

State of Wisconsin



2023 Assembly Bill 1013

Date of enactment: **March 22, 2024**

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2023 WISCONSIN ACT 201

AN ACT *to amend* 20.435 (4) (bt); and *to create* 49.79 (7w) of the statutes; **relating to**: healthy food incentive program.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.435 (4) (bt) of the statutes is amended to read:

20.435 (4) (bt) *Healthy eating incentive pilot food incentive program.* As a continuing appropriation, the amounts in the schedule to contract with an entity to develop and administer the healthy eating incentive food incentive program under s. 49.79 (7r). No moneys may be expended under this paragraph after December 31, 2019, except for moneys encumbered on or before that date. (7w). The unencumbered balance in this appropriation account as of June 30, 2023, may be used for the healthy food incentive program under s. 49.79 (7w), including as the matching state portion of any amounts received through the Gus Schumacher Nutrition Incentive Program.

SECTION 2. 49.79 (7w) of the statutes is created to read:

49.79 (7w) HEALTHY FOOD INCENTIVE PROGRAM. (a) In this subsection:

1. "Eligible retailer" includes any supermarket, grocery store, wholesaler, small-scale store, corner store, convenience store, neighborhood store, bodega, farmers' market, direct-marketing farmer, nonprofit cooperative food-purchasing venture, or community-supported

agriculture program authorized to participate in the food stamp program.

2. "Fruits and vegetables" means any variety of fresh, canned, dried, or frozen whole or cut fruit or vegetable that does not contain added sugar, fat, oil, or salt.

(b) The department shall, through a competitive selection process, contract with one or more nonprofit organizations to administer a healthy food incentive program statewide. The healthy food incentive program shall provide to any food stamp program recipient that uses benefits at an eligible retailer participating in the healthy food incentive program under this subsection a monetary amount up to the amount of food stamp program benefits used at the eligible retailer for the purpose of purchasing fruits and vegetables from the eligible retailer. In administering the program, a nonprofit organization shall prioritize including in the healthy food incentive program eligible retailers that source fruits and vegetables primarily from growers in this state and shall establish a timeline for expiration of matching monetary amounts provided for the purchase of fruits and vegetables under the healthy food incentive program such that a matching monetary amount expires no later than one year after it is provided. The department may establish a maximum amount of benefits that may be matched per day for a food stamp program recipient. Any nonprofit

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

organization administering the healthy food incentive program shall ensure that matching amounts provided under the program that are unused and expire remain with the nonprofit organization and, upon expiration, are available for use to provide matching amounts to other food stamp recipients under the program.

(c) The department may allocate no more than 25 percent of the funding available for the healthy food incentive program under this subsection to program development, promotion of and outreach for the program, training, data collection, evaluation, administration, and reporting and shall allocate the remainder of the funding available to the eligible retailers participating in the healthy food incentive program under this subsection.

The department shall seek any available federal matching moneys from the Gus Schumacher Nutrition Incentive Program to fund the healthy food incentive program under this subsection.

(d) Beginning no later than one year after the effective date of this paragraph [LRB inserts date], and annually thereafter, the department shall submit to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees of the legislature under s. 13.172 (3), a report regarding implementation of the program under this subsection, including data collected relating to funding and participation and any other information necessary to evaluate the program.