



February 26, 2016

ENGROSSED SENATE BILL No. 15

DIGEST OF SB 15 (Updated February 24, 2016 6:47 pm - DI 77)

Citations Affected: Noncode.

Synopsis: Fresh food initiative. Urges the legislative council to assign to an appropriate study committee the topics related to the establishment of a food desert grant and loan program.

Effective: Upon passage.

**Head, Merritt, Breaux, Ford,
Holdman, Stoops, Randolph Lonnie M**
(HOUSE SPONSORS — OLTHOFF, SHACKLEFORD, DAVISSON, MOED)

January 5, 2016, read first time and referred to Committee on Commerce & Technology.
January 11, 2016, amended, reported favorably — Do Pass.
January 14, 2016, read second time, ordered engrossed. Engrossed.
January 21, 2016, read third time, passed. Yeas 37, nays 11.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Public Health.
February 25, 2016, amended, reported — Do Pass.

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February 26, 2016

Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 15

A BILL FOR AN ACT concerning health.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "food desert" means an underserved geographic area**
3 **where affordable fresh and healthy foods are difficult to obtain, as**
4 **determined by the state department.**
5 (b) **As used in this SECTION, "study committee" means an**
6 **interim study committee established by IC 2-5-1.3-4.**
7 (c) **The general assembly urges the legislative council to assign**
8 **to an appropriate study committee the topics related to the**
9 **establishment of a food desert grant and loan program within a**
10 **state agency to assist:**
11 (1) **new businesses;**
12 (2) **existing businesses; or**
13 (3) **any legal entity;**
14 **to offer fresh and unprocessed foods within a food desert.**
15 (d) **If the legislative council assigns the topic described in**
16 **subsection (c) to an appropriate study committee, the study**
17 **committee shall complete the study required by this SECTION and**

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1 **report its findings and recommendations, if any, to the legislative**
2 **council in an electronic format under IC 5-14-6 not later than**
3 **November 1, 2016.**
4 **(e) This SECTION expires January 1, 2017.**
5 **SECTION 2. An emergency is declared for this act.**



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Technology, to which was referred Senate Bill No. 15, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 2, delete lines 33 through 36, begin a new paragraph and insert:

"Sec. 2. (a) As used in this chapter, "food desert" means an underserved geographic area where affordable fresh and healthy foods are difficult to obtain, as determined by the state department.

(b) The term includes:

(1) an urban neighborhood or rural town in which:

(A) at least twenty-five percent (25%) of the households are below the federal income poverty level (as defined in IC 12-15-2-1); or

(B) the median family income of residents is not more than eighty percent (80%) of the median family income of the state;

(2) an urban neighborhood, rural town, or metropolitan census tract in which at least five hundred (500) residents or at least thirty-three percent (33%) of the population resides more than one (1) mile from a supermarket or large grocery store; or

(3) a nonmetropolitan census tract in which at least five hundred (500) residents or at least thirty-three percent (33%) of the population resides more than ten (10) miles from a supermarket or large grocery store."

Page 2, line 39, after "grant" insert "**and loan**".

Page 2, line 41, delete "and".

Page 2, line 42, after "businesses;" insert "**or**

(3) any legal entity;".

Page 3, delete lines 2 through 10, begin a new paragraph and insert:

"(b) The division shall establish:

(1) criteria for awarding grants and making loans; and

(2) terms and conditions for recipients of grants and loans;

under the program established by this chapter.

(c) A recipient of a grant or loan must abide by:

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- (1) this chapter; and
- (2) the terms and conditions established under subsection (b)(2).

(d) The recipient of a grant or loan:

- (1) may use the proceeds of the grant or loan only to acquire, repair, or renovate property or equipment to be used in the recipient's business or other entity in offering fresh and unprocessed foods within a food desert; and
- (2) may not use the proceeds of the grant or loan to acquire food to be sold by the recipient's business or other entity.

(e) A recipient of a grant or loan under the program shall allow the division to conduct an annual audit of the recipient's business or other entity to ensure compliance with this chapter and the terms and conditions established under subsection (b)(2).

(f) A recipient of a grant under the program must agree to repay the grant to the division if the recipient does not comply with this chapter and the terms and conditions established under subsection (b)(2).

Sec. 5. (a) The food deserts fund is established for the purpose of awarding grants and making loans under the food desert grant and loan program established by section 4 of this chapter."

Page 3, delete lines 20 through 21, begin a new paragraph and insert:

"Sec. 6. (a) The division shall:

- (1) establish criteria for the evaluation of the health impact of the program; and
- (2) evaluate the grants and loans awarded under the program according to the criteria established under subdivision (1)."

Page 3, line 22, delete "Sec. 6." and insert "(b)".

Page 3, line 22, after "division" insert ", at the direction of the state health commissioner,".

Page 3, line 22, delete "of the".

Page 3, line 23, delete "activities" and insert "**documenting the effectiveness**".

Page 3, delete lines 25 through 31.

and when so amended that said bill do pass.

(Reference is to SB 15 as introduced.)

BUCK, Chairperson

Committee Vote: Yeas 9, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 15, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning health.

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 32.

Page 2, line 33, delete "Sec. 2.", begin a new paragraph and insert: "SECTION 1. [EFFECTIVE UPON PASSAGE]".

Page 2, line 33, delete "chapter," and insert "SECTION,".

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

"(b) As used in this SECTION, "study committee" means an interim study committee established by IC 2-5-1.3-4.

(c) The general assembly urges the legislative council to assign to an appropriate study committee the topics related to the establishment of a food desert grant and loan program within a state agency to assist:

- (1) new businesses;**
- (2) existing businesses; or**
- (3) any legal entity;**

to offer fresh and unprocessed foods within a food desert.

(d) If the legislative council assigns the topic described in subsection (c) to an appropriate study committee, the study committee shall complete the study required by this SECTION and report its findings and recommendations, if any, to the legislative council in an electronic format under IC 5-14-6 not later than November 1, 2016.

(e) This SECTION expires January 1, 2017.

SECTION 2. An emergency is declared for this act."

Delete pages 3 through 4.

and when so amended that said bill do pass.

(Reference is to SB 15 as printed January 12, 2016.)

KIRCHHOFER

Committee Vote: yeas 8, nays 0.

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