

SENATE BILL NO. 370—COMMITTEE ON NATURAL RESOURCES

MARCH 25, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to food policy. (BDR 50-824)

FISCAL NOTE: Effect on Local Government: No. 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 food policy; requiring the Director of the State Department of Agriculture to purchase nutritious foods for the Supplemental Food Program from certain providers of food before purchasing such food from other providers of food; requiring the Director to distribute nutritious food to emergency food service providers or food banks; requiring emergency food service providers and food banks to distribute such food to persons in need; requiring the Director, emergency food service providers and food banks to submit annual written reports to the Council on Food Security; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Council on Food Security within the Department of
2 Health and Human Services. (NRS 232.4966) Existing law requires the Council to
3 develop, coordinate and implement a food system that, among other things,
4 increases access to improved food resource programs. (NRS 232.4968) Existing
5 law requires the Director of the State Department of Agriculture to establish a
6 Supplemental Food Program to supplement the supply of food and services
7 provided by programs which provide food to indigent persons. Such programs
8 include food banks, emergency food pantries, soup kitchens and homeless shelters.
9 Existing law requires the Director to purchase and distribute nutritious food to
10 persons in this State who cannot afford to purchase food. Such purchases must be
11 made with funds from the Donated Commodities Account. (NRS 561.485, 561.495)
12 This bill requires the Director to purchase the nutritious food: (1) from growers
13 and producers operating in this State; (2) if the Director cannot obtain nutritious
14 food from such persons, from food manufacturers operating in this State; or (3) if
15 the Director cannot obtain nutritious food from such persons, from food venders
16 operating in this State. This bill additionally requires the Director to distribute the



17 food to: (1) emergency food service providers; or (2) if an emergency food service
18 provider is not operating in an area or is not in need of additional nutritious foods,
19 food banks. This bill requires such emergency food service providers and food
20 banks to distribute the nutritious food to persons, emergency food pantries, soup
21 kitchen and homeless shelters based on need within the boundaries that the
22 emergency food service provider or food bank operates. Finally, this bill requires
23 the Director, emergency food service providers and food banks to submit annual
24 written reports containing certain information to the Council on Food Security.

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

1 **Section 1.** NRS 561.495 is hereby amended to read as follows:

2 561.495 1. The Director shall establish a Supplemental Food
3 Program to supplement the supply of food and the services provided
4 by programs which provide food to indigent persons, including,
5 without limitation, a food bank, emergency food pantry, soup
6 kitchen and homeless shelter.

7 2. The Director may solicit and accept any gift, grant or
8 donation for the Program. Upon receipt of any gift, grant or
9 donation of money, the amount received must be deposited in the
10 Donated Commodities Account created by NRS 561.485. Gifts,
11 grants or donations deposited in the Account must be used in the
12 same manner as other money in the Account.

13 3. The Director may maintain and operate central supply
14 services at any center, including a central warehouse or storeroom
15 service.

16 4. In carrying out the Program, the Director shall purchase and
17 distribute nutritious food to persons in this State who cannot afford
18 to purchase that food. Except as otherwise provided in subsection 2
19 of NRS 561.485, the money in the Account must be used in the
20 following proportions:

21 (a) Not less than 95 percent must be used to purchase and
22 distribute nutritious foods which are infrequently donated or which
23 will supplement the food which is donated, including, ~~but not~~
24 ~~limited to,~~ *without limitation*, peanut butter, tuna fish, fruit,
25 vegetables, dry milk and stew; and

26 (b) Any remainder may be used to provide educational
27 information regarding nutrition and the purchase and preparation of
28 food.

29 *5. When purchasing nutritious food pursuant to subsection 4,*
30 *the Director shall purchase nutritious foods from:*

31 *(a) Growers and producers operating in this State;*

32 *(b) If the Director cannot obtain nutritious foods from persons*
33 *described in paragraph (a) due to issues with the price or supply of*



1 *nutritious foods from such persons, food manufacturers operating*
2 *in this State; or*

3 *(c) If the Director cannot obtain nutritious foods from persons*
4 *described in paragraph (a) or (b) due to issues with the price or*
5 *supply of nutritious foods from such persons, food vendors*
6 *operating in this State who obtain nutritious foods that are grown,*
7 *produced, manufactured or processed outside of this State.*

8 *6. To distribute nutritious food to persons in this State who*
9 *cannot afford to purchase that food pursuant to subsection 4, the*
10 *Director shall distribute the nutritious food to:*

11 *(a) Emergency food service providers that operate in this State,*
12 *which shall distribute the nutritious food to persons, emergency*
13 *food pantries, soup kitchens and homeless shelters pursuant to*
14 *subsection 7; or*

15 *(b) If an emergency food service provider is not operating in*
16 *an area in this State or is not in need of additional nutritious*
17 *foods, food banks operating in that area, which shall distribute the*
18 *nutritious food to persons, emergency food pantries, soup kitchens*
19 *and homeless shelters pursuant to subsection 7.*

20 *7. Upon receiving nutritious food pursuant to subsection 6,*
21 *the emergency food service provider or food bank, as applicable,*
22 *shall distribute the nutritious food to persons, emergency food*
23 *pantries, soup kitchens or homeless shelters, as applicable, based*
24 *on need, within the boundaries that the emergency food service*
25 *provider or food bank, as applicable, operates.*

26 *8. On or before September 30 of each year:*

27 *(a) The Director shall submit a written report to the Council*
28 *on Food Security concerning:*

29 *(1) All expenditures from the Donated Commodities*
30 *Account created by NRS 561.485;*

31 *(2) The number of people and households served; and*

32 *(3) The variety, supply and cost of purchases made*
33 *pursuant to subsection 5; and*

34 *(b) Any emergency food service provider or food bank that*
35 *received nutritious food pursuant to subsection 6 shall submit a*
36 *written report to the Council on Food Security concerning the*
37 *number of people and households served.*

38 *9. As used in this section:*

39 *(a) "Council on Food Security" means the Council on Food*
40 *Security created by NRS 232.4966.*

41 *(b) "Emergency food service provider" means a food bank or*
42 *other organization that satisfies the criteria for an eligible*
43 *recipient agency set forth in 7 C.F.R. § 251.5(a).*

44 *(c) "Food manufacturer" means any person engaged in the*
45 *business of manufacturing or processing food.*



1 **Sec. 2.** Notwithstanding the provisions of NRS 218D.430 and
2 218D.435, a committee, other than the Assembly Standing
3 Committee on Ways and Means and the Senate Standing Committee
4 on Finance, may vote on this act before the expiration of the period
5 prescribed for the return of a fiscal note in NRS 218D.475. This
6 section applies retroactively from and after March 22, 2021.

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