
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1285 Session of
2024

INTRODUCED BY LANGERHOLC, BARTOLOTTA AND HAYWOOD, JULY 12, 2024

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, JULY 12, 2024

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, providing for initiative to finance production of
3 fresh food.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 3 of the Pennsylvania Consolidated Statutes
7 is amended by adding a part to read:

8 PART XXI

9 FOOD SECURITY

10 Chapter

11 121. Fresh Food Financing Initiative

12 CHAPTER 121

13 FRESH FOOD FINANCING INITIATIVE

14 Sec.

15 12101. Scope of chapter.

16 12102. Definitions.

17 12103. Establishment.

18 12104. Administration of program.

19 12105. Grant fund eligibility.

1 12106. Grant money.

2 § 12101. Scope of chapter.

3 This chapter relates to the Fresh Food Financing Initiative.

4 § 12102. Definitions.

5 The following words and phrases when used in this chapter
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 "Farmers' market." A building, structure or place owned,
9 leased or otherwise in possession by a person, municipal
10 corporation or public or private organization, used or intended
11 to be used by two or more farmers or an association of farmers
12 for the purpose of selling agricultural commodities directly to
13 consumers and which is physically located within this
14 Commonwealth.

15 "Food access organization." A nonprofit organization with
16 expertise in improving access to food in underserved
17 communities.

18 "Grant." A grant awarded under section 12104(e) (relating to
19 administration of program).

20 "Grocery store." A for-profit or not-for-profit self-service
21 retail establishment that primarily sells meat, seafood, fruits,
22 vegetables, dairy products, dry groceries, household products
23 and sundries.

24 "Program." The Pennsylvania Fresh Food Financing Initiative
25 established under section 12103 (relating to establishment).

26 "Regional anchor supermarket." A company that owns multiple
27 grocery stores within a given region.

28 "Retail food establishment." As defined under section 5702
29 (relating to definitions).

30 "Underserved community." A census tract determined to be an

1 area with low grocery store access by either the United States
2 Department of Agriculture as identified in the Food Access
3 Research Atlas, or through a methodology that has been adopted
4 for use by another governmental entity, food access organization
5 or the secretary.

6 "USDA-designated food desert." A census tract declared to be
7 a food desert by the United States Department of Agriculture's
8 Economic Research Service.

9 § 12103. Establishment.

10 The Pennsylvania Fresh Food Financing Initiative is
11 established within the department.

12 § 12104. Administration of program.

13 (a) Administration.--The program shall be administered by
14 the department. The department may collaborate with the
15 Department of Community and Economic Development to improve food
16 access in this Commonwealth.

17 (b) Program management.--The department shall develop and
18 establish program guidelines and eligibility criteria to meet
19 the needs of program applicants and the communities served.

20 (c) Program priority.--

21 (1) The program shall promote local agricultural
22 products by placing priority on projects producing,
23 aggregating, sourcing or selling Pennsylvania agricultural
24 commodities, including the department's Pennsylvania
25 Preferred® Program, that:

26 (i) are located in or serve a USDA-designated food
27 desert;

28 (ii) increase business opportunities for businesses
29 recognized by the Department of General Services as
30 verified as a small diverse business or a small veteran

1 business; or

2 (iii) are accompanied with matching private funds.

3 (2) (Reserved).

4 (d) Project class.--The department shall make grants

5 available in the following classes:

6 (1) Regional anchor supermarkets.

7 (2) Grocery stores.

8 (3) Retail food establishments.

9 (4) Farmers markets.

10 (e) Grants.--Grants in an amount not to exceed 15% of the

11 funding for any of the project classes established under

12 subsection (d) shall be awarded to qualifying applicants

13 selected to receive the awards for the purposes of capital

14 projects.

15 (f) Matching funds.--A grant awarded to a regional anchor

16 supermarket under the program must be matched by private funds

17 in an amount equal to the grant.

18 (g) Administrative or operational costs.--No more than 10%

19 of the funding under section 12106 (relating to grant money) may

20 be reserved for administrative and operational costs to manage

21 the program. Costs for personnel may be included as part of the

22 department's administrative or operational costs.

23 § 12105. Grant fund eligibility.

24 (a) Eligible applicants.--An entity that meets the following

25 criteria shall be eligible to apply for a grant under the

26 program:

27 (1) The primary business, measured as being greater than

28 or equal to 50% of the entity's previous year's annual

29 revenue, is from the sale of staple and perishable food to

30 consumers or direct to retail settings.

1 (2) The entity operates and provides service in this
2 Commonwealth.

3 (3) The entity serves customers that live in an
4 underserved community.

5 (4) The entity provides access to affordable, high-
6 quality fresh produce, meat and dairy products and other
7 grocery items for shoppers in an underserved community.

8 (b) Eligible uses.--An eligible use for grant money includes
9 any of the following:

10 (1) Costs to expand access to Pennsylvania grown or
11 processed produce, dairy and meat products or provide stable
12 market access for Pennsylvania farmers.

13 (2) Innovative food access technology that assists an
14 existing or new grocery store.

15 (3) Innovative food access technology that assists the
16 food access efforts of a retail food establishment.

17 (4) Innovative food access technology or delivery of
18 food to retail that assists the food access efforts of an
19 eligible applicant.

20 (c) Application review and approval.--The department shall
21 devise, award and administer grants to eligible applicants.

22 (d) Standards and requirements.--

23 (1) The department shall establish grant program
24 standards and requirements for a grant program under this
25 chapter and shall transmit notice of the grant program
26 standards and requirements to the Legislative Reference
27 Bureau for publication in the next available issue of the
28 Pennsylvania Bulletin.

29 (2) Grant program standards and requirements shall:

30 (i) Establish eligibility standards for applicants.

1 (ii) Describe the objectives of the grant program,
2 which shall be consistent with this chapter.

3 (iii) Establish caps, limits and restrictions with
4 respect to grant amounts.

5 (iv) Establish an application process and timetable.

6 (v) Present the criteria under which grant
7 applications shall be evaluated by the department.

8 (vi) Establish a timetable within which the
9 department shall award or disapprove a completed grant
10 application.

11 (vii) Establish procedures by which the department
12 shall verify expenditures of grant money by a grant
13 recipient.

14 (e) Disposition of grants.--

15 (1) The department may require a written agreement
16 describing the terms and conditions of the grant.

17 (2) The department may establish criteria under which
18 the secretary may demand the return of all or a portion of
19 the grant money.

20 (3) The secretary may approve a grant in less than a
21 requested amount. The secretary may also impose restrictions
22 or special conditions upon the issuance of a grant.

23 (4) The secretary shall ensure that the grant money
24 awarded under this chapter is geographically disbursed
25 throughout this Commonwealth.

26 § 12106. Grant money.

27 The Fresh Food Financing Initiative Restricted Account is
28 established in the General Fund and shall be used exclusively
29 for the program in accordance with this chapter. Grants may only
30 be awarded to the extent money is appropriated by the General

1 Assembly. In addition to money appropriated to the department
2 for the program, the department may also accept other revenue,
3 including Federal appropriations, for deposit into the
4 restricted account for the sole purpose of awarding grants and
5 administering the program.

6 Section 2. This act shall take effect immediately.