

## CHAPTER 328

## S.B. No. 714

## AN ACT

relating to the provision of nutrition for women, infants, children, and the indigent.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Chapter 32, Health and Safety Code, is amended by adding Section 32.021 to read as follows:

*Sec. 32.021. REQUIREMENTS REGARDING THE WOMEN, INFANTS AND CHILDREN PROGRAM. (a) The department shall require that any agency, clinic, organization, or other entity that contracts with the Supplemental Food Program for Women, Infants and Children provide the services supported by that program during the evening hours or on Saturdays as provided by Subsection (b).*

*(b) If the entity described in Subsection (a) operates:*

*(1) 32 or more hours each week, then the clinic shall be open at least one weekday evening for a minimum of two hours in excess of normal working hours or on Saturdays for a minimum of three hours;*

*(2) only selected hours within a week during two or more days a month, then for each month the clinic shall be open at least one weekday evening for a minimum of two hours in excess of normal working hours or on a Saturday for a minimum of three hours; or*

*(3) only on one day a month or less frequently, then in one month out of every three the clinic shall be open at least one weekday evening for a minimum of two hours in excess of normal working hours or on a Saturday for a minimum of three hours.*

*(c) The department, in administering the Supplemental Food Program for Women, Infants and Children, shall adopt guidelines for the granting of waivers from the requirement of Subsection (a).*

*(d) To obtain a waiver, a clinic shall submit a written justification to the department explaining the extraordinary circumstances involved and identifying the time frame needed for their resolution.*

*(e) If an entity required by this section to maintain extended hours provides other maternal and child health services, the department shall require that the entity also make those services available during the extended hours.*

SECTION 2. Chapter 33, Human Resources Code, is amended by adding Section 33.024 to read as follows:

*Sec. 33.024. SUMMER FOOD SERVICE PROGRAM. (a) In this section:*

*(1) "Agency" means the Central Education Agency.*

(2) "Field office" means a field office of a special nutrition program administered by the department.

(3) "Summer program" means the Summer Food Service Program.

(b) The department and the agency shall develop a plan to ensure that by June 15, 1997, children residing in school districts in which 60 percent or more children are eligible for free or reduced-price meals will have access to the summer program. The plan shall provide a time line for implementation effective the summer of 1994 through June 15, 1997. The department and the agency shall each designate a person on their respective administrative staffs who shall be charged with coordinating activities pursuant to this requirement.

(c) The agency shall provide to the department, in October following each school year, a listing of those school districts which had at least:

(1) 90 percent of children in the district eligible for free or reduced-price meals during the 1992-1993 school year;

(2) 80 percent of children in the district eligible for free or reduced-price meals during the 1993-1994 school year;

(3) 70 percent of children in the district eligible for free or reduced-price meals during the 1994-1995 school year; and

(4) 60 percent of children in the district eligible for free or reduced-price meals during the 1995-1996 school year and each school year thereafter.

(d) By November 30 of each year, the department and the agency shall jointly notify the following of their joint responsibility to provide or arrange for the provision of a summer program the following summer:

(1) each listed school district that does not have a summer program sponsor in the district; and

(2) nutrition program field offices.

(e) School district facilities shall be utilized for the summer program unless:

(1) the district provides documentation, verified by the department and the agency, showing that the cost to the district exceeds the funds available for the summer program; or

(2) the Department of Human Services verifies that the program will operate at adequate alternative facilities.

(f) Each notified school district shall respond to the department and the agency no later than January 31 of the following year and either indicate its intent to operate a summer program in the following summer or request a waiver of the requirement to operate a summer program, as provided by Subsection (g).

(g) A waiver under Subsection (f) may be granted by the department and the agency, to a school district if:

(1) the district demonstrates to the department and the agency that:

(A) there are fewer than 100 children in the district currently eligible for free or reduced-price meals;

(B) transportation remains an insurmountable obstacle despite consultation by the district with public transit providers;

(C) the district is unable to operate a summer program due to renovation or construction within the district and an appropriate alternative provider or site is not available; or

(D) the district is unable to operate a summer program due to other extenuating circumstances and an appropriate alternative provider or site is not available; and

(2) the district works with the field offices to identify other persons and agencies in the district who were contacted as potential providers or sites for the summer program.

(h) If the school district has requested a waiver under Subsection (f) and has been unable to provide a list of possible sponsors to the department, the field offices shall continue efforts to locate an alternative sponsor for the summer program.

(i) *The department, in consultation with the agency, shall publish rules and procedures for obtaining a waiver under Subsection (f). A waiver shall be for a one-year period.*

(j) *The department and the agency shall provide to the 74th Legislature and 75th Legislature biennial reports which shall include a listing of school districts identified as described in Subsection (c) which have become sponsors of a summer program. The reports shall also include a listing of identified school districts that failed to satisfy the requirements of this section. The reports shall also include the costs, above federal funds, incurred by the school districts and the state in order to comply with this section.*

SECTION 3. Chapter 33, Human Resources Code, is amended by adding Section 33.025 to read as follows:

Sec. 33.025. *NUTRITION EDUCATION AND OUTREACH FOR THOSE ELIGIBLE FOR FOOD STAMPS.* (a) *The department shall develop and implement a plan of operation to provide nutrition education and outreach to persons eligible for food stamps.*

(b) *The plan of operation for education and outreach shall:*

(1) *ensure that low-income consumers are provided with informational materials that include but are not limited to information on:*

- (A) *food budgeting for low-income consumers;*
- (B) *purchasing and preparing low-cost nutritional meals;*
- (C) *basic nutrition and healthy foods;*
- (D) *the availability of food stamps;*
- (E) *the eligibility requirements for food stamps; and*
- (F) *the application procedures for receiving food stamps;*

(2) *identify a target population for the informational activities, which may include:*

- (A) *recipients of the Supplemental Food Program for Women, Infants and Children;*
- (B) *families which have children who are eligible for the free or reduced-price meals programs;*
- (C) *recipients of commodity surplus foods;*
- (D) *senior citizens attending nutrition sites and participating in nutritional activities;*
- (E) *clients of emergency food pantries;*
- (F) *farm workers or migrants; and*

(G) *others who may benefit from the information including but not limited to senior citizens, persons with disabilities, and working poor families;*

(3) *identify geographical areas, if any, which specifically will be targeted; and*

(4) *ensure that all informational activities are multilingual and available in accessible alternative formats.*

(c) *The department shall submit the plan of operation to the Food and Nutrition Service of the United States Department of Agriculture for approval, making the department eligible for reimbursement for 50 percent of the cost of the informational activities.*

(d) *The department shall cooperate with other state agencies that currently operate nutrition education programs.*

(e) *The department shall enlist the assistance of pro bono public relations firms where available.*

SECTION 4. The Texas Department of Health, in administering the Supplemental Food Program for Women, Infants and Children, shall adopt a deadline by which the requirements of Section 32.021, Health and Safety Code, as added by this Act, shall be met.

SECTION 5. Agencies are not required to carry out duties relating to this Act except to the extent that federal funds are appropriated to agencies or are otherwise available.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be

suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 28, 1993: Yeas 31, Nays 0; the Senate concurred in House amendments on May 19, 1993, by a viva-voce vote; passed the House, with amendments, on May 11, 1993: Yeas 143, Nays 0, two present not voting.

Approved May 29, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.