

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **House Bill 3201**

BY DELEGATE YOUNG

[Introduced March 16, 2021; Referred to the Committee on  
Health and Human Resources then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §5B-10-1, §5B-10-2, §5B-10-3, and §5B-10-4, all relating to creating the “Food  
 3 Pantry Assistance Grant Program;” providing legislative findings and definitions; and, in  
 4 connection therewith, authorizing an allocation of money the state receives from the  
 5 federal coronavirus relief fund.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 10. FOOD PANTRY ASSISTANCE GRANT PROGRAM.**

**§5B-10-1. Legislative findings.**

1 (a) The West Virginia Legislature finds that on March 27, 2020, the federal government  
 2 enacted the “Coronavirus Aid, Relief, and Economic Security Act” (CARES Act), Pub. L. 116-136  
 3 (2020), pursuant to which West Virginia received approximately \$1,190,000,000 from the federal  
 4 coronavirus relief fund to use for necessary expenditures incurred due to the current COVID-19  
 5 public health emergency;

6 (b) The expenditures in the bill are considered an allowable use under the federal CARES  
 7 Act and are necessary to respond to the COVID-19 public health emergency;

8 (c) Any state department that receives expenditures in the bill for community programs  
 9 and services shall:

10 (1) Distribute funding in a manner that utilizes existing infrastructure and contracts in the  
 11 most expedited way possible; and

12 (2) Consider the needs of underserved populations and communities, including African  
 13 American communities, indigenous communities, and other communities of people of color.

14 (d) The West Virginia Legislature further finds and declares that:

15 (1) The COVID-19 public health emergency has created an exponential need for  
 16 emergency food resources for all emergency food providers. Since the beginning of the COVID-  
 17 19 public health emergency, food pantries across the state have seen two to six times the number  
 18 of people coming in for food assistance, with many coming to a food pantry for the first time.

19 (2) Funding from the federal CARES Act will help many local food pantries purchase  
20 healthy, local food for many West Virginians. Funding for these grants provides critical resources  
21 for food pantries to meet the increased demand, while also helping to purchase the types of food  
22 their communities need from local food producers. Additionally, small farmers have struggled to  
23 stay afloat as their sources of revenue, including restaurants and farmers markets, diminish under  
24 the impact of the COVID-19 public health emergency.

25 (e) Therefore, the West Virginia Legislature determines that funding from the federal  
26 CARES Act will help people in communities throughout West Virginia access nutritious food and  
27 support local economies as we enter the years-long economic impact of the COVID-19 public  
28 health emergency.

**§5B-10-2. Definitions, Food Pantry Assistance Program created.**

1 (a) As used in this section, unless context requires otherwise:

2 (1) "West Virginia agricultural products" means all fruits, vegetables, grains, meats, and  
3 dairy products, grown or raised in West Virginia, and minimally processed products or value-  
4 added processed products.

5 (2) "Eligible entity" means, for the purposes of a food grant, either a food bank or food  
6 pantry. Hunger-relief charitable organizations are not eligible entities for purposes of this section.

7 (3) "Food bank" means a charitable organization, exempt from federal income taxation  
8 under the provisions of the internal revenue code, that acquires and distributes food and nonfood  
9 essentials to other hunger relief programs.

10 (4) "Food pantry" means an individual site that buys food or receives donations of foods  
11 that are then directly distributed to those in its community.

12 (5) "Grant program" means the food pantry assistance grant program created in this  
13 section.

14 (6) "DHHR" means the West Virginia Department of Health and Human Resources.

15 (b) There is created in the Department of Health and Human Resources the Food Pantry

16 Assistance Grant program. The purpose of the grant program is to aid West Virginia food pantries  
17 and food banks in the purchase of foods that better meet the needs of their clientele, which has  
18 expanded significantly as a result of the COVID-19 public health emergency. A secondary  
19 purpose of the grant program is to create new market opportunities for West Virginia agricultural  
20 products and producers.

21 (c) The Department of Health and Human Resources may create a process for soliciting,  
22 vetting, awarding, and monitoring grants, and the Department of Health and Human Resources  
23 is authorized to use \$25,000 or up to five percent of the total funds appropriated to the grant  
24 program for the direct and indirect costs of administering and monitoring the grant program.

25 (d) On or before December 30, 2021, but as soon as practicable after the effective date of  
26 this section, the Department of Health and Human Resources shall award one or more grants to  
27 eligible entities. In awarding grants, the state department shall, at a minimum, consider:

28 (1) Providing money to a wide array of eligible entities of different types and sizes;

29 (2) Ensuring that money goes directly to eligible entities that are located in a variety of  
30 regions throughout the state;

31 (3) The relative difference each award would make in the eligible entity's ability to meet  
32 the needs of its clientele;

33 (4) The ability of each eligible entity to responsibly distribute the grant money in a timely  
34 manner;

35 (5) The eligible entity's willingness to administer a client-needs survey as a vehicle for  
36 collecting input on the efficacy of its grant award; and

37 (6) The ability of the eligible entity to create a feedback loop with the DHHR that can inform  
38 implementation of the grant program in the future.

39 (e) Grant awards must be at least \$2,500 but not more than \$20,000.

40 (f) Food pantries and food banks may submit a joint application for a grant award. If an  
41 application is received from two or more eligible entities, the grant award must be at least \$2,500

42 but not more than \$35,000.

43 (g) Food purchased by a grant recipient using grant money must be designated as a West  
44 Virginia agricultural product.

45 (h) A grant recipient may use up to 10 percent of its grant award to cover the direct and  
46 indirect costs associated with the implementation of its mission, including transportation, staff  
47 costs, and storage.

48 (i) A grant recipient shall not resell or apply other associated fees to the distribution of  
49 products purchased with money made available through a grant.

**§5B-10-3. Appropriations – food distribution programs.**

1 (a) For carrying out the duties and obligations of the Department of Health and Human  
2 Resources and county departments under the provisions of this title and for matching such federal  
3 funds or meeting maintenance of effort requirements as may be available for public assistance  
4 and welfare activities in the state, including but not limited to The Food Pantry Assistance Grant  
5 Program, the Legislature, in accordance with the constitution and laws of the State of West  
6 Virginia, shall make adequate appropriations for the payment of such costs, pursuant to the  
7 budget prepared by the executive director.

8 (b) There shall be appropriated by the Legislature from the general revenue fund for the  
9 costs of administering the Food Pantry Assistance Grant Program in an amount sufficient for the  
10 proper and efficient performance of the program. The Legislature shall make two separate  
11 appropriations, one for the administrative costs of the Department of Health and Human  
12 Resources and another for the administrative costs of the county departments. Any applicable  
13 matching federal funds must be apportioned in accordance with the federal regulations  
14 accompanying such funds. Any unobligated and unexpended balances of such state funds so  
15 appropriated remaining at the end of each fiscal year must be credited to the state General  
16 Revenue Fund.

17 (c) The expenses of training personnel for the Food Pantry Assistance Grant Program, as

18 such expenses are determined and approved by the Department of Health and Human  
19 Resources, may be paid from whatever state and federal funds are available for such training  
20 purposes.

**§5B-10-4. Appropriation.**

1 For the 2020-2021 state fiscal year, \$500,000 is appropriated to the Department of Health  
2 and Human Resources from the state General Revenue Fund. The Department of Health and  
3 Human Resources may use this appropriation for the Food Pantry Assistance Grant Program.  
4 Any money appropriated in this section not expended prior to July 1, 2021, is further appropriated  
5 to the Department of Health and Human Resources for the period from July 1, 2021, through  
6 December 30, 2021, for the same purpose.

NOTE: The purpose of this bill is to create the "Food Pantry Assistance Grant Program;" to provide legislative findings and definitions; and, in connection therewith, authorize an allocation of money the state receives from the federal coronavirus relief fund.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.