

UNDERSTANDING NUTRITION: **KEY FEDERAL & STATE LEGISLATION**

Federal Legislation

Below is a chronology of key federal legislation related to nutrition, food security, and physical activity. As noted, a number of these laws must be periodically reauthorized.

Agricultural Adjustment Act Amendment, 1935

Public Law (P.L.) 74-320 authorized diversion of surplus agricultural commodities from the normal channels of trade and commerce and provided the basis for donating surplus commodities to federal domestic food programs.

National School Lunch Act, 1946

P.L. 106-224 authorized commodity and cash support to schools participating in the National School Lunch Program, and granted the program permanent status. The Child and Adult Care Food Program (CACFP) was also authorized through the National School Lunch Act.

Agricultural Act, 1949

P.L. 89-439 allowed certain commodities acquired through price support operations to be available for distribution to needy people (e.g., through school lunch programs and the Bureau of Indian Affairs).

Food Stamp Act, 1964

P.L. 88-525 authorized a permanent Food Stamp Program (FSP), which has been amended many times.

P.L. 91-671 (1971) established uniform national standards of eligibility and work requirements.

P.L. 93-86 (1974) authorized FSP to operate nationwide.

P.L. 88-525 (1977) established the Federal Poverty Level (now called Federal Poverty Guidelines) as the eligibility criterion for recipients and set forth products that stores must sell to become authorized vendors.

Reauthorization of FSP occurred in the 2002 Farm Bill (P.L. 107-171) and again in 2004 (P.L. 108-269). Amendments to the Food Stamp Act were also included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 111-265).

Older Americans Act, 1965

P.L. 89-73 created a coordinated system at the state and local levels to organize and deliver community-based services for older Americans, especially those at risk of losing their independence. P.L. 92-258 (1972) added a national nutrition program for the elderly. P.L. 100-175 (1987) authorized participation of eligible adult day care centers in the Child and Adult Care Food Program (CACFP).

Child Nutrition Act, 1966

P.L. 89-642 established the School Breakfast Program and increased funding to provide meals for needy children. Also authorized financial assistance for the purchase of food service equipment.

Special Supplemental Nutrition Program for Women, Infants and Children (WIC), 1972

P.L. 92-433 formally authorized a two-year demonstration program by amendment to the Child Nutrition Act of 1966.

P.L. 94-105 (1975) made WIC a permanent national health and nutrition program. Reauthorized in June 2004 through the Child Nutrition and WIC Reauthorization Act of 2004.

Agriculture and Consumer Protection Act, 1973

P.L. 93-86 required states to expand the Food Stamp Program to every political jurisdiction and to serve individuals in facilities undergoing treatment for substance abuse. Required the United States Department of Agriculture (USDA) to establish temporary eligibility standards for disasters.

The Temporary Emergency Food Assistance Act, 1983

P.L. 98-8 established the Temporary Emergency Food Assistance Program (TEFAP) to provide food to local emergency food providers. The word "Temporary" was dropped from the statute and program title in 1990.

Hunger Prevention Act, 1988

P.L. 100-435 amended the TEFAP Act (1983) to make available additional commodities, improved child nutrition and Food Stamp Programs, and mandated development of performance standards for the Food Stamp Employment and Training Program.

National Nutrition Monitoring and Related Research Act, 1990

P.L. 101-445 established the National Nutrition Monitoring and Related Research Program to strengthen food and nutrition data collection through survey and surveillance activities and to develop a 10-year strategic plan. Required a joint USDA/DHHS review process for all federal nutrition guidance materials and updating of the *Dietary Guidelines for Americans* every five years. This Act was reintroduced in 2005 for amendment, but did not pass through Congressional committees.

Intermodal Surface Transportation Efficiency Act (ISTEA), 1991; Transportation Equity Act (TEA-21), 1998; and Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU), 2005

ISTEA (P.L. 102-240) required a 10% set-aside of Surface Transportation Program funding for bicycle and pedestrian facilities; TEA-21 (P.L. 105-178) expanded provisions to make bicycling and walking safer and more viable modes of travel. SAFETEA-LU (P.L. 109-59) also included provisions to improve public transportation, recreational trails and pilot projects such as Safe Routes to Schools. SAFETEA-LU expired in 2009. In January 2011, the Senate Public Works Committee began debates on reauthorization of SAFETEA-LU.

Breastfeeding Promotion, 1991

P.L. 102-342 required USDA to establish a national breastfeeding promotion program.

Mickey Leland Childhood Hunger Relief Act, 1993

P.L. 103-66 increased food stamp benefits to low-income families with children.

The Healthy Meals for Healthy Americans Act, 1994

P.L. 103-448 extended eligibility for free meals to most children in Head Start.

Freedom to Farm Act, 1996

P.L. 104-127 established the Community Food Projects Program.

The Personal Responsibility and Work Opportunities Reconciliation Act, 1996

P.L. 104-193 eliminated food stamp eligibility for drug felons and most legal immigrants and established time limits on other food stamp recipients.

William F. Goodling Child Nutrition and WIC Reauthorization Act, 1998

P.L. 105-136 expanded the Afterschool Snack Program to allow snacks to be served through the National School Lunch Program for children and authorized the Meals for Achievement School Breakfast Research Pilot project, among other amendments to the Child Nutrition Act. The Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) reauthorized the School Breakfast Program; the National School Lunch Program; the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC); the Child and Adult Care Food Program; and the Summer Food Service Program. The Act also included provisions for nutrition education.

Farm Security and Rural Investment Act (The Farm Bill), 2002

P.L. 107-171 reauthorized the Food Stamp Program for five years and restored food stamp eligibility to many qualified immigrants. The law allows states to certify food stamp benefits for an additional five months after families leave the Temporary Assistance for Needy Families (formerly AFDC) program and provides a variety of options to streamline administration. The Fresh Fruit and Vegetable Pilot was established in four states and on one Indian reservation.

The Food, Nutrition and Conservation Act (Farm Bill), 2008

P.L. 110-234 enacted changes to the nutrition component of the Farm Bill, which included changing the name of the Food Stamp Program to the Supplemental Nutrition Assistance Program (SNAP), increasing SNAP benefits, improving eligibility requirements, and increasing funding to the Fresh Fruit and Vegetable Program (FFVP) and Temporary Emergency Food Assistance Program (TEFAP). Despite overwhelming approval in Congress, the bill was vetoed by then-President George W. Bush. Congress voted to override the President's veto. In 2011, the Senate and House Agricultural Committees began hearings in preparation for the 2012 Farm Bill.

The Farm Bill of 2008 also authorized \$20 million under the *Healthy Incentives Pilot* to pilot and evaluate health promotion projects within SNAP to determine if point-of-purchase incentives will increase the purchase and consumption of fruits, vegetables, and other healthy foods among SNAP participants.

American Recovery & Reinvestment Act (ARRA), 2009

P.L. 111-5 allocated an estimated \$53 billion to increase Supplemental Nutrition Assistance Program (SNAP) benefits and administrative funds needed to support the growing participation in the program. An estimated \$295 million was designated to support administration of the program at the state level. Additional funds, totaling \$500 million, were allocated to the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). ARRA funds were also allocated to meet the growing demand for and administrative costs of food distribution programs, including emergency assistance programs and those targeting seniors. ARRA also authorized funding for transportation infrastructure projects.

Omnibus Appropriations Act, 2009

P.L. 111-8 authorized, among other provisions, funding for key federally funded nutrition programs including SNAP, WIC and Child Nutrition Programs. Provisions include funding for physical activity programs, Safe Routes to School, and the establishment of a federal inter-agency workgroup to research and set standards for food marketing to children.

Affordable Care Act, 2010

P.L. 111-148 established a large Prevention and Public Health Fund, created the National Prevention, Health Promotion and Public Health Council, required insurers to cover recommended preventive services, and provided a timeline for action. Its public health components through 2013 include prevention and wellness, public health infrastructure, public education, public health workforce, insurance, nutrition labeling of restaurant menus, and changes in coverage through Medicaid and Medicare. Grants programs include funding for school-based health centers; incentives for chronic disease prevention through Medicaid; community transformation grants; healthy aging, epidemiology and laboratory services; and home visiting programs for maternal, infant and early childhood.

Healthy, Hunger-Free Kids Act (Child Nutrition Reauthorization), 2010

P.L. 111-296 reauthorized federal child nutrition programs and added an additional \$4.5 billion in funding to increase access to nutritious meals for children, improve nutritional quality and streamline processes. This legislation expanded the after-school meal program to all 50 states; made administrative improvements to increase access to nutrition programs for eligible children; and supported improvements to direct certification for school meals. The law enables WIC agencies to certify children for up to one year and mandates WIC Electronic Benefit Transfer (EBT) implementation nationwide by 2020.

To improve the quality of foods available, the reauthorization gave USDA the authority to update nutritional guidelines and provided schools with additional funding to meet updated nutrition standards. It also established basic standards for school wellness policies, authorized grants to start or expand school breakfast programs, and set aside funding for research related to the causes and consequences of hunger. Authorized the transition of SNAP-Education to the Nutrition Education and Obesity Prevention Grants Program (NEOP), a grant-based program with capped funding through 2018. Required USDA to issue regulations for other changes by January 1, 2012.

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State Legislation

Below is a chronology of significant legislation in California related to nutrition, food access, and physical activity.

Senate Bill (SB) 942 (Chapter 404, Statutes of 1937) established the California Marketing Act of 1937, which provided authority for the agriculture industry to form and self-fund 25 marketing programs (marketing orders and agreements) for a wide variety of agriculture commodities under the direction of the California Department of Food and Agriculture. Functions of these entities included research, quality inspection, domestic and international trade promotion, advertising, merchandising, and consumer and nutrition education. Comparable legislation was subsequently adopted to authorize 25 additional marketing programs.

SB 120 (Chapter 1277, Statutes of 1975) established the State Meal Program requiring public school districts and county school superintendents to make one free or reduced-price nutritionally adequate meal available to each needy student every school day.

SB 1178 (Chapter 1405, Statutes of 1986) established the California Nutrition Monitoring Development Act of 1986.

Assembly Bill (AB) 2109 (Chapter 614, Statutes of 1989) required the California Department of Education (CDE) to establish and maintain state standards for a nutritionally adequate school breakfast and lunch and for all foods sold on public school campuses. Required CDE to consider recommendations in the California Daily Food Guide established by the California Department of Health Services (CDHS).

AB 2181 (Chapter 85, Statutes of 1991) established the taxation of cookies, candy, and other snack foods in an effort to bridge the gap between state revenues and expenditures. Proposition 163, passed by voters on the November 1992 ballot, repealed the "snack tax" and prohibited future taxation of these products.

AB 1902 (Chapter 415, Statutes of 1992) required CDHS to establish and implement the California 5 a Day — for Better Health! Campaign to increase the consumption of fruits and vegetables.

AB 265 (Chapter 6, Statutes of 1995) mandated school districts to conduct an annual standardized physical fitness test for all 5th, 7th, and 9th graders.

AB 606 (Chapter 174, Statutes of 1997) required CDE to prepare a report on specified school nutrition issues.

SB 273 (Chapter 756, Statutes of 1997) created the California Cancer Research Program in CDHS and provided funds for cancer prevention, including intramural and extramural research for diet and lifestyle.

SB 896 (Chapter 1066, Statutes of 1998) required CDE to submit every two years to the Legislature and Governor a report of physical education test results for grades 5, 7, and 9. Pending available funding, this law also required CDE to track development of high quality fitness programs and compare performance of California's students with national counterparts.

SB 2013 (Chapter 682, Statutes of 2000) required the California Department of Social Services (CDSS) to simplify and shorten food stamp application forms.

AB 59 (Chapter 894, Statutes of 2001) authorized improved information sharing and coordination of eligibility processes between Medi-Cal and the National School Lunch Program.

AB 429 (Chapter 1111, Statutes of 2001) made permanent the California Food Assistance Program (CFAP), which was created in 1998.

SB 10 (Chapter 600, Statutes of 2001) extended through 2004 a pilot program to make it safer for children to walk and bike to school by building new crosswalks, sidewalks, pedestrian and bicycle paths, and bike lanes, and by lowering the speed limit around schools.

SB 19 (Chapter 913, Statutes of 2001) established a statewide pilot program to set nutrition standards for food sold at elementary schools and limit availability of carbonated beverages in middle schools. A goal of this legislation was to determine financial impacts on schools that implement more rigorous nutrition standards and increase school meal reimbursements from the federal government.

SB 493 (Chapter 897, Statutes of 2001) increased requirements for outreach and simplified the eligibility process for food stamp recipients to enroll in Medi-Cal and the Healthy Families Program.

AB 1634 (Chapter 1163, Statutes of 2002) required CDE to develop nutrition education curriculum for grades K-12, and required that competitive grants be made available for school districts to start or expand instructional school gardens.

AB 1793 (Chapter 943, Statutes of 2002) required CDE to monitor the number of hours of physical education (PE) instruction offered to students in grades 1-12 and required the Board of Education to adopt content standards for PE.

SB 1868 (Chapter 1166, Statutes of 2002) required CDE to encourage school districts, to the extent resources are available, to provide quality PE that develops knowledge, attitudes, skills, behavior, and motivation needed for physical fitness.

ACR 16 (Statutes of 2003) required state agencies to develop nutritionally sound school lunch menu plans that include daily vegetarian options.

AB 195 (Chapter 550, Statutes of 2003) specified that pupils within the public school system in grades K-12 may receive instruction on, among other topics, preventive health care, including nutrition, obesity, and diabetes. With some exceptions, this law prohibits organizations participating in the program from marketing their services.

AB 231 (Chapter 743, Statutes of 2003) allowed a food stamp recipient to own a reliable car to get to work by exempting the value of all vehicles when determining eligibility for the Food Stamp Program. Also provided five months of transitional food stamp benefits for families moving from welfare to work and allows disabled or elderly applicants to more easily waive in-person interview requirements for food stamps.

SB 65 (Chapter 458, Statutes of 2003) required that school districts provide parents, students, and others an opportunity to comment on proposed contracts with companies that would sell carbonated beverages at local schools. Prohibited a confidentiality clause in any such contracts.

SB 78 (Chapter 459, Statutes of 2003) required CDE to encourage schools offering K-12 to provide quality physical education and provide extracurricular physical fitness programs. It authorized schools to provide PE test results orally as the student completed testing. It required (beginning in 2007) that students pass a physical performance test as a condition of receiving a two-year exemption from PE in grades 10-12 and required that exemptions not create new programs or service requirements for schools.

SB 677 (Chapter 415, Statutes of 2003), the California Childhood Obesity Prevention Act, prohibited the sale of certain beverages to pupils in elementary, middle, or junior high schools, with exemptions of certain beverages at specified school events.

SB 875 (Chapter 879, Statutes of 2003) required CDHS to make available a brochure to educate pregnant women and new parents about preventing chronic diseases, adopting a diet rich in fruits and vegetables, and being active.

SB 1196 (Chapter 729, Statutes of 2004) authorized the sharing of a student's school lunch application with Healthy Families and/or other local or county-administered health insurance programs if the student was determined ineligible for Medi-Cal.

Senate Joint Resolution (SJR) 29 (Chapter 140, Statutes of 2004) called upon Congress to curtail the marketing of unhealthy food to children by establishing and implementing nutrition standards and prohibiting marketing of foods and beverages that do not meet those standards in venues where children comprise a significant proportion of the audience. Also called upon Congress to fund further research related to food marketing to children and pro-nutrition and physical activity campaigns.

SB 12 (Chapter 235, Statutes of 2005) which went into effect in 2007, set nutrition standards for foods sold in public schools outside of the school lunch program, limiting sugar, fat content and portion sizes. Required that foods sold outside of the federal school lunch program contain no more than 35% of calories from fat, no more than 35% of total weight from sugar, and no more than 10% of calories from saturated fat.

SB 281 (Chapter 236, Statutes of 2005) established the California Fresh Start Program, which provided an additional \$.10 per meal for fruits and vegetables. Required that fruit and vegetable sampling be included in nutrition education and authorized grants, through CDE, for county offices of education and community colleges.

SB 965 (Chapter 237, Statutes of 2005) set standards for beverages sold in public schools, and eliminated the sale of sweetened beverages on high school campuses during school hours. The law called for immediate implementation in elementary schools and gradual implementation in middle and high schools with full compliance effective July 1, 2009.

AB 569 (Chapter 702, Statutes of 2006) called on the California Department of Education to identify the number of schools classified as "severe need" due to the high percentage of low-income students served through federal child nutrition programs to determine the feasibility of a requirement to serve breakfast at these schools.

AB 1535 (Chapter 437, Statutes of 2006) authorized \$15 million for the development, promotion and support of school gardens through the School Instructional Garden Act. Also authorized the Superintendent of Public Instruction to establish the School Gardens Advisory Group.

AB 2384 (Chapter 236, Statutes of 2006) required the Department of Public Health, with the Departments of Social Services and Food and Agriculture, to conduct a pilot project (Healthy Food Purchase Pilot Program) to increase the consumption of fruits and vegetables by contracting with small grocers in low-income communities, offering increased financial incentives to food stamp recipients who purchased fresh fruits and vegetables, and conducting evaluation. Implementation was permitted only with federal or other funds approved by the Legislature.

SB 437 (Chapter 328, Statutes of 2006) made improvements to the Healthy Families and Medi-Cal programs by simplifying entry into those programs for children already participating in WIC.

AB 57 (Chapter 673, Statutes of 2007) allowed state and local entities to apply for federal highway safety funds to support programs, such as Safe Routes to School.

SB 80 (Chapter 174, Statutes of 2007) prohibited the sale of food components of school meals that have been deep-fried.

SB 441 (Chapter 597, Statutes of 2007) required that at least 35% of food choices and one-third of beverage choices in vending machines on state property adhere to the accepted nutritional guidelines outlined in SB 12 (Chapter 235, Statutes of 2005).

SB 490 (Chapter 648, Statutes of 2007) required the removal of trans fats from school meals.

AB 31 (Chapter 623, Statutes of 2008) required the Department of Parks and Recreation to establish a program offering local assistance grants focused on increasing urban parks and recreational areas.

AB 97 (Chapter 207, Statutes of 2008) prohibited specified trans fats from being served or used in the preparation of foods in restaurants and other food facilities.

AB 2726 (Chapter 466, Statutes of 2008) removed statutory barriers and allowed the Healthy Food Purchase Pilot Program to use funding from any source if available for partial implementation. Extended effective date to January 1, 2012, to implement the Healthy Food Purchase Pilot Program (AB 2384).

SB 375 (Chapter 728, Statutes of 2008) called for greater cooperation between land use, transportation, and housing planning agencies to create more sustainable and healthy communities and to mitigate greenhouse gas emissions.

SB 1420 (Chapter 600, Statutes of 2008) required that restaurant chains with 20 or more outlets make available brochures with nutrition information at point-of-sale. As of 2011, these restaurants are required to include nutritional information on menus and menu boards.

AB 1358 (Chapter 215, Statutes of 2009) required cities and counties to adopt complete streets policies requiring that roadways be designed to safely accommodate all users, including cyclists, pedestrians, transit riders, children, seniors, and people with disabilities.

AB 2084 (Chapter 593, Statutes of 2010) established standards for beverages served to children in California's licensed child care facilities and homes, effective January 2012.

SB 1413 (Chapter 558, Statutes of 2010) required public schools to provide free, fresh drinking water to students in school food service areas.

AB 6 (Chapter 501, Statutes of 2011) eliminated the fingerprint image requirement for CalFresh applicants and moved CalFresh and CalWORKs to a semi-annual reporting system. Also authorized implementation of a "heat and eat" system by providing a Low Income Home Energy Assistance Program (LIHEAP) benefit to CalFresh households, thus increasing CalFresh benefits for many households.

AB 69 (Chapter 502, Statutes of 2011) allowed counties to utilize data obtained from the Social Security Administration to simplify the CalFresh enrollment process for Social Security recipients as a means to boost CalFresh participation among seniors. This law authorizes data sharing, streamlined applications and simplified enrollment.

AB 152 (Chapter 503, Statutes of 2011) authorized a tax credit for California farmers for the donation of fresh fruits and vegetables to food banks. Also required the California Department of Public Health to research and apply for federal obesity prevention and health promotion funding opportunities and to use that funding to award grants or provide support to local governments, nonprofit organizations or education agencies. Required CDS to establish and administer the State Emergency Food Assistance Program (SEFAP), providing emergency food and funding for the provision of emergency food to food banks.

AB 402 (Chapter 504, Statutes of 2011) authorized school districts or local offices of education to share information provided on the School Lunch application with the local agency that determines CalFresh eligibility. If eligibility has been established, the child may be automatically enrolled in CalFresh pending a signed CalFresh application.

AB 581 (Chapter 505, Statutes of 2011) created the Healthy Food Financing Initiative, in effect until July 1, 2017, and required the Secretary of Food and Agriculture to make recommendations concerning actions needed to promote food access in California. Also authorized the creation of the Healthy Food Financing Initiative Council to implement the initiative and an advisory group to support implementation.

AB 959 (Chapter 502, Statutes of 2011) provided CalFresh and CalWORKs recipients a one-month grace period to correct any problems following the discontinuance of aid without having to reapply to the program. Changed existing law that terminated benefits and required recipients to reapply to the programs if quarterly reports had not been completed properly.

AB 1400 (Chapter 227, Statutes of 2011) officially changed the Supplemental Nutrition Assistance Program in California to CalFresh. References to food stamps have been removed and replaced with CalFresh.

SB 43 (Chapter 502, Statutes of 2011) required counties that elect to participate in California's Food Stamp Employment and Training Program, designated as CalFresh Employment and Training Program (CalFresh E & T), to screen CalFresh participants to determine if they will participate in or be deferred from the program. The law requires a description of deferral criteria and authorizes CalFresh participants who have been deferred from mandatory participation to request enrollment as a voluntary participant.

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FOR MORE INFORMATION

This module on nutrition-related federal and state legislation is one component of *Understanding Nutrition: A Primer on Programs and Policies in California*. Go to www.ccrwf.org to access additional modules.

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