



## 2023 SENATE BILL 948

January 26, 2024 - Introduced by Senators BALLWEG, CARPENTER, PFAFF, QUINN, ROYS, SPREITZER and LARSON, cosponsored by Representatives JOERS, HURD, VINING, BEHNKE, PENTERMAN, RATCLIFF, ROZAR, SCHMIDT, C. ANDERSON, J. ANDERSON, ANDRACA, BALDEH, BARE, CLANCY, CONLEY, CONSIDINE, DONOVAN, DRAKE, EDMING, EMERSON, S. JOHNSON, MADISON, MELOTIK, MOORE OMOKUNDE, MURSAU, NOVAK, O'CONNOR, OHNSTAD, PALMERI, SCHUTT, SHANKLAND, SHELTON, SINICKI, SNODGRASS, STUBBS, SUBECK, KRUG, NEUBAUER, BRANDTJEN and JACOBSON. Referred to Committee on Health.

- 1     **AN ACT** *to amend* 20.435 (4) (bt); and *to create* 49.79 (7w) of the statutes;  
2           **relating to:** healthy food incentive program.

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### *Analysis by the Legislative Reference Bureau*

This bill requires the Department of Health Services, through a competitive selection process, to contract with one or more nonprofit organizations to administer a healthy food incentive program statewide. Under the program, FoodShare recipients who use FoodShare benefits for purchases at an eligible retailer would receive an amount up to the amount of benefits used at the eligible retailer for the purpose of purchasing fruits and vegetables from the eligible retailer. FoodShare, also known as the food stamp program and the federal Supplemental Nutrition Assistance Program, provides a monetary benefit to individuals who have limited financial resources for the purpose of purchasing food products. DHS administers the FoodShare program.

Under the bill, eligible retailers include supermarkets, grocery stores, farmers' markets, nonprofit cooperatives, and farmers who sell directly to consumers among other types of food sellers. The retailers must be authorized retailers in the FoodShare program participating in the healthy food incentive program. The bill requires a nonprofit organization to prioritize including in the healthy food incentive program eligible retailers that source fruits and vegetables primarily from Wisconsin growers. The bill allows DHS to limit the amount of benefits per day that a recipient is allowed to match through the healthy food incentive program.

The bill limits the percent of funding that is available for the healthy food incentive program that DHS may allocate to program development, promotion of and

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outreach for the program, training, data collection, evaluation, administration, and reporting for the healthy food incentive program. DHS must allocate the rest of the funding to participating eligible retailers. The bill also requires DHS to seek any available federal matching moneys from the Gus Schumacher Nutrition Incentive Program, which is a federal grant program administered by the National Institute of Food and Agriculture of the U.S. Department of Agriculture, to fund the healthy food incentive program. The bill redirects general purpose revenue funding that had been appropriated to a healthy eating incentive pilot program to the healthy food incentive program.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 20.435 (4) (bt) of the statutes is amended to read:

2           20.435 (4) (bt) *Healthy eating incentive pilot food incentive program.* As a  
3 continuing appropriation, the amounts in the schedule ~~to contract with an entity to~~  
4 develop and administer the healthy eating incentive food incentive program under  
5 s. 49.79 (7r). ~~No moneys may be expended under this paragraph after December 31,~~  
6 ~~2019, except for moneys encumbered on or before that date. (7w).~~ The unencumbered  
7 balance in this appropriation account as of June 30, 2023, may be used for the healthy  
8 food incentive program under s. 49.79 (7w), including as the matching state portion  
9 of any amounts received through the Gus Schumacher Nutrition Incentive Program.

10           **SECTION 2.** 49.79 (7w) of the statutes is created to read:

11           49.79 (7w) HEALTHY FOOD INCENTIVE PROGRAM. (a) In this subsection:

12           1. "Eligible retailer" includes any supermarket, grocery store, wholesaler,  
13 small-scale store, corner store, convenience store, neighborhood store, bodega,  
14 farmers' market, direct-marketing farmer, nonprofit cooperative food-purchasing  
15 venture, or community-supported agriculture program authorized to participate in  
16 the food stamp program.

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1           2. “Fruits and vegetables” means any variety of fresh, canned, dried, or frozen  
2 whole or cut fruit or vegetable that does not contain added sugar, fat, oil, or salt.

3           (b) The department shall, through a competitive selection process, contract  
4 with one or more nonprofit organizations to administer a healthy food incentive  
5 program statewide. The healthy food incentive program shall provide to any food  
6 stamp program recipient that uses benefits at an eligible retailer participating in the  
7 healthy food incentive program under this subsection a monetary amount up to the  
8 amount of food stamp program benefits used at the eligible retailer for the purpose  
9 of purchasing fruits and vegetables from the eligible retailer. In administering the  
10 program, a nonprofit organization shall prioritize including in the healthy food  
11 incentive program eligible retailers that source fruits and vegetables primarily from  
12 growers in this state. The department may establish a maximum amount of benefits  
13 that may be matched per day for a food stamp program recipient.

14           (c) The department may allocate no more than 25 percent of the funding  
15 available for the healthy food incentive program under this subsection to program  
16 development, promotion of and outreach for the program, training, data collection,  
17 evaluation, administration, and reporting and shall allocate the remainder of the  
18 funding available to the eligible retailers participating in the healthy food incentive  
19 program under this subsection. The department shall seek any available federal  
20 matching moneys from the Gus Schumacher Nutrition Incentive Program to fund  
21 the healthy food incentive program under this subsection.

22           (d) Beginning no later than one year after the effective date of this paragraph  
23 ... [LRB inserts date], and annually thereafter, the department shall submit to the  
24 chief clerk of each house of the legislature, for distribution to the appropriate  
25 standing committees of the legislature under s. 13.172 (3), a report regarding

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**SECTION 2**

1 implementation of the program under this subsection, including data collected  
2 relating to funding and participation and any other information necessary to  
3 evaluate the program.

4 (END)