 chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant
44 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
45 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
46 or adopted after August 28, ~~[2018]~~ **2021**, shall be invalid and void.

210.251. 1. By January 1, 1994, financial incentives shall be provided by the department
2 of health and senior services through the child development block grant and other public moneys
3 for child-care facilities wishing to upgrade their standard of care and which meet quality
4 standards.

5 2. The department of health and senior services shall make federal funds available to
6 licensed or inspected child-care centers pursuant to federal law as set forth in the Child and Adult
7 Food Program, 42 U.S.C. 1766.

8 **3. Notwithstanding any other provision of law, in the administration of the**
9 **program for at-risk children through the Child and Adult Food Program, 42 U.S.C. 1766,**
10 **this state shall not have requirements that are stricter than federal regulations for**
11 **participants in such program. Child care facilities shall not be required to be licensed child**
12 **care providers to participate in such federal program so long as minimum health and**
13 **safety standards are met and documented.**

261.021. 1. As used in this section, the term "socially disadvantaged community"
2 **means an area containing a group of individuals whose members have been subjected to**
3 **racial or ethnic prejudice because of the identity of such individuals as members of a group**
4 **without regard to the individual qualities of such individuals.**

5 **2. There is hereby created within the department of agriculture the "Socially**
6 **Disadvantaged Communities Outreach Program" to connect historically unserved and**
7 **underserved urban communities with access to healthy fresh food and knowledge and skills**
8 **related to food production.**

9 **3. The outreach program shall:**

10 **(1) Provide financial assistance for people growing food in socially disadvantaged**
11 **communities through programs such as those authorized in section 135.1610;**

12 **(2) Encourage activities that support and promote urban agriculture in socially**
13 **disadvantaged communities;**

14 **(3) Provide educational and skills training related to food production in socially**
15 **disadvantaged communities; and**

16 **(4) Address food deserts in urban socially disadvantaged communities.**

17 **4. The department shall designate an employee to administer and monitor the**
18 **socially disadvantaged communities outreach program and to serve as a liaison to affected**
19 **communities. The duties of such employee shall include, but not be limited to:**

20 **(1) Providing leadership at the state level to encourage participation in programs**
21 **to meet the goals under subsections 2 and 3 of this section;**

22 **(2) Conducting workshops and other sessions that provide educational and skills**
23 **training related to food production to residents of socially disadvantaged communities; and**

24 **(3) Seeking grants, private donations, or other funding sources to support the**
25 **socially disadvantaged communities outreach program.**

26 **5. On or before December thirty-first of each year, the department shall submit a**
27 **report to the general assembly detailing the number of residents who received training**
28 **under this section, the number of tax credits issued under section 135.1610, and any**
29 **recommendations for legislative action to improve the program.**

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