



General Assembly

Substitute Bill No. 6854

January Session, 2023



**AN ACT ESTABLISHING THE OFFICE OF THE FOOD ACCESS
ADVOCATE AND TAX INCENTIVES FOR GROCERY STORES IN
FOOD DESERTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) As used in this section
2 and sections 2 and 3 of this act:

3 (1) "COVID-19" means the respiratory disease designated by the
4 World Health Organization on February 11, 2020, as coronavirus 2019,
5 and any related mutation thereof recognized by said organization as a
6 communicable respiratory disease;

7 (2) "Food insecurity" means a household-level economic and social
8 condition of limited or uncertain access to sufficient and nutritionally
9 adequate food;

10 (3) "Food insecurity program" means a nutrition program in the state
11 intended for households with limited or uncertain access to sufficient
12 and nutritionally adequate food;

13 (4) "Food desert" means an area identified as a food desert in the Food
14 Access Research Atlas produced by the United States Department of
15 Agriculture's Economic Research Service;

16 (5) "Food recovery organization" means a public or private entity,
17 including, but not limited to, a community-based organization, food
18 bank, food pantry or soup kitchen, that, on a nonprofit basis and in the
19 ordinary course of such entity's business or operations, provides
20 nutritional assistance to individuals in the state who are in need of such
21 assistance, free of charge; and

22 (6) "Nutritionally adequate food" means food that provides sufficient
23 nutrients and proteins consistent with the Dietary Guidelines for
24 Americans recommended by the United States Department of
25 Agriculture and the United States Department of Health and Human
26 Services.

27 (b) There is established the Office of the Food Access Advocate,
28 which shall be within the Department of Social Services for
29 administrative purposes only. The Office of the Food Access Advocate
30 shall:

31 (1) Coordinate outreach for food insecurity programs, including, but
32 not limited to, developing new initiatives and outreach campaigns and
33 identifying best practices to increase enrollment in the state's food
34 insecurity programs;

35 (2) Provide support to the United Way's 2-1-1 Infoline program as the
36 state's twenty-four hour toll-free hunger hotline to assist in making
37 information about the state's food insecurity programs as widely
38 available as possible;

39 (3) Create, support, monitor and make public data concerning food
40 insecurity throughout the state on a town-by-town level;

41 (4) Support grant application processes related to food insecurity for
42 in-state food recovery organizations and state departments by
43 monitoring available grants, recommending grant applications,
44 coordinating grants promoting equity in food access and assisting with
45 the grant application process;

46 (5) Coordinate communication with and between food recovery
47 organizations, supermarkets and groups that work with the facilitation
48 of food donations;

49 (6) Establish best practices for food recovery organizations to reduce
50 food waste and to distribute more fresh produce and proteins to food
51 insecurity programs and food banks;

52 (7) Collaborate with research organizations and universities to
53 monitor research on areas that are underserved by current food
54 insecurity programs;

55 (8) Collaborate with state and community partners to develop a
56 strategic plan to address identified gaps in areas that are unserved by
57 current food insecurity programs;

58 (9) Oversee the development and implementation of public-private
59 partnerships to address food insecurity;

60 (10) Provide support in coordinating assistance to address food
61 insecurity during federal or state declared states of emergency;

62 (11) Coordinate food insecurity programming and initiatives for
63 institutions of higher education with the Office of Higher Education;

64 (12) Advocate for health, economic and agricultural policies that
65 reduce food insecurity, including, but not limited to, policies promoting
66 a living wage, housing security and health care access;

67 (13) Establish a system that easily disaggregates data by race, age,
68 type of household and socioeconomic group to further analysis of
69 disproportionate impacts of food security;

70 (14) Assess all (A) reports regarding food insecurity or food policy
71 produced by government task forces, grantees and partnerships with
72 nonprofit organizations, (B) food security programs offered in the state,
73 and (C) policy recommendations created by past and present city-level

74 food policy councils to create an actionable blueprint to combat food
75 insecurity;

76 (15) Support community-led efforts to create an environmentally
77 sustainable and socially just food system;

78 (16) Create (A) a blueprint that will increase access to the production
79 and sale of locally grown foods, and (B) a centralized database for food
80 banks, supermarkets, food rescue organizations and others to work
81 together to economize efficiency and reduce waste;

82 (17) Craft policy position documents, talking points and other
83 materials for internal and external communication;

84 (18) Partner with industry leaders, trade associations,
85 nongovernmental organizations, institutions that research food
86 insecurity, charitable foundations and other external groups to align
87 and build support for policy positions;

88 (19) Implement self-sustainable food practices where residents can
89 grow their own food or pick their own food by creating more edible
90 green spaces in neighborhoods, schools, public parks, community
91 centers and other common areas;

92 (20) Support the establishment and growth of programs in which
93 mobile food trucks serve communities with low levels of transportation
94 options;

95 (21) Advocate for universal school meals and summer programs for
96 youth and underserved persons;

97 (22) Facilitate the coordination of efforts between food policy councils
98 and community and state entities;

99 (23) Create and publicly release annual reports on findings regarding
100 food insecurity and recommendations to reduce food insecurity; and

101 (24) Implement recommendations from the National Strategy on

102 Hunger, Nutrition and Health concerning community lessons on
103 growing, healthy storage and cooking of food.

104 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) The administrator and
105 chief executive officer of the Office of the Food Access Advocate,
106 established pursuant to section 1 of this act, shall be appointed by the
107 Governor with the approval of the General Assembly and be known as
108 the Food Access Advocate. The advocate shall be a person qualified by
109 training and experience to perform the duties of the office. Any vacancy
110 occurring in the position shall be filled in the same manner as the
111 original appointment, except that if the advocate dies, resigns, becomes
112 ineligible to serve for any reason or is removed from office, the
113 Governor shall appoint an acting Food Access Advocate, who shall
114 serve until the appointment and qualification of the advocate's
115 successor. An acting Food Access Advocate shall exercise all the powers
116 and duties of the Food Access Advocate pursuant to the provisions of
117 this section.

118 (b) The Food Access Advocate, as administrator and chief executive
119 officer of the office, may:

120 (1) Administer and organize the work of the office and establish such
121 administrative subdivisions as the advocate may deem necessary,
122 proper and expedient;

123 (2) Formulate and adopt rules and regulations and prescribe duties
124 for the efficient conduct of the business, work and general
125 administration of the office;

126 (3) Delegate to subordinate officers or employees in the office such
127 power as the Food Access Advocate may deem desirable to be exercised
128 under the advocate's supervision and control;

129 (4) Within available appropriations, appoint and remove clerical,
130 administrative and other secretarial assistants as may be required for
131 the proper conduct of the office;

132 (5) Within available appropriations, appoint, retain or employ any
133 officers, financial managers, social workers or other professionally
134 qualified personnel on a contract basis or otherwise as the advocate
135 deems necessary;

136 (6) Maintain suitable headquarters for the office and such other
137 quarters the advocate deems necessary for the proper functioning of the
138 office;

139 (7) Solicit and accept grants or funds from the federal government
140 and from other public and any private sources for any of the purposes
141 of this section, provided any such state funds shall be expended only
142 within available appropriations;

143 (8) Serve as the food access liaison between the Departments of
144 Agriculture, Education and Social Services; and

145 (9) Establish an Internet web site for the office and perform such other
146 functions as may be prescribed by law.

147 (c) The Food Access Advocate shall file annual reports not later than
148 January fifteenth, in accordance with the provisions of section 11-4a of
149 the general statutes, to the joint standing committees of the General
150 Assembly having cognizance of matters relating to children, education,
151 the environment, human services and public health on the status of food
152 insecurity in the state along with recommendations on reducing food
153 insecurity.

154 Sec. 3. (NEW) (*Effective October 1, 2023*) The Office of the Food Access
155 Advocate, established pursuant to section 1 of this act, shall collect,
156 maintain and make publicly available on its Internet web site a link that
157 provides access to a repository of information regarding food access and
158 insecurity, including, but not limited to:

159 (1) Breakdowns of food insecurity by town and United States census
160 tract based on reports produced by the United States Census Bureau,
161 the United States Department of Agriculture and nonprofit

162 organizations that track food insecurity;

163 (2) The number and location of food deserts in the state and average
164 distance traveled for a person within such food desert to obtain
165 nutritionally adequate food;

166 (3) The number of food recovery organizations by town or United
167 States census tract and numbers of persons they serve compared to
168 numbers of persons with food insecurity in such town or United States
169 Census tract;

170 (4) The amount of food recovered and wasted per town or United
171 States Census tract;

172 (5) The estimated number of homeless persons and immigrants
173 without legal residency status per town or United States Census tract;
174 and

175 (6) The impact of the COVID-19 pandemic on the number of food
176 insecure persons by town or United States Census tract.

177 Sec. 4. (NEW) (*Effective October 1, 2023*) (a) As used in this section:

178 (1) "Bona fide labor organization" means a labor union that is
179 representing or actively seeking to represent grocery store workers in
180 the state with the following factors indicative, but not determinative, of
181 a finding that a labor organization is a bona fide labor organization: The
182 organization (A) represents employees in this state with regard to
183 wages, hours and working conditions, (B) has officers elected by a secret
184 ballot or otherwise in a manner consistent with federal law, (C) is free
185 of domination or interference by any employer and has received no
186 improper assistance or support from any employer, (D) has been
187 recognized or certified as the bargaining representative for grocery store
188 employees in the state, (E) has executed a current collective bargaining
189 agreement or agreements with grocery store employers in the state, (F)
190 has spent resources as part of a current and active attempt or attempts
191 to organize and represent grocery store workers in the state, (G) has filed

192 the annual report required by 29 USC 431(b) for the three years
193 immediately preceding any labor peace agreement entered into with a
194 grocery store seeking a tax abatement pursuant to this section, (H) has
195 audited financial reports for the three years immediately preceding any
196 labor peace agreement entered into with a grocery store seeking a tax
197 abatement pursuant to this section, (I) has written bylaws or a
198 constitution for the three years immediately preceding any labor peace
199 agreement entered into with a grocery store seeking a tax abatement
200 pursuant to this section, and (J) is affiliated with a regional or national
201 association of unions, including, but not limited to, central labor
202 councils.

203 (2) "Food desert" means an area identified as a food desert in the Food
204 Access Research Atlas produced by the United States Department of
205 Agriculture's Economic Research Service.

206 (3) "Grocery store" means a retail facility (A) (i) at which at least
207 ninety per cent of square footage is used for the display and sale of food
208 products with (ii) at least twenty per cent of such square footage used
209 to display and sell fresh produce, dairy and meat products; (B) that is
210 constructed, rehabilitated, remodeled or refurbished in accordance with
211 the provisions of subsection (b) of section 31-53c of the general statutes;
212 and (C) has entered into a labor peace agreement with a bona fide labor
213 organization.

214 (4) "Labor peace agreement" means an agreement between the
215 business owner or operator of a grocery store and a bona fide labor
216 organization, which requires, for the duration of the agreement, that (A)
217 any participating bona fide labor organization and its members agree to
218 refrain from (i) picketing, (ii) work stoppages, (iii) boycotts, or (iv) other
219 economic interference against the business; and (B) the business owner
220 agrees to (i) maintain a neutral posture with respect to efforts of any
221 participating bona fide labor organization to represent employees at the
222 grocery store, (ii) permit the labor organization to have access to the
223 employees, and (iii) guarantee to the labor organization the right to
224 obtain recognition as the exclusive collective bargaining representative

225 of the employees at such grocery store by demonstrating that a majority
226 of workers at such store have shown their preference for the labor
227 organization to be their representative by signing authorization cards
228 indicating such preference.

229 (b) Any municipality may, by ordinance, provide for the abatement,
230 in part or in whole, of real property taxes on any new grocery store
231 established in a food desert for the assessment years beginning on
232 October 1, 2023, and October 1, 2024. Such ordinance shall prescribe
233 requirements for such abatement and an application process.

234 Sec. 5. (NEW) (*Effective October 1, 2023*) The state, acting by and in the
235 discretion of the Commissioner of Economic and Community
236 Development, may, within available appropriations, enter into a
237 contract with a municipality for state financial assistance in the form of
238 a state grant-in-aid to the municipality not to exceed the amount of taxes
239 abated by the municipality pursuant to section 4 of this act. Such grant-
240 in-aid shall be paid to the municipality in each of the assessment years
241 commencing on October 1, 2023, and October 1, 2024, in an amount not
242 to exceed the amount of taxes abated for each such year.

243 Sec. 6. (*Effective October 1, 2023*) (a) As used in this section, "food
244 desert" and "grocery store" have the same meanings as provided in
245 section 4 of this act.

246 (b) The Commissioner of Economic and Community Development,
247 in consultation with the Commissioner of Agriculture, shall develop a
248 strategic plan to (1) provide incentives for the construction of a grocery
249 store in a food desert, and (2) expand opportunities for residents of food
250 deserts to gain access to nutritionally adequate food.

251 (c) The Commissioner of Economic and Community Development
252 shall file a report on the strategic plan, in accordance with the provisions
253 of section 11-4a of the general statutes, not later than January 1, 2024, to
254 the joint standing committees of the General Assembly having
255 cognizance of matters relating to commerce, the environment, finance,

256 revenue and bonding, human services and planning and development.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	New section
Sec. 4	<i>October 1, 2023</i>	New section
Sec. 5	<i>October 1, 2023</i>	New section
Sec. 6	<i>October 1, 2023</i>	New section

HS *Joint Favorable Subst.*

APP *Joint Favorable*