



General Assembly

Amendment

January Session, 2023

LCO No. 8195



Offered by:

REP. GILCHREST, 18th Dist.

REP. MICHEL, 146th Dist.

REP. CASE, 63rd Dist.

SEN. LESSER, 9th Dist.

REP. BORER, 115th Dist.

SEN. SEMINARA, 8th Dist.

REP. KHAN, 5th Dist.

To: Subst. House Bill No. 6854

File No. 503

Cal. No. 316

**"AN ACT ESTABLISHING THE OFFICE OF THE FOOD ACCESS
ADVOCATE AND TAX INCENTIVES FOR GROCERY STORES IN
FOOD DESERTS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2023*) As used in this section:

4 (1) "Food insecurity" means a household-level economic and social
5 condition of limited or uncertain access to sufficient and nutritionally
6 adequate food;

7 (2) "Food insecurity program" means a nutrition program in the state
8 intended for households with limited or uncertain access to sufficient
9 and nutritionally adequate food;

10 (3) "Food desert" means an area identified as a food desert in the Food

11 Access Research Atlas produced by the United States Department of
12 Agriculture's Economic Research Service;

13 (4) "Food as medicine" means nutritional and meal preparation
14 planning directed by a qualified health professional to treat chronic
15 health conditions, including, but not limited to, cardiovascular
16 conditions, cardiopulmonary conditions, prediabetes, diabetes, obesity
17 and renal conditions.

18 (5) "Food recovery organization" means a public or private entity,
19 including, but not limited to, a community-based organization, food
20 bank, food pantry or soup kitchen, that, on a nonprofit basis and in the
21 ordinary course of such entity's business or operations, provides
22 nutritional assistance to individuals in the state who are in need of such
23 assistance, free of charge; and

24 (6) "Nutritionally adequate food" means food that provides sufficient
25 nutrients and proteins consistent with the Dietary Guidelines for
26 Americans recommended by the United States Department of
27 Agriculture and the United States Department of Health and Human
28 Services.

29 Sec. 2. (NEW) (*Effective July 1, 2023*) (a) The executive director of the
30 Commission on Women, Children, Seniors, Equity and Opportunity,
31 subject to the approval of the Joint Committee on Legislative
32 Management pursuant to section 2-127 of the general statutes, shall
33 recruit and employ a person to serve as a food and nutrition policy
34 analyst to help coordinate efforts in the state to reduce food insecurity,
35 reduce or eliminate the number of food deserts, promote food as
36 medicine and provide data on access to nutritionally adequate food.

37 (b) The food and nutrition policy analyst shall, at a minimum, have a
38 bachelor's degree in public health or public administration or equivalent
39 experience in food and health policy, including, but not limited to,
40 demonstrated knowledge of food insecurity issues, the impact of the
41 availability of nutritionally adequate food on public health, and policies
42 surrounding Medicaid coverage of food as medicine. Duties of the

43 analyst shall include, but not be limited to:

44 (1) Creating an interactive program that allows a user to insert a home
45 address and receive data on local food recovery organizations, food
46 insecurity programs, farmers markets, supermarkets and information
47 on available government programs, including, but not limited to,
48 supplemental nutrition assistance, the special supplemental nutrition
49 program for women, infants and children and free or reduced cost
50 school meal programs;

51 (2) Creating an interactive map program that provides comparative
52 food insecurity data by city, county or census tract within the state by
53 average distance that must be traveled within such area for nutritionally
54 adequate food, number and location of food deserts and costs of
55 nutritionally adequate food in such area compared to the state or county
56 average of such cost;

57 (3) Creating a database and updating such database not less
58 frequently than every two years listing food recovery organizations,
59 food insecurity programs, supermarket locations and agricultural
60 producers of food available for sale directly to the public;

61 (4) Producing and submitting to the executive director an annual
62 report on the state of food insecurity in the state;

63 (5) Administering a community-focused work group comprised of an
64 equal number of representatives from local food recovery organizations,
65 local food insecurity programs, local supermarket owners, agricultural
66 producers of food and representatives of other working groups
67 appointed by the General Assembly or executive branch to develop new
68 best practices and initiatives concerning food security;

69 (6) Promoting public awareness of access to nutritionally adequate
70 food and food as medicine, including planning public events focused on
71 solutions to food insecurity; and

72 (7) Working with state agencies involved in food security efforts and

73 the executive director and staff of the Commission on Women, Children,
74 Seniors, Equity and Opportunity to enhance public health by promoting
75 equitable access to nutritionally adequate food.

76 (c) The executive director of the Commission on Women, Children,
77 Seniors, Equity and Opportunity shall include on the commission's
78 Internet web site links to any programs, data and reports produced by
79 the food and nutrition policy analyst pursuant to subsection (b) of this
80 section. Not later than January 15, 2024, and annually thereafter, the
81 food and nutrition policy analyst shall compile such data into a report
82 and the executive director shall submit the report along with
83 recommendations to reduce food insecurity, in accordance with section
84 11-4a of the general statutes, to the joint standing committees of the
85 General Assembly having cognizance of matters relating to aging, the
86 environment, human services, planning and development and public
87 health.

88 Sec. 3. (NEW) (*Effective October 1, 2023*) (a) As used in this section:

89 (1) "Bona fide labor organization" means a labor union that is
90 representing or actively seeking to represent grocery store workers in
91 the state with the following factors indicative, but not determinative, of
92 a finding that a labor organization is a bona fide labor organization: The
93 organization (A) represents employees in this state with regard to
94 wages, hours and working conditions, (B) has officers elected by a secret
95 ballot or otherwise in a manner consistent with federal law, (C) is free
96 of domination or interference by any employer and has received no
97 improper assistance or support from any employer, (D) has been
98 recognized or certified as the bargaining representative for grocery store
99 employees in the state, (E) has executed a current collective bargaining
100 agreement or agreements with grocery store employers in the state, (F)
101 has spent resources as part of a current and active attempt or attempts
102 to organize and represent grocery store workers in the state, (G) has filed
103 the annual report required by 29 USC 431(b) for the three years
104 immediately preceding any labor peace agreement entered into with a
105 grocery store seeking a tax abatement pursuant to this section, (H) has

106 audited financial reports for the three years immediately preceding any
107 labor peace agreement entered into with a grocery store seeking a tax
108 abatement pursuant to this section, (I) has written bylaws or a
109 constitution for the three years immediately preceding any labor peace
110 agreement entered into with a grocery store seeking a tax abatement
111 pursuant to this section, and (J) is affiliated with a regional or national
112 association of unions, including, but not limited to, central labor
113 councils.

114 (2) "Food desert" means an area identified as a food desert in the Food
115 Access Research Atlas produced by the United States Department of
116 Agriculture's Economic Research Service.

117 (3) "Grocery store" means a retail facility (A) (i) at which at least
118 ninety per cent of square footage is used for the display and sale of food
119 products with (ii) at least twenty per cent of such square footage used
120 to display and sell fresh produce, dairy and meat products; and (B) that
121 is constructed, rehabilitated, remodeled or refurbished in accordance
122 with the prevailing wage standard for the same work in the same trade
123 or occupation in the town in which such construction, remodeling or
124 refurbishment project is being undertaken.

125 (4) "Labor peace agreement" means an agreement between the
126 business owner or operator of a grocery store and a bona fide labor
127 organization, which requires, for the duration of the agreement, that (A)
128 any participating bona fide labor organization and its members agree to
129 refrain from (i) picketing, (ii) work stoppages, (iii) boycotts, or (iv) other
130 economic interference against the business; and (B) the business owner
131 agrees to (i) maintain a neutral posture with respect to efforts of any
132 participating bona fide labor organization to represent employees at the
133 grocery store, (ii) permit the labor organization to have access to the
134 employees, and (iii) guarantee to the labor organization the right to
135 obtain recognition as the exclusive collective bargaining representative
136 of the employees at such grocery store by demonstrating that a majority
137 of workers at such store have shown their preference for the labor
138 organization to be their representative by signing authorization cards

139 indicating such preference.

140 (b) Any municipality may, by ordinance, provide for the abatement,
141 in part or in whole, of real property taxes on any new grocery store
142 established in a food desert for the assessment years beginning on
143 October 1, 2023, and October 1, 2024, provided any grocery store
144 exceeding twenty thousand square feet in size shall be required to enter
145 into a labor peace agreement with any bona fide labor organization that
146 is representing or actively seeking to represent the grocery store's
147 employees in order to be eligible for such abatement. Such ordinance
148 shall prescribe any additional requirements for such abatement and an
149 application process.

150 Sec. 4. (NEW) (*Effective October 1, 2023*) The state, acting by and in the
151 discretion of the Commissioner of Economic and Community
152 Development, may, within available appropriations, enter into a
153 contract with a municipality for state financial assistance in the form of
154 a state grant-in-aid to the municipality not to exceed the amount of taxes
155 abated by the municipality pursuant to section 3 of this act for the
156 assessment years beginning on October 1, 2023, and October 1, 2024.
157 Such grant-in-aid shall be paid to the municipality in an amount not to
158 exceed the amount of taxes abated for each such year.

159 Sec. 5. (*Effective July 1, 2023*) (a) As used in this section, (1) "food
160 desert" and "grocery store" have the same meanings as provided in
161 section 3 of this act, and (2) "nutritionally adequate food" has the same
162 meaning as provided in section 1 of this act.

163 (b) The Commissioner of Economic and Community Development, in
164 consultation with the Commissioner of Agriculture, shall develop a
165 strategic plan to (1) provide incentives for the construction of a grocery
166 store in a food desert, and (2) expand opportunities for residents of food
167 deserts to gain access to nutritionally adequate food.

168 (c) The Commissioner of Economic and Community Development
169 shall file a report on the strategic plan, in accordance with the provisions
170 of section 11-4a of the general statutes, not later than January 1, 2024, to

171 the joint standing committees of the General Assembly having
172 cognizance of matters relating to commerce, the environment, finance,
173 revenue and bonding, human services and planning and development."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2023</i>	New section
Sec. 2	<i>July 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	New section
Sec. 4	<i>October 1, 2023</i>	New section
Sec. 5	<i>July 1, 2023</i>	New section