

SENATE, No. 3799

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MAY 11, 2023

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

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District 28 (Essex)

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SYNOPSIS

Establishes Fruit and Vegetable Incentives Program in DHS; appropriates \$3 million.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2023)

1 AN ACT increasing access to fruits and vegetables for individuals
2 with limited incomes, supplementing Title 44 of the Revised
3 Statutes, and making an appropriation.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. The Legislature finds and declares that:

9 a. The United States Department of Agriculture estimates that,
10 in 2020, approximately 657,320 people in New Jersey, including
11 175,830 children, were food insecure. These figures mean that one
12 in 14 individuals, including one in 11 children, lived in homes
13 without consistent access to adequate food for everyone to live
14 healthy, active lives.

15 b. Food insecurity contributes to poor quality diets, chronic
16 medical conditions such as diabetes, heart disease, and
17 hypertension, behavioral health issues, and other negative outcomes
18 for children and families. Further, food insecurity
19 disproportionately affects people with low incomes and people of
20 color.

21 c. Food assistance programs, such as the federal Supplemental
22 Nutrition Assistance Program established pursuant to the federal
23 "Food and Nutrition Act of 2008," Pub.L.88-525 (7 U.S.C. s.2011 et
24 seq.), are effective at significantly reducing food insecurity;
25 however, participants report difficulty affording and accessing
26 healthy foods. Furthermore, fruit and vegetable consumption
27 among such food assistance program participants is far below
28 national dietary guidelines.

29 d. Therefore, the Legislature intends to create a State Fruit and
30 Vegetable Incentives Program to benefit people who are food
31 insecure, as well as the State's agricultural industry and retailers.

32
33 2. As used in this act:

34 "Approved food retailer" means a farmers market or farmers
35 market retailer, grocery store, or other fresh food retailer that has
36 been approved to participate in SNAP.

37 "Cash-value voucher" means a form or check for a specific
38 dollar amount that a SNAP enrollee can use to purchase fruits and
39 vegetables approved under the program.

40 "Department" means the Department of Human Services.

41 "Financial incentives" means benefits, coupons, vouchers, or
42 other forms that SNAP enrollees can use to lower the price of
43 purchasing fruits and vegetables approved under the program.

44 "Food insecure" means a household-level economic and social
45 condition of limited or uncertain access to adequate food.

46 "Medicaid" means the New Jersey Medical Assistance and Health
47 Services Program established pursuant to P.L.1968, c.413 (C.30:4D-1
48 et seq.).

1 "NJ FamilyCare" means the NJ FamilyCare Program established
2 pursuant to sections 3 through 5 of P.L.2005, c.156 (C.30:4J-10
3 through C.30:4J-12).

4 "Program" means the Fruit and Vegetable Incentives Program
5 established pursuant to this act.

6 "SNAP" means the New Jersey Supplemental Nutrition
7 Assistance Program established pursuant to the federal "Food and
8 Nutrition Act of 2008," Pub.L.110-246 (7 U.S.C. s.2011 et seq.).
9

10 3. a. There is established in the Department of Human
11 Services a Fruit and Vegetable Incentives Program to increase fruit
12 and vegetable consumption among food insecure individuals with
13 limited incomes. In order to effectuate the goals of the program, the
14 department shall establish, and collaborate with, an authorized
15 network of program providers to distribute:

16 (1) financial incentives to eligible SNAP enrollees to purchase
17 approved fruits and vegetables at authorized food retailers when the
18 enrollee uses SNAP benefits at the authorized food retailer; and

19 (2) cash-value vouchers, via health care providers, health
20 educators, community health workers, or other health professionals,
21 to eligible SNAP enrollees that may be redeemed for approved
22 fruits and vegetables at an authorized food retailer when the
23 individual distributing the voucher determines that the enrollee is
24 food insecure or has a qualifying health condition, as defined by the
25 department.

26 b. In administering the program, the department shall:

27 (1) collaborate in the development and implementation of the
28 program with other State agencies that have missions and programs
29 that closely align with the program, including the Department of
30 Health and the Department of Agriculture;

31 (2) establish an authorized network of program partners,
32 including, but not limited to, authorized food retailers, government
33 agencies, health care systems, and nonprofit organizations. In
34 establishing a network of program providers pursuant to this
35 paragraph, the department may give preference to:

36 (a) authorized food retailers that are located in a county with a
37 high level of food insecurity; and

38 (b) health care systems that: currently operate or previously
39 operated fruit and vegetable prescription programs; routinely screen
40 patients for food insecurity; have a high percentage of patients who
41 are enrolled in Medicaid or NJ FamilyCare; or are located in a
42 county with a high level of food insecurity;

43 (3) provide resources, coordination, and technical assistance to
44 program partners, including support in pursuing all sources of
45 available funding to implement the program;

46 (4) determine the approved fruits and vegetables that may be
47 purchased or redeemed under the program at authorized food
48 retailers;

1 (5) promote the program, in collaboration with program partners
2 and other entities involved in the administration of SNAP, to SNAP
3 enrollees, particularly in counties with a high level of food
4 insecurity, which promotion shall include notifying SNAP enrollees
5 of the existence of the program, providing SNAP enrollees with
6 assistance in locating authorized food retailers, and notifying SNAP
7 enrollees of associated and complementary programs, including the
8 Good Food Bucks program;

9 (6) apply to the Food and Nutrition Service within the United
10 States Department of Agriculture for any waivers or approvals as
11 may be necessary to implement the program; and

12 (7) pursue all sources of federal funding, matching funds, and
13 foundation funding available to implement the program.

14 c. (1) The department shall annually solicit applications from
15 nonprofit organizations to receive an annual grant from the New
16 Jersey SNAP Nutrition Incentive Fund, which grant shall be
17 distributed by the selected nonprofit organization for the purposes
18 set forth in paragraph (2) of this subsection. The nonprofit
19 organization selected by the department shall, at a minimum, have a
20 demonstrated track record of:

21 (a) building a Statewide network;

22 (b) leveraging funds to obtain matching funds or other
23 additional funds from appropriate federal, State, and local
24 governmental entities as well as appropriate private entities;

25 (c) implementing fund distribution and reporting processes;

26 (d) providing training and technical assistance to authorized
27 food retailers;

28 (e) conducting community outreach and data collection; and

29 (f) providing full accounting and administration of funds
30 distributed to authorized food retailers;

31 (2) The annual grant provided from the New Jersey SNAP
32 Nutrition Incentive Fund pursuant to this subsection shall be used
33 by the nonprofit organization selected pursuant to paragraph (1) of
34 this subsection to:

35 (a) implement the program in partnership with authorized food
36 retailers; and

37 (b) annually distribute to authorized food retailers participating
38 in the program funds equal to the dollar value spent on fresh fruits
39 and vegetables by SNAP enrollees at the authorized food retailer.

40 d. (1) The department shall annually evaluate the effectiveness
41 of program, which evaluation shall match the United States
42 Department of Agriculture's Gus Schumacher Nutrition Incentive
43 Program guidelines and shall include, at a minimum, the collection
44 of information related to fruit and vegetable consumption by
45 eligible SNAP enrollees, levels of food security among SNAP
46 enrollees, and the impact on public health outcomes for SNAP
47 enrollees that may be attributable to participation in the program.

1 (2) No later than 12 months after the effective date of this act,
2 the department shall submit a progress report to the to the Governor
3 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
4 Legislature, describing the results of the program and
5 recommending any legislative or programmatic changes the
6 department determines are likely to improve the effectiveness of
7 program delivery.

8 (3) No later than 36 months after the effective date of this act,
9 the department shall submit to the to the Governor and, pursuant to
10 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature, a
11 complete program evaluation describing the program's
12 effectiveness, which evaluation shall include recommendations for
13 legislative or programmatic changes the department determines are
14 likely to improve the effectiveness of program delivery.

15

16 4. a. The Department of Human Services shall establish a
17 separate, nonlapsing, revolving fund to be known as the "New
18 Jersey SNAP Nutrition Incentive Fund." The fund shall consist of
19 the funds appropriated pursuant to section 6 of this act, any sources
20 of funding secured by the department pursuant to paragraph (7) of
21 subsection b. of section 3 of this act, interest or other income
22 derived from the investment of monies in the fund, and any other
23 monies as may be appropriated to the fund by the Legislature or
24 otherwise provided to the fund.

25 b. The fund shall be held by the Department of Human
26 Services and monies therefrom shall be used by the department as
27 follows:

28 (1) at least 51 percent of monies deposited in the fund shall be
29 used for the annual grant described in subsection c. of section 3 of
30 this act;

31 (2) subject to paragraph (3) of this subsection, up to 49 percent
32 of monies deposited in the fund shall be used for: program
33 development, administration, promotion, outreach, and evaluation;
34 providing training to authorized food retailers participating in the
35 program; expanding the number of authorized food retailers
36 participating in the program; providing technical assistance; and
37 program data collection, evaluation, administration, and reporting;
38 and

39 (3) up to five percent of monies deposited in the fund may be
40 used for program evaluation pursuant to subsection d. of section 3
41 of this act.

42

43 5. The Commissioner of Human Services shall adopt rules and
44 regulations pursuant to the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
46 this act.

1 5) promote the program, in collaboration with program partners
2 and other entities involved in the administration of SNAP;

3 6) apply to the Food and Nutrition Service within the United
4 States Department of Agriculture for any waivers or approvals as
5 may be necessary to implement the program; and

6 7) pursue all sources of federal funding, matching funds, and
7 foundation funding available to implement the program.

8 Under the bill, the department will be required to establish a
9 separate, nonlapsing, revolving fund to be known as the “New
10 Jersey SNAP Nutrition Incentive Fund.” The fund will consist of
11 \$3 million appropriated under the bill, as well as any other sources
12 of funding secured by the department, interest or other income
13 derived from the investment of monies in the fund, and any other
14 monies as may be appropriated to the fund by the Legislature or
15 otherwise provided to the fund. The fund will be held by the
16 department, and monies from the fund are to be used to implement
17 the program, subject to certain restrictions. Specifically, at least 51
18 percent of monies deposited in the fund are to be used to fund an
19 annual grant established under the bill, and no more than 49 percent
20 of monies deposited in the fund may be used to implement the
21 program, provide training and technical assistance, engage in
22 outreach and develop new program partners, and conduct data
23 reporting and analysis. The bill provides that no more than five
24 percent of monies deposited in the fund may be used for program
25 evaluation, as required under the bill.

26 With regard to the annual grant supported by the fund, the
27 department will be required to annually solicit applications from
28 and select a nonprofit organization to receive the grant. The
29 selected nonprofit organization will be required to have a
30 demonstrated track record of building a Statewide network,
31 leveraging funds to obtain matching funds or other additional funds;
32 implementing fund distribution and reporting processes; providing
33 training and technical assistance to food retailers authorized to
34 participate in SNAP; conducting community outreach and data
35 collection; and providing full accounting and administration of
36 funds distributed to SNAP food retailers.

37 The annual grant is to be used by the selected nonprofit
38 organization to implement the program and annually distribute to
39 participating food retailers funds equal to the dollar value spent on
40 fresh fruits and vegetables at the retailer under the program.

41 The bill requires the department to annually evaluate the
42 effectiveness of program, consistent with the United States
43 Department of Agriculture’s Gus Schumacher Nutrition Incentive
44 Program (GusNIP) guidelines and is to include, at a minimum, the
45 collection of information related to fruit and vegetable consumption
46 by eligible SNAP enrollees, levels of food security among SNAP
47 enrollees, and the impact on public health outcomes for SNAP
48 enrollees that may be attributable to participation in the program.

1 No later than 12 months after the effective date of the bill, the
2 department will be required to submit a progress report to the
3 Governor and the Legislature describing the results of the program
4 and recommending legislative or programmatic changes to improve
5 the effectiveness of program delivery. No later than 36 months
6 after the effective date of the bill, the department will be required to
7 submit a complete program evaluation to the Governor and the
8 Legislature describing the program's effectiveness and providing
9 recommendations to improve the program.

10 The bill will take effect 180 days after the date of enactment,
11 except that the Commissioner of Human Services will be authorized
12 to take any anticipatory administrative action in advance as is
13 necessary to implement the bill.

14 This bill is generally structured on the requirements of GusNIP,
15 which supports and evaluates projects intended to increase the
16 purchase of fruits and vegetables by low-income consumers
17 participating in SNAP. The program awards grants to recipients to
18 provide incentives to SNAP enrollees at the point of sale to
19 purchase fruits and vegetables, as well as to provide fruit and
20 vegetable prescriptions to SNAP enrollees while in a healthcare
21 setting. The goals of this grant program are to increase
22 consumption of fruits and vegetables, reduce individual and
23 household food insecurity, and reduce healthcare usage. States such
24 as Washington, California, and Connecticut have implemented
25 successful incentive programs utilizing GusNIP funding.