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SECOND REPRINT

S.B. 178

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

FEBRUARY 18, 2019

JOINT SPONSORS: ASSEMBLYMEN MCCURDY, WATTS, FRIERSON; ASSEFA, BACKUS, BILBRAY-AXELROD, CARRILLO, COHEN, DURAN, FLORES, FUMO, GORELOW, JAUREGUI, KRASNER, LEAVITT, MARTINEZ, MILLER, MONROE-MORENO, MUNK, NGUYEN, PETERS, ROBERTS, SMITH, SPIEGEL, SWANK, TORRES AND YEAGER

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.

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.



* S B 1 7 8 R 2 *

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

19 **Section 10** of this bill creates the Food for People, Not Landfills Program
20 within the Department of Health and Human Services for the purposes of
21 increasing food security by decreasing food waste, redirecting excess consumable
22 food to a higher and better purpose and recognizing and assisting persons who
23 further those purposes. In administering the program, the Director of the
24 Department is required to: (1) set forth goals and objectives for the ensuing 5 years
25 to increase the amount of food diverted from landfills and utilize such food to
26 increase food security; (2) establish criteria for a food donor to participate in the
27 Program; (3) create an official seal for the Program and allow a participant to use
28 the official seal; (4) take any other action the Director deems necessary to assist a
29 participant in the Program in furthering the goals of the Program; and (5) submit an
30 annual report to the Legislature concerning the Program. **Section 10** authorizes the
31 Director to adopt regulations based upon the recommendations of the Council to
32 carry out the Program.

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. 3.5.** *“Food donor” means a person or entity, including,*
11 *without limitation, a restaurant, grocery store or retail or*
12 *wholesale business, that gives or otherwise provides food, directly*
13 *or indirectly, to persons in need of food.*

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

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



1 **Sec. 6. "Program" means the Food for People, Not Landfills**
2 **Program created by section 10 of this act.**

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

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

6 (b) **The Director or his or her designee from within the**
7 **Department;**

8 (c) **The Administrator of the Division of Welfare and**
9 **Supportive Services of the Department or his or her designee from**
10 **within the Division;**

11 (d) **The Regional Administrator for the Western Regional**
12 **Office of the United States Department of Agriculture, Food and**
13 **Nutrition Service or his or her designee from within the United**
14 **States Department of Agriculture;**

15 (e) **The Executive Director of the Office of Economic**
16 **Development or his or her designee from within the Office;**

17 (f) **The Administrator of the Division of Public and Behavioral**
18 **Health of the Department or his or her designee from within the**
19 **Division;**

20 (g) **The Superintendent of Public Instruction or his or her**
21 **designee from within the Department of Education;**

22 (h) **The Director of the State Department of Agriculture or his**
23 **or her designee from within the Department;**

24 (i) **The Administrator of the Aging and Disability Services**
25 **Division of the Department or his or her designee from within the**
26 **Division;**

27 (j) **Five members appointed by the Governor as follows:**

28 (1) **One member who is a representative of retailers of food;**

29 (2) **One member who is a representative of manufacturing**
30 **that is not related to food;**

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

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

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

37 (k) **At least five members appointed by the Governor or the**
38 **Director at the direction of the Governor from among the**
39 **following persons:**

40 (1) **A person who is a representative of a food bank serving**
41 **northern Nevada;**

42 (2) **A person who is a representative of a food bank serving**
43 **southern Nevada;**

44 (3) **A person who is a representative of an organization that**
45 **provides community-based services, including, without limitation,**



1 *services that focus on the social determinants of health, in*
2 *northern Nevada;*

3 *(4) A person who is a representative of an organization that*
4 *provides community-based services, including, without limitation,*
5 *services that focus on the social determinants of health, in*
6 *southern Nevada;*

7 *(5) A person who is a representative of an organization that*
8 *provides community-based services, including, without limitation,*
9 *services that focus on the social determinants of health, in rural*
10 *Nevada;*

11 *(6) A person who is a representative of the University of*
12 *Nevada Cooperative Extension;*

13 *(7) A person who possesses knowledge, skill and experience*
14 *in the provision of services to senior citizens and persons with*
15 *disabilities;*

16 *(8) A person who is a representative of a local health*
17 *authority; and*

18 *(9) A person who possesses knowledge, skill and experience*
19 *in the provision of services to children and families; and*

20 *(l) Such other representatives of State Government as may be*
21 *designated by the Governor.*

22 *2. The Governor or his or her designee shall serve as the*
23 *Chair of the Council.*

24 *3. Each appointed member of the Council serves a term of 2*
25 *years. Each appointed member may be reappointed at the pleasure*
26 *of the appointing authority, except that an appointed member may*
27 *not serve for more than three consecutive terms or 6 consecutive*
28 *years.*

29 *4. If a vacancy occurs in the appointed membership of the*
30 *Council, the Council shall recommend a person to the appointing*
31 *authority who appointed that member to fill the vacancy. The*
32 *appointing authority shall appoint a replacement member after*
33 *receiving and considering the recommendation of the Council. A*
34 *member appointed to fill a vacancy shall serve as a member of the*
35 *Council for the remainder of the original term of appointment and*
36 *may be reappointed for two additional consecutive terms through*
37 *the regular appointment process.*

38 *5. The appointing authority may remove a member for*
39 *malfeasance in office or neglect of duty. Absences from three*
40 *consecutive meetings constitutes good and sufficient cause for*
41 *removal of a member.*

42 *6. Each member of the Council:*

43 *(a) Serves without compensation; and*



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

4 7. The Department of Health and Human Services shall
5 provide administrative support to the Council.

6 8. The Council shall meet at least once each calendar quarter
7 and may meet at such further times as deemed necessary by the
8 Chair.

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

12 **Sec. 8. 1.** The Chair of the Council on Food Security
13 created by section 7 of this act may appoint subcommittees
14 composed of members of the Council, former members of the
15 Council and members of the public who have relevant experience
16 or knowledge to consider specific problems or other matters that
17 are related to and within the scope of the functions of the Council.

18 2. A subcommittee appointed pursuant to subsection 1 must
19 not contain more than five members. To the extent practicable, the
20 members of such a subcommittee must be representative of the
21 various geographic areas and ethnic groups of this State.

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

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

25 (a) Partner with initiatives in economic development and
26 social determinants of health;

27 (b) Increase access to improved food resource programs;

28 (c) Increase participation in federal nutrition programs by
29 eligible households; and

30 (d) Increase capacity to produce, process, distribute and
31 purchase food in an affordable and sustainable manner.

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

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

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

39 5. Advise and inform the Governor on the food policy of this
40 State.

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

44 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 and the Director of the Legislative Counsel
5 Bureau concerning the accomplishments and recommendations of
6 the Council concerning food security.

7 **Sec. 10. 1.** The Food for People, Not Landfills Program is
8 hereby established within the Department for the purposes of
9 increasing food security by decreasing food waste, redirecting
10 excess consumable food to a higher and better purpose and
11 recognizing and assisting food donors who further those purposes.

12 2. The Director shall administer the Program. In
13 administering the Program, the Director shall:

14 (a) Set forth goals and objectives for the ensuing 5 years to
15 increase the amount of food diverted from landfills and utilize
16 such food to increase food security;

17 (b) Establish the criteria for eligibility for a food donor to
18 participate in the Program;

19 (c) Create an official seal for the Program;

20 (d) Allow a food donor who participates in the Program to
21 display or otherwise use the official seal of the Program; and

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

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

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

31 5. On or before January 31 of each year, the Director shall
32 submit to the Director of the Legislative Counsel Bureau for
33 transmittal to the Legislature a report concerning the
34 accomplishments of the Program and the impact of the Program
35 on food security in this State.

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

37 232.290 As used in NRS 232.290 to 232.4858, inclusive, *and*
38 *sections 2 to 10, inclusive, of this act*, unless the context requires
39 otherwise:

40 1. "Department" means the Department of Health and Human
41 Services.

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

43 **Sec. 12.** Notwithstanding the provisions of section 7 of this
44 act, the Council on Food Security created by the Governor by
45 executive order on February 12, 2014, shall be deemed to be the



1 Council on Food Security established pursuant to section 7 of this
2 act until the appointing authorities appoint the members of the
3 Council on Food Security pursuant to section 7 of this act.

4 **Sec. 12.5.** The provisions of subsection 1 of NRS 218D.380
5 do not apply to any provision of this act which adds or revises a
6 requirement to submit a report to the Legislature.

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



