



House of Representatives

File No. 847

General Assembly

January Session, 2023

(Reprint of File No. 503)

Substitute House Bill No. 6854
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
June 1, 2023

**AN ACT CONCERNING THE COORDINATION OF EFFORTS TO
ADDRESS FOOD INSECURITY AND ESTABLISH TAX INCENTIVES
FOR THE LOCATION OF GROCERY STORES IN FOOD DESERTS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2023*) As used in this section:
- 2 (1) "Food insecurity" means a household-level economic and social
3 condition of limited or uncertain access to sufficient and nutritionally
4 adequate food;
- 5 (2) "Food insecurity program" means a nutrition program in the state
6 intended for households with limited or uncertain access to sufficient
7 and nutritionally adequate food;
- 8 (3) "Food desert" means an area identified as a food desert in the Food
9 Access Research Atlas produced by the United States Department of
10 Agriculture's Economic Research Service;

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

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

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

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

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

42 (1) Creating an interactive program that allows a user to insert a home

43 address and receive data on local food recovery organizations, food
44 insecurity programs, farmers markets, supermarkets and information
45 on available government programs, including, but not limited to,
46 supplemental nutrition assistance, the special supplemental nutrition
47 program for women, infants and children and free or reduced cost
48 school meal programs;

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

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

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

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

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

70 (7) Working with state agencies involved in food security efforts and
71 the executive director and staff of the Commission on Women, Children,
72 Seniors, Equity and Opportunity to enhance public health by promoting
73 equitable access to nutritionally adequate food.

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

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

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

108 agreement entered into with a grocery store seeking a tax abatement
109 pursuant to this section, and (J) is affiliated with a regional or national
110 association of unions, including, but not limited to, central labor
111 councils.

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

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

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

138 (b) Any municipality may, by ordinance, provide for the abatement,
139 in part or in whole, of real property taxes on any new grocery store
140 established in a food desert for the assessment years beginning on

141 October 1, 2023, and October 1, 2024, provided any grocery store
142 exceeding twenty thousand square feet in size shall be required to enter
143 into a labor peace agreement with any bona fide labor organization that
144 is representing or actively seeking to represent the grocery store's
145 employees in order to be eligible for such abatement. Such ordinance
146 shall prescribe any additional requirements for such abatement and an
147 application process.

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

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

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

166 (c) The Commissioner of Economic and Community Development
167 shall file a report on the strategic plan, in accordance with the provisions
168 of section 11-4a of the general statutes, not later than January 1, 2024, to
169 the joint standing committees of the General Assembly having
170 cognizance of matters relating to commerce, the environment, finance,
171 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

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Commission on Women, Children, Seniors, Equity and Opportunity	GF - Cost	90,000	90,000
State Comptroller - Fringe Benefits ¹	GF - Cost	38,500	38,500
Department of Economic & Community Development	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 24 \$	FY 25 \$
Various Municipalities	Potential Revenue Loss	See Below	See Below

Explanation

Section 2 requires the Commission on Women, Children, Seniors, Equity and Opportunity to recruit and employ a food and nutrition policy analyst resulting in an approximate annual cost to the Commission of \$90,000 per year, along with a fringe benefit cost of approximately \$38,500 per year. The actual cost is dependent on the salary range for the new position.

Section 3 allows a municipality to provide a short-term property tax abatement for any new grocery store established in a food desert during

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 42.82% of payroll in FY 24.

two assessment years. This results in a potential revenue loss to municipalities beginning in FY 24. The extent of the revenue loss is dependent on the amount of the abatement and the number of such grocery stores.

Section 4 allows municipalities to receive state financial assistance, up to the amount of abated property taxes under Section 4, in the form of a state grant-in-aid. This will mitigate, in whole or part, any revenue loss from the property tax abatement for grocery stores in food deserts beginning in FY 24. This section also results in a potential cost to the DECD, as the bill allows DECD discretion in awarding any grant-in-aid. The total potential cost per fiscal year is dependent upon the aggregated amount of property tax abatement approved by municipalities.

Section 5 does not result in a fiscal impact by requiring DECD to develop a strategic plan to provide incentives for grocery store construction in a food desert and file a report on the plan by January 1, 2024. It is anticipated that DECD can develop this plan within existing resources.

House "A" strikes the underlying bill and its associated fiscal impact resulting in the impact described above.

The Out Years

The annualized ongoing fiscal impact identified in section 2 would continue into the future subject to inflation. The ongoing fiscal impact identified in sections 3 - 4 above would continue only through FY 26.

OLR Bill Analysis**sHB 6854 (as amended by House "A")******AN ACT ESTABLISHING THE OFFICE OF THE FOOD ACCESS ADVOCATE AND TAX INCENTIVES FOR GROCERY STORES IN FOOD DESERTS.*****SUMMARY**

This bill directs the Commission on Women, Children, Seniors, Equity and Opportunity (CWCSEO) director, with the Joint Committee on Legislative Management's approval, to hire a food and nutrition policy analyst to coordinate state efforts to reduce food insecurity and food deserts, promote food as medicine, and provide data on access to nutritionally adequate food. The food and nutrition policy analyst must be qualified by training and experience to perform the office's duties.

In addition, the bill authorizes municipalities to provide real property tax abatements by ordinance for the next two assessment years to new grocery stores established in a food desert if certain conditions are met. These conditions include requiring stores that are larger than 20,000 square feet to enter into a labor peace agreement with a bona fide labor organization. In return, the state may, within available appropriations, give financial assistance to the municipality up to the amount of taxes it has abated.

*House Amendment "A" eliminates from the underlying bill the direction to establish the Office of the Food Access Advocate within the Department of Social Services and instead directs CWCSEO to hire a food and nutrition policy analyst. It also requires that grocery stores larger than 20,000 square feet, rather than all grocery stores, enter into labor peace agreements to qualify for the tax abatement program established by the bill.

EFFECTIVE DATE: July 1, 2023, except the provisions regarding tax incentives take effect on October 1, 2023.

§ 2 — FOOD AND NUTRITION POLICY ANALYST

Under the bill, the analyst's duties include the following:

1. creating a program that lets individuals search by home address for places to buy food or receive food assistance (i.e., local food recovery organizations, food insecurity programs, farmers markets, and supermarkets) and includes information on available government programs such as supplemental nutrition assistance (SNAP) and the supplemental nutrition program for women, infants, and children (WIC);
2. creating an interactive map program to monitor and compare city-, town-, and census tract-level food insecurity data, including data on the average distance to, and cost of, nutritionally adequate food and the number and location of food deserts;
3. creating and updating at least biennially a database listing food recovery organizations, food insecurity programs, supermarket locations, and agricultural producers who sell directly to the public;
4. producing an annual report on food insecurity in the state and submitting it to the CWCSEO director;
5. administering a community-focused work group to develop food security best practices and initiatives, which must be composed of an equal number of representatives from local food recovery organizations, local food insecurity programs, local supermarket owners, agricultural food producers, and representatives of other working groups appointed by the General Assembly or executive branch;
6. promoting public awareness of access to nutritionally adequate

food and food as medicine; and

7. working with state agencies and the CWCSEO director to promote equitable access to nutritionally adequate food.

The bill requires the person serving as the food and nutrition analyst to have at least a bachelor's degree in public health or public administration or equivalent experience in food and health policy (e.g., a demonstrated knowledge of food insecurity issues, the public health impact of the availability of nutritionally adequate food, and Medicaid coverage of food as medicine).

The bill requires that any programs, data, and reports that the analyst produces as part of the duties listed above be posted on the CWCSEO website. Starting by January 15, 2024, and annually afterwards, the analyst must compile this data into a report, and the CWCSEO director must submit the report and recommendations to reduce food insecurity to the Aging, Environment, Human Services, Planning and Development, and Public Health committees.

§§ 3-5 — TAX INCENTIVES FOR GROCERY STORES IN FOOD DESERTS

The bill authorizes municipalities to partially or fully abate real property taxes by ordinance on any new grocery store established in a food desert for the assessment years beginning on October 1, 2023, and October 1, 2024. The bill requires the ordinance to include any additional requirements and an application process. Also, any grocery store larger than 20,000 square feet must enter into a labor peace agreement with a bona fide labor organization (i.e., a labor union that is representing or seeking to represent grocery store workers; see below) to qualify for an abatement under the bill.

The bill allows the state, at the Department of Economic and Community Development (DECD) commissioner's discretion and within available appropriations, to enter into a contract with a municipality providing a state grant for taxes that the municipality abated for qualifying grocery stores in these assessment years. The

grant's amount may be up to the amount of taxes the municipality abated.

It also requires the DECD commissioner, in consultation with the agriculture commissioner, to develop a strategic plan to (1) provide incentives for grocery store construction in a food desert and (2) expand opportunities for residents of food deserts to gain access to nutritionally adequate food. By January 1, 2024, the DECD commissioner must file a report on the strategic plan with the Commerce; Environment; Finance, Revenue and Bonding; Human Services; and Planning and Development committees.

The bill defines a "grocery store" as a retail facility (1) at which at least 90% of its square footage is used for the display and sale of food products, of which at least 20% is used to display and sell fresh produce, dairy, and meat products and (2) that is constructed, rehabilitated, remodeled, or refurbished following the applicable prevailing wage laws.

Labor Peace Agreements

The bill requires the grocery store's business owner or operator to do the following under a labor peace agreement:

1. agree to maintain a neutral position on the labor organization's efforts to represent store employees,
2. permit the labor organization to have access to store employees, and
3. guarantee to the labor organization the right to get recognition as the exclusive collective bargaining representative of the store's employees by showing that a majority of store workers have signed authorization cards indicating their preference for representation.

In return, the bona fide labor organization must agree that its members will refrain from picketing, work stoppages, boycotts, or other

economic interference against the business.

The following factors are indicative, but not determinative, of a finding that a labor organization is a bona fide labor organization under the bill. The organization:

1. represents employees in the state regarding wages, hours, and working conditions;
2. has officers elected by a secret ballot or other manner consistent with federal law;
3. is free of domination or interference by an employer and has received no improper assistance or support from an employer;
4. has been recognized or certified as the bargaining representative for grocery store employees in the state;
5. has executed a current collective bargaining agreement or agreements with grocery store employers in the state;
6. has spent resources as part of a current and active attempt to organize and represent grocery store workers in the state;
7. has, for the three years immediately before any labor peace agreement with a grocery store seeking a tax abatement, (a) filed its annual financial report with the U.S. Secretary of Labor as required by federal law, (b) audited financial reports, and (c) written bylaws or a constitution; and
8. is affiliated with a regional or national association of unions, including central labor councils.

COMMITTEE ACTION

Human Services Committee

Joint Favorable Substitute

Yea 14 Nay 7 (03/23/2023)

Appropriations Committee

Joint Favorable

Yea 38 Nay 14 (05/01/2023)