

# Food Banks

This Act establishes a program in the state department of agriculture to award grants to nonprofit organizations to collect and distribute surplus food grown in the state to food banks and other charitable organizations which serve needy or low-income people. The Act creates a Surplus Agricultural Commodities Fund to fund the program and an advisory committee to guide the program.

Submitted as:

Kentucky

[Chapter 24 of 2009 \(HB 344\)](#)

Status: Enacted into law in 2009.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as “An Act to Establish Food Banks Using  
2 Surplus Agricultural Commodities.”

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          Section 2. [*Definitions.*] As used in this Act:

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          (1) “Agricultural commodity” means any agricultural product, including but not limited  
6 to plant and animal products grown, raised, or produced within this state for use as food, feed,  
7 seed, or any aesthetic, industrial, or chemurgic purpose; and

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          (2) “Food bank” means a surplus food collection and distribution system operated and  
9 established to assist in bringing donated food to nonprofit charitable organizations and  
10 individuals for redistribution to reduce hunger and supply nutritional needs.

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12           Section 3. [*Establishing a Program to Collect and Distribute Surplus Agricultural*  
13 *Commodities to Food Banks and Other Charitable Organizations.*]

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          (A)           There is hereby established in the [department of agriculture] a program to  
15 award grants to nonprofit organizations for the purpose of collecting and distributing surplus  
16 agricultural commodities grown and raised in this state to food banks and other charitable  
17 organizations that serve needy or low-income individuals.

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          (B) Subject to available funds, a nonprofit organization is eligible to receive a grant under  
19 this Act if the organization:

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          (1) Has at least [five (5)] years of experience coordinating a statewide network of  
21 food banks and charitable organizations that serve counties of this state;

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          (2) Operates a program that coordinates the collection and transportation of  
23 surplus agricultural commodities to a statewide network of food banks that provide food to  
24 needy or low-income individuals; and

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          (3) Submits to the [department], in a manner and time prescribed by the  
26 [department], a proposal for the collection and distribution of agricultural commodities to food  
27 banks and other charitable organizations for use in providing food for needy or low-income  
28 individuals, including:

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          (a) A description of the proposal;

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          (b) A schedule of projected costs for the proposal;

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          (c) Measurable goals for the proposal; and

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(d) A plan for evaluating the success of the proposal.

(C) A nonprofit organization that receives a grant under this Act shall comply with the following requirements:

- (1) Purchases shall be made from farmers, growers, and vendors in this state;
- (2) Agricultural commodities collected and distributed shall be culls or those designated as surplus or unmarketable, and not primary agricultural commodities;
- (3) Surplus or unmarketable agricultural commodities or culls shall be purchased at production cost or below market price from produce auctions, farmers, growers, and vendors;
- (4) Donations of culls, or surplus or unmarketable agricultural commodities from farmers' markets, cooperatives, farmers, and growers shall be encouraged; and
- (5) People making the donations may be reimbursed for picking, packaging, processing, transportation, storage, distribution, or other costs.

(D) A nonprofit organization that receives a grant under this Act shall report the results of the project to the [department of agriculture] in a manner prescribed by the [department of agriculture].

Section 4. *[Surplus Agricultural Commodities Advisory Committee.]*

(A) A [Surplus Agricultural Commodities Advisory Committee] is hereby created for the purpose of advising the [department of agriculture] concerning the implementation and administration of the program established under this Act. The [committee] shall be composed of no fewer than [ten (10)] but no more than [fifteen (15)] members appointed by the [commissioner of agriculture]. Membership on the [committee] shall include:

- (1) Food and nutrition advocates;
- (2) Regional food bank representatives;
- (3) Local government representatives;
- (4) Representatives of the [department] and [governor's office];
- (5) Agricultural commodity producers;
- (6) Representatives of farm advocacy groups;
- (7) Representatives of public or private colleges and universities in this state; and
- (8) At-large members designated by the [commissioner of agriculture].

(B) The [advisory committee] shall elect a chairperson during the first organizational meeting.

(C) The [committee] shall:

- (1) Advise the [department] concerning the implementation and administration of this Act; and
- (2) Make recommendations to the [department] regarding the content of administrative regulations promulgated by the [department] in accordance with this Act.

(D) Appointed [committee] members may be reimbursed for reasonable and necessary expenses incurred while engaged in carrying out the official duties of the [committee].

(E) The [committee] shall be attached to the [department of agriculture] for administrative purposes.

Section 5. *[Surplus Agricultural Commodities Fund.]*

(A) The [Surplus Agricultural Commodities Fund] is hereby created in the [State Treasury] as a restricted account to be administered by the [department] for the purposes provided in this section.

(B) Notwithstanding the provisions of [insert citation], any moneys accruing to this fund in any fiscal year, including state appropriations, gifts, grants, federal funds, interest, and any other funds both public and private, shall not lapse but shall be carried forward to the next fiscal

81 year.

82 (C) Moneys received in the fund shall be used for carrying out the provisions of this Act.

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84 Section 6. [*Regulations Implementing this Act.*] The [commissioner] shall promulgate the  
85 administrative regulations necessary to carry out the provisions of this Act.

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87 Section 7. [*Severability.*] [Insert severability clause.]

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89 Section 8. [*Repealer.*] [Insert repealer clause.]

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91 Section 9. [*Effective Date.*] [Insert effective date.]