

SESSION OF 2024

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2564

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2564, as amended, would create the Kansas Farm-to-Food Bank Program Act (Act) and establish the Kansas Farm-to-Food Bank Program (Program) within the Kansas Department of Agriculture (KDA).

Definitions

The bill would create definitions for terms used in the Act, including:

- “Agricultural entity,” which would mean a grower, producer, or processor of Kansas agricultural food products;
- “Food bank,” which would mean a public or charitable institution that maintains an established operation involving the provision of food to food pantries, soup kitchens, hunger relief centers, or other feeding programs that, as an integral part of their normal activities, provide meals or food to needy persons;
- “Kansas agricultural food product,” which would mean food that has been grown, raised, or produced in Kansas;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- “Kansas emergency food system,” which would mean food pantries, soup kitchens, hunger relief centers, or other feeding programs that, as an integral part of their normal activities, provide meals or food to needy persons; and
- “Program participant,” which would mean a food bank that receives Kansas agricultural food products under the Program to be distributed to food pantries, soup kitchens, hunger relief centers, or other feeding programs that provide meals or food to needy persons.

Kansas Farm-to-Food Bank Program

The bill would establish the Program within the KDA to help expand the availability of nutritious, locally grown, raised, or produced food for the Kansas emergency food system (food system).

The Program would acquire Kansas agricultural food products (food) from agricultural producers and distribute the food to the food system. The food distributed under the Program would be required to be safe for human consumption and only distributed within the state.

The bill would allow the Program to use funds to purchase or facilitate the donation of food, including, but not limited to, harvesting, packing, and transportation.

The Program could also distribute funds to food banks with the infrastructure to accept, store, and distribute food through the food system in compliance with all government health and food safety requirements. The bill would allow food to be sourced directly from producers if it meets Program requirements.

The bill would subject the Program to appropriation and would dedicate no less than 75.0 percent of available funds to acquiring and distributing food.

Food Banks

The bill would require the Secretary of Agriculture (Secretary) to engage food banks to administer the Program.

Participating food banks would be required to:

- Collectively cover every county of the state and distribute food to food pantries and soup kitchens without duplication; and
- Pass a scored, third-party food safety audit and adhere to all government health and food safety regulations.

In addition, participating food banks would be prohibited from assessing fees on recipient distribution sites, programs, individuals, or households receiving food from the Program.

The bill would require the Secretary, in administering the Program, to:

- Build relationships with agricultural entities;
- Assess the needs of food-insecure Kansans;
- Coordinate the acquisition of food and distribute those to the food system; and
- Issue an annual report that summarizes the Program's activities from the prior calendar year.

The bill would authorize the Secretary to promulgate rules and regulations to carry out the provisions of the Act, including, but not limited to:

- Eligible costs related to acquisition and distribution of food, including, but not limited to, harvesting, packing, and transportation;
- Health and safety requirements for Program participants, farmers, and transportation;
- Food quality standards;
- Contracting requirements and purchasing options; and
- Data collection, evaluation, and annual plan and reporting requirements.

Sunset

The bill would state the Act will expire on July 1, 2025.

Background

The bill was introduced by the House Committee on Appropriations at the request of an individual on behalf of the Kansas Food and Farm Coalition.

House Committee on Agriculture and Natural Resources

In the House Committee hearing, the Deputy Secretary of Agriculture; a representative of Harvesters–The Community Food Network, Kansas Food Bank, and Second Harvest Community Food Bank; and representatives of Juniper Hill Farms (Lawrence) and Leafy Green Farms (Pittsburg) provided **proponent** testimony, stating Kansas farmers feed the world, but the Program would allow them to feed their neighbors.

The proponents stated the proposed Program will establish, at the state level, the federally funded program that

KDA has been administering for the last two years (U.S. Department of Agriculture, Agriculture Marketing Service's Local Food Purchase Assistance Program). With federal grant moneys, KDA partnered with a distributor and two food banks to purchase locally grown and processed food from 22 Kansas producers in the first year, which resulted in the purchase of \$2.4 million of local food distributed to 375 food banks in 187 cities across 98 counties. KDA received an additional federal grant for 2024, after which time the federal grant program will end. The proponents stated that providing fresh, local, and healthy food to community food banks benefits the producer and their community members.

Written-only proponent testimony was provided by representatives of AJ Honey Farms, LLC (Salina), Kansas Farm Bureau, Kansas Food and Farm Coalition, and Kansas Rural Center.

Written-only opponent testimony was provided by two members of the public, who stated generally that the bill will not solve drug addiction, illegal immigration, job insecurity, or economic insecurity, and the fiscal note for the bill will only result in more state funding for the Program that will not address the root causes of homelessness. The opponents also stated the bill would increase the homelessness population in Kansas with people coming from other states.

No other testimony was provided.

The House Committee added a sunset date of July 1, 2025, for the Act.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the KDA estimates that enactment of the bill would increase total expenditures by \$1.0 million, all from the State General Fund, which would fund state grants to eligible organizations. The KDA notes

that funding for the Program is included in the Governor's recommendation for FY 2025 for the agency. In addition, any administrative expenses would be negligible, and any funds appropriated by the Legislature would be used for awarding grants.

The Division of the Budget notes that because the Program would be codified with enactment of the bill, state aid expenditures for the Program would be expected to be ongoing after FY 2025.

The fiscal effect associated with the bill is reflected in *The FY 2025 Governor's Budget Report*.

Kansas Department of Agriculture; Farm-to-Food Bank Program Act; Farm-to-Food Bank Program; agricultural food products; food banks; local food; agricultural producers