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SENATE BILL NO. 178—SENATORS CANCELA, RATTI, SPEARMAN, KIECKHEFER, PARKS; ATKINSON, BROOKS, CANNIZZARO, DENIS, DONDERO LOOP, GOICOECHEA, HAMMOND, HANSEN, HARDY, HARRIS, OHRENSCHALL, PICKARD, SCHEIBLE, SEEVERS GANSERT, SETTELMAYER AND WOODHOUSE

FEBRUARY 18, 2019

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JOINT SPONSORS: ASSEMBLYMEN MCCURDY, WATTS, FRIERSON; ASSEFA, FUMO, GORELOW, JAUREGUI, KRASNER, MILLER, MONROE-MORENO, NGUYEN, PETERS, ROBERTS AND SPRINKLE

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Referred to Committee on Government Affairs

SUMMARY—Creates the Council on Food Security and the Food for People, Not Landfills Program. (BDR 18-57)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to public health; creating the Council on Food Security within the Department of Health and Human Services; prescribing the membership and duties of the Council; creating the Food for People, Not Landfills Program; authorizing the Director of the Department of Health and Human Services to adopt regulations to carry out the Program; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 In 2014, the Governor established by executive order the Council on Food  
2 Security. (Executive Order 2014-03 (2-12-2014)) The Council was charged with  
3 various responsibilities related to the implementation of the goals of the “2013  
4 Food Security in Nevada: Nevada’s Plan of Action” issued by the Department of  
5 Health and Human Services (“the Plan”) and the improvement of the quality of life  
6 and health of persons in this State by increasing food security throughout the State.  
7 **Section 7** of this bill creates the Council in statute and prescribes its membership,



8 which includes ex officio members and members appointed by the Director of the  
9 Department of Health and Human Services. **Section 8** of this bill authorizes the  
10 Chair of the Council to appoint working groups to study issues within the scope of  
11 the duties of the Council. **Section 9** of this bill prescribes the duties of the Council,  
12 which include: (1) various responsibilities related to implementation of the Plan; (2)  
13 advising the Director on matters related to food security; (3) advising, assisting and  
14 making recommendations to the Director for the administration of the Food for  
15 People, Not Landfills Program; and (4) submitting an annual report to the Director  
16 regarding the accomplishments and recommendations of the Council.

17 **Section 10** of this bill creates the Food for People, Not Landfills Program  
18 within the Department of Health and Human Services for the purposes of  
19 increasing food security by decreasing food waste and recognizing and assisting  
20 persons who further those purposes. In administering the program, the Director of  
21 the Department is required to: (1) set forth goals and objectives to increase the  
22 amount of food diverted from landfills and utilize such food to increase food  
23 security; (2) establish criteria, an application process and fees for a person to  
24 participate in the Program; (3) create an official seal for the Program and allow a  
25 participant to use the official seal; and (4) take any other action the Director deems  
26 necessary to assist a participant in the Program in furthering the goals of the  
27 Program. **Section 10** authorizes the Director to adopt regulations based upon the  
28 recommendations of the Council to carry out the Program.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 232 of NRS is hereby amended by adding  
2 thereto the provisions set forth as sections 2 to 10, inclusive, of this  
3 act.

4 **Sec. 2.** *As used in sections 2 to 10, inclusive, of this act,*  
5 *unless the context otherwise requires, the words and terms defined*  
6 *in sections 3 to 6, inclusive, of this act have the meanings ascribed*  
7 *to them in those sections.*

8 **Sec. 3.** *“Council” means the Council on Food Security*  
9 *created by section 7 of this act.*

10 **Sec. 4.** *“Food security” means the ability of a person to*  
11 *access enough food for an active and healthy life.*

12 **Sec. 5.** *“Plan” means the “2013 Food Security in Nevada:*  
13 *Nevada’s Plan for Action” issued by the Department of Health*  
14 *and Human Services.*

15 **Sec. 6.** *“Program” means the Food for People, Not Landfills*  
16 *Program created by section 10 of this act.*

17 **Sec. 7. 1.** *The Council on Food Security is hereby created*  
18 *within the Department. The Council consists of:*

19 *(a) The Governor or his or her designee;*

20 *(b) The Administrator of the Division of Welfare and*  
21 *Supportive Services of the Department or his or her designee from*  
22 *within the Division;*



1 (c) *The Regional Administrator for the Western Regional*  
2 *Office of the United States Department of Agriculture, Food and*  
3 *Nutrition Service or his or her designee from within the United*  
4 *States Department of Agriculture;*

5 (d) *The Executive Director of the Office of Economic*  
6 *Development or his or her designee from within the Office;*

7 (e) *The Administrator of the Division of Public and Behavioral*  
8 *Health of the Department or his or her designee from within the*  
9 *Division;*

10 (f) *The Superintendent of Public Instruction or his or her*  
11 *designee from within the Department of Education; and*

12 (g) *Fourteen members appointed by the Director as follows:*

13 (1) *Two members who are representatives of anti-hunger*  
14 *organizations, one of whom must be from an organization located*  
15 *in northern Nevada and one of whom must be from an*  
16 *organization located in southern Nevada;*

17 (2) *Three members who are representatives of*  
18 *organizations that provide community-based services;*

19 (3) *One member who is a representative of a program that*  
20 *provides nutritional services for children;*

21 (4) *One member who possesses knowledge, skill and*  
22 *experience in the provision of services to senior citizens and*  
23 *persons with disabilities;*

24 (5) *One member who is a representative of the University of*  
25 *Nevada Cooperative Extension;*

26 (6) *One member who is a representative of retailers of food;*

27 (7) *One member who is a representative of a local health*  
28 *authority;*

29 (8) *One member who is a representative of a private*  
30 *business that is not related to food;*

31 (9) *One member who is a representative of the gaming*  
32 *industry or hospitality industry;*

33 (10) *One member who is a representative of farmers or*  
34 *ranchers engaged in food production; and*

35 (11) *One member who is a representative of persons*  
36 *engaged in the business of processing or distributing food.*

37 2. *The Governor or his or her designee shall serve as the*  
38 *Chair of the Council. The Chair is not entitled to a vote except to*  
39 *break a tie.*

40 3. *Each appointed member of the Council serves a term of 2*  
41 *years. Each appointed member may be reappointed at the pleasure*  
42 *of the Director, except that an appointed member may not serve*  
43 *for more than three consecutive terms.*

44 4. *If a vacancy occurs in the appointed membership of the*  
45 *Council, the Council shall recommend a person to the Director to*



1 *fill the vacancy. The Director shall appoint a replacement member*  
2 *after receiving and considering the recommendation of the*  
3 *Council. A member appointed to fill a vacancy shall serve as a*  
4 *member of the Council for the remainder of the original term of*  
5 *appointment and shall be eligible for two additional consecutive*  
6 *terms.*

7 **5. Each member of the Council:**

8 (a) *Serves without compensation; and*

9 (b) *While engaged in the business of the Council, is entitled to*  
10 *receive the per diem allowance and travel expenses provided for*  
11 *state officers and employees generally.*

12 **6. The Department of Health and Human Services and the**  
13 **State Department of Agriculture shall provide administrative**  
14 **support to the Council.**

15 **7. The Council shall meet at least once every 2 months and**  
16 **may meet at such further times as deemed necessary by the Chair.**

17 **8. The Council may apply for and accept gifts, grants,**  
18 **donations and contributions from any source for the purpose of**  
19 **carrying out its duties pursuant to section 9 of this act.**

20 **Sec. 8. The Chair of the Council on Food Security created by**  
21 **section 7 of this act may appoint working groups composed of**  
22 **members of the Council, former members of the Council and**  
23 **members of the public who have relevant experience or knowledge**  
24 **to consider specific problems or other matters that are related to**  
25 **and within the scope of the functions of the Council.**

26 **Sec. 9. The Council on Food Security created by section 7 of**  
27 **this act shall:**

28 **1. Develop, coordinate and implement a food system that will:**

29 (a) *Link with local economic development;*

30 (b) *Increase access to improved food resource programs; and*

31 (c) *Increase capacity to produce, process, distribute and*  
32 *purchase food in an affordable and sustainable manner.*

33 **2. Hold public hearings to receive public comment and to**  
34 **discuss issues related to food security in this State.**

35 **3. Serve as a clearinghouse for the review and approval of**  
36 **any events or projects initiated in the name of the Plan.**

37 **4. Review and comment on any proposed federal, state or**  
38 **local legislation and regulation that would affect the food policy**  
39 **system of this State.**

40 **5. Advise and inform the Director on the food policy of this**  
41 **State.**

42 **6. Review grant proposals and alternative funding sources as**  
43 **requested by the Director to provide recommendations for funding**  
44 **the Plan.**

45 **7. Develop new resources related to the Plan.**



1       8. Advise, assist and make recommendations to the Director  
2 for the creation and administration of the Program.

3       9. On or before January 31 of each year submit an annual  
4 report to the Director concerning the accomplishments and  
5 recommendations of the Council concerning food security.

6       **Sec. 10. 1.** The Food for People, Not Landfills Program is  
7 hereby established within the Department for the purposes of  
8 increasing food security by decreasing food waste and recognizing  
9 and assisting persons who further those purposes.

10       2. The Director shall administer the Program. In  
11 administering the Program, the Director shall:

12       (a) Set forth goals and objectives to increase the amount of  
13 food diverted from landfills and utilize such food to increase food  
14 security;

15       (b) Establish the criteria for eligibility for a person to  
16 participate in the Program;

17       (c) Prescribe an application process for a person to participate  
18 in the Program;

19       (d) Establish fees for a person to participate in the Program;

20       (e) Create an official seal for the Program;

21       (f) Allow a person who participates in the Program to display  
22 or otherwise use the official seal of the Program; and

23       (g) Take any other actions as the Director deems necessary to  
24 assist a person who participates in the Program to further the  
25 goals and objectives set forth pursuant to paragraph (a).

26       3. A person shall not use, copy or reproduce the official seal  
27 of the Program created pursuant to subsection 2 in any way not  
28 authorized by this section.

29       4. The Director may, based upon the recommendations of the  
30 Council pursuant to section 9 of this act, adopt regulations to  
31 carry out the provisions of this section.

32       **Sec. 11.** NRS 232.290 is hereby amended to read as follows:

33       232.290 As used in NRS 232.290 to 232.4858, inclusive, *and*  
34 *sections 2 to 10, inclusive, of this act*, unless the context requires  
35 otherwise:

36       1. "Department" means the Department of Health and Human  
37 Services.

38       2. "Director" means the Director of the Department.

39       **Sec. 12.** Notwithstanding the provisions of section 7 of this  
40 act, the Council on Food Security created by the Governor by  
41 executive order on February 12, 2014, shall be deemed to be the  
42 Council on Food Security established pursuant to section 7 of this  
43 act until the Director appoints the members of the Council on Food  
44 Security pursuant to section 7 of this act.



1      **Sec. 13.** This act becomes effective on July 1, 2019.

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