

**Senate File 2307 - Introduced**

SENATE FILE 2307

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3138)

**A BILL FOR**

1 An Act relating to providing food to persons in need, including  
2 the donation of food to be distributed by food banks and  
3 emergency feeding organizations, the establishment of  
4 prison gardens, providing for appropriations, and including  
5 effective date provisions.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

FOOD DONATION ON STATE CAPITOL PREMISES

Section 1. NEW SECTION. **2.43A Food served on state capitol premises.**

1. As used in this section, unless the context otherwise requires:

*a. "Apparently wholesome food"* means food that meets all quality and labeling standards or requirements adopted by the federal and state governments, and the city of Des Moines, even though the food may not be readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.

*b. "Emergency feeding organization"* means the same as defined in section 190B.201.

*c. "Food bank"* means the same as defined in section 190B.201.

2. The secretary of the senate and the chief clerk of the house of representatives shall require any person who is approved to sponsor an event within or on the grounds of the state capitol during which the person offers food to all members of the general assembly during a legislative session to offer to donate any unconsumed apparently wholesome food to a food bank or an emergency feeding organization. The legislative council may also require any person who is approved by the legislative council to sponsor an event within or on the grounds of the state capitol during which the person provides food to offer to donate any unconsumed apparently wholesome food to a food bank or emergency feeding organization.

DIVISION II

FOOD DONATION PROGRAMS — DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Sec. 2. Section 190B.101, Code 2016, is amended to read as follows:

**190B.101 Definitions.**

As used in this chapter subchapter, unless the context

1 otherwise requires:

2 1. "*Department*" means the department of revenue.

3 2. "*Tax credit*" means the from farm to food donation tax  
4 credit as established in [this chapter subchapter](#).

5 Sec. 3. NEW SECTION. 190B.201 Definitions.

6 As used in this subchapter, unless the context otherwise  
7 requires:

8 1. "*Department*" means the department of agriculture and land  
9 stewardship.

10 2. "*Eligible agricultural product*" or "*product*" means any  
11 commodity that is derived from an agricultural animal or crop,  
12 both as defined in section 717A.1, which is intended for human  
13 consumption as food in its raw or processed state.

14 3. "*Emergency feeding organization*" means an emergency  
15 feeding organization as defined in section 7 U.S.C. §7501 that  
16 serves Iowans and operates at a congregate nutritional site.

17 4. "*Food*" means a substance which is used in whole or in  
18 part for human consumption in compliance with federal and state  
19 standards or requirements, including a donated food that meets  
20 the requirements of the federal emergency food assistance  
21 program, as provided in 7 C.F.R. pts. 250 and 251.

22 5. "*Food bank*" means a private nonprofit entity that serves  
23 Iowans and meets all of the following requirements:

24 a. The food bank is organized under chapter 504.

25 b. The food bank qualifies under section 501(c)(3) of the  
26 Internal Revenue Code as an organization exempt from federal  
27 income tax under section 501(a) of the Internal Revenue Code.

28 c. The food bank maintains an established operation  
29 involving the provision of food or edible commodities or the  
30 products thereof on a regular basis to persons in need or to  
31 food pantries, soup kitchens, hunger relief centers, or other  
32 food or feeding centers that, as an integral part of their  
33 normal activities, provide meals or food on a regular basis to  
34 persons in need.

35 6. "*Iowa food bank association*" or "*association*" means

1 a private nonprofit entity that meets all of the following  
2 requirements:

3 a. The association is organized under chapter 504.

4 b. The association qualifies under section 501(c)(3) of the  
5 Internal Revenue Code as an organization exempt from federal  
6 income tax under section 501(a) of the Internal Revenue Code.

7 c. The association's members include food banks, or  
8 affiliations of food banks, that together serve all counties  
9 in this state.

10 d. The association's principal office is located in this  
11 state.

12 Sec. 4. NEW SECTION. 190B.202 Administration — use of  
13 moneys and oversight.

14 1. This subchapter shall be administered by the department  
15 of agriculture and land stewardship. In adopting rules  
16 and administering the Iowa agricultural products clearance  
17 program established under section 190B.204, the department  
18 shall cooperate with the department of human services and the  
19 department of inspections and appeals.

20 2. A program established in this subchapter shall be managed  
21 by an Iowa food bank association selected by the department.  
22 The association shall report to the department as required by  
23 the department.

24 3. A program established in this subchapter shall be carried  
25 out only to the extent that moneys are available to support  
26 the program. The department may support a program from moneys  
27 appropriated by the general assembly to fund the program's  
28 purpose and any other moneys available to and obtained or  
29 accepted by the department from the federal government or  
30 private sources.

31 Sec. 5. NEW SECTION. 190B.203 Management of programs —  
32 Iowa food bank association.

33 1. The department shall enter into a contract with an Iowa  
34 food bank association to manage programs established under this  
35 subchapter.

1 2. In managing a program, the association shall do all of  
2 the following:

3 a. Acquire eligible agricultural products, including by  
4 purchase.

5 b. Arrange for the processing and packaging of eligible  
6 agricultural products into food, when such processing is  
7 necessary to comply with federal and state food safety  
8 regulations.

9 c. Provide for the storage and transportation of eligible  
10 agricultural products.

11 d. Provide for the distribution of eligible agricultural  
12 products.

13 3. In managing a program, the association shall to every  
14 extent feasible create and expand significant economic benefits  
15 in local communities. The association shall purchase products  
16 and services from individuals and businesses located in this  
17 state whenever the price is reasonably competitive and the  
18 quality as intended.

19 **Sec. 6. NEW SECTION. 190B.204 Iowa agricultural products**  
20 **clearance program — establishment and purpose.**

21 1. The department shall establish an Iowa agricultural  
22 products clearance program to be managed by an Iowa food bank  
23 association selected by the department as provided in section  
24 190B.203.

25 2. The purpose of the program is to acquire surplus  
26 eligible agricultural products from agricultural producers and  
27 other persons in order to prevent unnecessary waste, reduce  
28 economic losses associated with paying for the processing  
29 and transportation of such products that otherwise do not  
30 have profitable markets, and to provide nutritional food to  
31 low-income families and individuals who reside in this state  
32 and to unemployed families and individuals who reside in this  
33 state.

34 3. The Iowa food bank association managing the program  
35 shall only distribute eligible agricultural products under the

1 program to Iowa food banks in this state and emergency feeding  
2 organizations in this state.

3 Sec. 7. NEW SECTION. 190B.205 Iowa emergency food purchase  
4 program — establishment and purpose.

5 1. The department shall establish an Iowa emergency food  
6 purchase program to be managed by an Iowa food bank association  
7 selected by the department as provided in section 190B.203.

8 2. The purpose of the program is to relieve situations of  
9 emergency experienced by families or individuals who reside in  
10 this state, including low-income families and individuals and  
11 unemployed families and individuals, by distributing food to  
12 those persons.

13 3. The Iowa food bank association managing the program shall  
14 only distribute food under the program to emergency feeding  
15 organizations in this state.

16 Sec. 8. FOOD DONATION PROGRAMS.

17 1. There is appropriated from the general fund of the state  
18 to the department of agriculture and land stewardship for the  
19 fiscal year beginning July 1, 2015, and ending June 30, 2016,  
20 the following amounts, or so much thereof as is necessary, to  
21 be used for the purposes designated:

22 a. For purposes of supporting the Iowa agricultural  
23 products clearance program provided in chapter 190B, subchapter  
24 II, as enacted in this Act:

25 ..... \$ 600,000

26 (1) Of the amount appropriated in this paragraph "a", up to  
27 \$500,000 shall be allocated for purposes of purchasing eligible  
28 agricultural products for use as food, processing eligible  
29 agricultural products into food, and packaging such processed  
30 eligible agricultural products.

31 (2) Of the amount appropriated in this paragraph "a", up to  
32 \$100,000 shall be allocated for purposes of providing for the  
33 storage and transportation of eligible agricultural products.

34 b. (1) For purposes of supporting the Iowa emergency food  
35 purchase program provided in chapter 190B, subchapter II, as

1 enacted in this Act:

2 ..... \$ 250,000

3 (2) The moneys appropriated in this paragraph "b" shall be  
4 allocated to support the Iowa emergency food purchase program  
5 only to the extent that the allocated moneys are matched on a  
6 dollar-for-dollar basis.

7 2. Notwithstanding section 8.33, moneys appropriated in  
8 subsection 1 that remain unencumbered or unobligated at the  
9 close of the fiscal year shall not revert but shall remain  
10 available for expenditure for the purposes designated until the  
11 close of the fiscal year beginning July 1, 2017.

12 Sec. 9. EFFECTIVE UPON ENACTMENT. This division of this  
13 Act, being deemed of immediate importance, takes effect upon  
14 enactment.

15 DIVISION III

16 DEPARTMENT OF CORRECTIONS — GARDENING PROGRAM

17 Sec. 10. NEW SECTION. 904.302A Gardening program.

18 1. The director shall establish a gardening program for  
19 growing and harvesting produce, including edible vegetables,  
20 at each correctional facility operated by the department, to  
21 the extent that the director determines that security and space  
22 requirements allow for the garden's creation and operation.  
23 The director may appoint the farm operations administrator to  
24 oversee the program. A garden established pursuant to the  
25 program shall be tended by inmates of the correctional facility  
26 as determined by the director. The produce harvested from  
27 the garden may be used to feed the correctional facility's  
28 population or may be donated to a food bank as defined in  
29 section 190B.201 designated by the director. The food bank  
30 must be located in proximity to the correctional facility where  
31 the garden is situated. Any excess produce that is not used  
32 to feed the correctional facility's inmate population shall be  
33 donated to the designated food bank.

34 2. a. This section does not authorize the department or an  
35 inmate of a correctional facility to claim a from farm to food





1 acquire: eligible agricultural products which include both (1)  
2 agricultural commodities that can be consumed in a raw state  
3 and (2) agricultural commodities that can be processed into  
4 food. The programs also provide for the packaging, storing,  
5 and transporting of eligible agricultural products to nonprofit  
6 organizations for distribution. The Iowa agricultural products  
7 clearance program is established to distribute eligible  
8 agricultural products to both food banks and emergency feeding  
9 organizations. The Iowa emergency food purchase program is  
10 established to distribute food to food banks and emergency  
11 feeding organizations. The bill appropriates moneys from the  
12 general fund for the fiscal year 2015-2016 to the department to  
13 support administration of the two programs.

14 A prison gardening program is to be established by the  
15 director of the Iowa department of corrections. Under this  
16 program, the director is to establish gardens subject to  
17 security and space requirements at each correctional facility.  
18 Any garden produce must be either consumed within the prison or  
19 donated to a food bank.