

## **BILL ANALYSIS**

Senate Research Center  
83R11975 ADM-F

H.B. 3434  
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Health & Human Services  
5/3/2013  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Evidence suggests that recent increases in the rates of obesity, diabetes, and heart disease can all be linked to unhealthy food choices. Although federal rules prohibit the state from limiting purchases made using supplemental nutrition assistance program (SNAP) benefits, the state can encourage recipients of these benefits to make healthy food choices through incentives. H.B. 3434 establishes a pilot program to promote the purchase of healthy foods and offer additional benefits to SNAP recipients as an incentive to purchase these foods.

H.B. 3434 amends current law relating to incentives for using supplemental nutrition assistance program benefits to purchase nutritious foods.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission, or the chief administrative officer of an agency of this state operating a nutritional assistance program, as applicable, in SECTION 1 (Section 33.0252, Human Resources Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 33, Human Resources Code, by adding Section 33.0252, as follows:

Sec. 33.0252. PILOT PROGRAM TO ENCOURAGE HEALTHY FOOD CHOICES.

(a) Defines "nutritious food" and "retailer" in this section.

(b) Requires the Health and Human Services Commission or the agency of this state that operates the food stamp program, as applicable, (department) to establish a pilot program under which a recipient of supplemental nutrition assistance program benefits receives additional benefits at the point of sale toward future purchases if the recipient purchases a nutritious food, and a retailer is authorized to promote to a recipient of supplemental nutrition assistance program benefits that the recipient may receive additional benefits as a result of nutritious food purchases under the pilot program.

(c) Authorizes the executive commissioner of the Health and Human Services Commission, or the chief administrative officer of an agency of this state operating a nutritional assistance program, as applicable, to adopt rules as necessary to implement the pilot program. Requires that rules adopted under this section include a list of nutritious foods approved for purposes of the pilot program.

(d) Requires the department, not later than September 1 of each year, to submit a report to the legislature regarding the pilot program. Requires the report include an analysis of whether the additional benefits provided under the program have resulted in increased use of supplemental nutrition assistance program benefits on nutritious food purchases.

(e) Provides that this section expires September 1, 2018.

SECTION 2. Requires HHSC, as soon as possible after the effective date of this Act, to apply for and actively pursue from the United States Department of Agriculture Food and Nutrition Service or other appropriate federal agency any waiver or other authorization necessary to implement this Act. Authorizes HHSC to delay implementing this Act until the waiver or authorization is granted.

SECTION 3. Effective date: September 1, 2013.