

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: S4/1/19  
**A Bill**

HOUSE BILL 1853

By: Representative Beck  
By: Senator M. Pitsch

### For An Act To Be Entitled

AN ACT TO AMEND THE LOCAL FOOD, FARMS, AND JOBS ACT;  
AND FOR OTHER PURPOSES.

### Subtitle

TO AMEND THE LOCAL FOOD, FARMS, AND JOBS  
ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 15-4-3802, concerning the legislative intent of the Local Food, Farms, and Jobs Act, is amended to add an additional subdivision to read as follows:

(3) Secure data on the procurement of local farm or food products prepared and consumed within agencies.

SECTION 2. Arkansas Code § 15-4-3803 is amended to read as follows:

15-4-3803. Definitions.

As used in this subchapter:

(1)(A) "Agency" means an entity that+

~~(i) Is funded in whole or in part by the state; and~~

~~(ii) Receives~~ receives at least twenty-five thousand

dollars (\$25,000) a year from the state ~~for the purchase of food products and~~ offers a food service program.

(B) "Agency" includes without limitation:

(i) An institution of higher education;

(ii) A child care facility;



- (iii) A state park;
- (iv) An after-school program;
- (v) ~~A hospital;~~
- ~~(vi)~~ A state agency or other entity of the state;

and

~~(vii) Contractor operating an on-campus cafeteria for any of the entities stated in subdivision (1)(B)(i)-(vi) of this section;~~

(vi) A designee under contract to provide a food service program for an agency; and

(vii) A designee under contract to provide wholesale local farm or food products for an agency;

(2)(A) "Distributor" means a person or entity involved in marketing and distributing local farm or food products to another entity, including without limitation to:

- (i) A restaurant;
- (ii) A healthcare facility;
- (iii) An educational institution;
- (iv) A hospitality business, including without limitation a hotel or inn;
- (v) A government entity; or
- (vi) An agency;

(B) "Distributor" includes a person or entity that provides food products at wholesale to another company that provides or manages a food service program;

~~(2)(3)~~ "Food product" means a substance, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that is sold for ingestion or chewing by humans and is consumed for its taste or nutritional value; ~~and~~

~~(3)(4)~~ "Local farm or food products" means food products that are grown in Arkansas or packaged and processed in Arkansas, or both; ~~and~~

(5)(A) "Food service program" means the preparation and consumption of food products at an on-site cafeteria.

(B) "Food service program" does not include catered events, franchises, or privately owned third party vendors that do not serve as the primary provider for the delivery of food products on behalf of an agency.

SECTION 3. Arkansas Code § 15-4-3804 is amended to read as follows:

15-4-3804. Procurement goal – ~~Preference~~ Distributor requirements.

(a)(1) For the fiscal year 2018, each agency shall make it a goal to ensure that ten percent (10%) of the amount budgeted for the agency's purchases of food products is spent on local farm or food products.

(2) For fiscal years beginning on and after July 1, 2018, each agency shall make it a goal to ensure that at least twenty percent (20%) of ~~the amount budgeted for~~ the agency's purchases of food products is spent on local farm or food products.

~~(b) In awarding a contract for the purchase of food products, an agency shall give preference to a provider of local farm or food products when:~~

~~(1) The contract is to be awarded to the lowest bidder;~~

~~(2) A responsible and responsive bidder that is a provider of local farm or food products submits a bid that does not exceed the lowest bid by more than ten percent (10%); and~~

~~(3) The responsible and responsive bidder submitting the lowest bid is not a provider of local farm or food products.~~

~~(c)~~ Each agency shall:

(1) Identify the percentage of funds spent on local farm or food products purchased for fiscal year 2017 to establish a baseline; and

(2) Develop a system for tracking and reporting purchases of local farm or food products each fiscal year.

~~(d)~~(c) This section does not require an agency to use any specific procurement method for obtaining food products.

SECTION 4. Arkansas Code § 15-4-3805 is amended to read as follows:

15-4-3805. Reporting requirements.

(a) By October 1 of each year, an agency or agency designee shall submit a ~~compliance~~ report to the ~~Bureau of Legislative Research~~ Arkansas Agriculture Department stating:

(1) The name of the agency and, if applicable, agency designee;

(2) A policy statement signed by the executive head of the agency or agency designee expressing a commitment to complying with this subchapter;

(3) The name of the person in the agency or agency designee who is responsible for developing and administering the ~~compliance~~ report required under this section;

(4) The manner in which the agency intends to reach the procurement goals stated in this subchapter;

(5) The dollar ~~value of the contracts the agency awarded to~~ amount the agency spent with providers of local farm or food products in the previous fiscal year; and

(6) The percentage of the total dollar ~~value of contracts~~ amount the agency ~~awarded for~~ spent on purchases of food products ~~that were awarded to~~ with providers of local farm or food products.

(b) By December 31 of each year, the ~~bureau~~ department shall:

(1) Prepare a report compiling the information received under subsection (a) of this section; and

(2) Make the report required under this subsection available to the Governor and the cochairs of the Legislative Council or, if the General Assembly is in session, the cochairs of the Joint Budget Committee, the House Committee on Agriculture, Forestry, and Economic Development, and the Senate Committee on Agriculture, Forestry, and Economic Development.

SECTION 5. Arkansas Code § 15-4-3806(b)(2)(A)-(F), concerning the duties of the program coordinator position, are amended to read as follows:

(A) ~~Provide support and assistance to~~ Support and assist providers of local farm or food products ~~that wish to compete for a contract with an agency by~~ in:

(i) ~~Assisting the provider of local farm or food products in developing~~ Developing a business plan;

(ii) ~~Working with distribution representatives~~ Gaining access to agencies, distribution networks, and food service operators; and

(iii) Using available resources, including without limitation ~~agencies and other~~ public and private entities;

(B) Be a resource for agencies to use to assist in tracking and reporting their progress in satisfying the procurement goals stated in this subchapter;

(C) Be a liaison between agencies and providers of local

farm or food products to facilitate access to local farm or food products;

(D) Encourage and facilitate involvement and participation in the Farm to School Program administered by the United States Department of Agriculture by working with providers of local farm or food products, vendors, and distributors to assess the need for and availability of local farm and food products; ~~and~~

(E) Cooperate with the Arkansas Agriculture Department and providers of local farm or food products to promote, encourage, and increase participation in the Arkansas Grown program administered by the Arkansas Agriculture Department; and

(F) Work with distributors to ensure that:

(i) Local farm or food products are available for purchase and distribution to an agency;

(ii) A list of local farm or food products is available for an agency; and

(iii) A report is provided to the agency that lists the local farm or food products purchased and the dollar amount spent on the purchase of the local farm or food products.

*/s/Beck*

**APPROVED: 4/8/19**