

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H3/20/19
A Bill

HOUSE BILL 1743

By: Representatives Bentley, Beck, Christiansen, Cloud, Gates, L. Johnson, J. Mayberry, Penzo, B. Smith, Womack

By: Senator Flippo

For An Act To Be Entitled

AN ACT TO PROMOTE THE PURCHASE OF HEALTHY PRODUCTS
WITH SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
BENEFITS; AND FOR OTHER PURPOSES.

Subtitle

TO PROMOTE THE PURCHASE OF HEALTHY
PRODUCTS WITH SUPPLEMENTAL NUTRITION
ASSISTANCE PROGRAM BENEFITS.

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

SECTION 1. DO NOT CODIFY. Legislative findings and intent.

(a) The General Assembly finds that:

(1) The Supplemental Nutrition Assistance Program, formerly known as the "Food Stamp Program", assists eligible low-income individuals with the purchase of food;

(2) Overconsumption of foods, food products, and beverages containing large amounts of sugar increases the risk of obesity, diabetes, and other diseases;

(3) According to a recent study authorized by the United States Department of Agriculture, soft drinks were the top items purchased by Supplemental Nutrition Assistance Program households;

(4) According to the America's Health Rankings 2018 Annual Report, the prevalence of obesity among adults in Arkansas is thirty-five percent (35%), which is above the national average for obesity prevalence and



the seventh-highest percentage among all states;

(5) Consuming foods, food products, and beverages of insufficient nutritional value endangers the health of Arkansas residents; and

(6) The use of Supplemental Nutrition Assistance Program benefits to purchase products that have insufficient or no nutritional value induces the supply of unhealthy products available to the general population.

(b) It is the intent of the General Assembly that the Supplemental Nutrition Assistance Program, formerly known as the "Food Stamp Program", align with other programs and initiatives aimed at improving the health and welfare of Arkansas citizens.

SECTION 2. Arkansas Code Title 20, Chapter 76, Subchapter 2, is amended to add additional sections to read as follows:

20-76-216. Use of Supplemental Nutrition Assistance Program benefits for food products.

(a)(1) As used in this section, "food products" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value.

(2) "Food products" includes prepared foods.

(3) "Food products" does not include candy, soft drinks, or energy drinks.

(b) The Supplemental Nutrition Assistance Program shall allow benefits to be used only for food products.

(c)(1) The Department of Human Services shall prohibit the use of benefits under the Supplemental Nutrition Assistance Program for items that are not food products.

(2) The Department of Human Services shall consult with the Department of Finance and Administration to follow guidelines established under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq., concerning soft drinks and candy that are not food products.

(d) The Department of Human Services shall request a demonstration waiver from the United States Secretary of Agriculture to allow the implementation of this section.

SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE.

The Department of Human Services shall implement the demonstration waiver authorized in Section 2 of this act no earlier than one (1) year following approval of the demonstration waiver by the United States Secretary of Agriculture, during which time the department shall engage in outreach and educational activities to inform Supplemental Nutrition Assistance Program beneficiaries, retailers, and the public about the legislative findings, intent, and programmatic changes under this act.

/s/Bentley