

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/20/19

A Bill

HOUSE BILL 1743

5 By: Representatives Bentley, Beck, Christiansen, Cloud, Gates, L. Johnson, J. Mayberry, Penzo, B.
6 Smith, Womack

7 By: Senator Flippo
8

For An Act To Be Entitled

10 AN ACT TO PROMOTE THE PURCHASE OF HEALTHY PRODUCTS
11 WITH SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
12 BENEFITS; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO PROMOTE THE PURCHASE OF HEALTHY
16 PRODUCTS WITH SUPPLEMENTAL NUTRITION
17 ASSISTANCE PROGRAM BENEFITS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

24 (a) The General Assembly finds that:

25 (1) The Supplemental Nutrition Assistance Program, formerly
26 known as the "Food Stamp Program", assists eligible low-income individuals
27 with the purchase of food;

28 (2) Overconsumption of foods, food products, and beverages
29 containing large amounts of sugar increases the risk of obesity, diabetes,
30 and other diseases;

31 (3) According to a recent study authorized by the United States
32 Department of Agriculture, soft drinks were the top items purchased by
33 Supplemental Nutrition Assistance Program households;

34 (4) According to the America's Health Rankings 2018 Annual
35 Report, the prevalence of obesity among adults in Arkansas is thirty-five
36 percent (35%), which is above the national average for obesity prevalence and



1 the seventh-highest percentage among all states;

2 (5) Consuming foods, food products, and beverages of
3 insufficient nutritional value endangers the health of Arkansas residents;
4 and

5 (6) The use of Supplemental Nutrition Assistance Program
6 benefits to purchase products that have insufficient or no nutritional value
7 induces the supply of unhealthy products available to the general population.

8 (b) It is the intent of the General Assembly that the Supplemental
9 Nutrition Assistance Program, formerly known as the "Food Stamp Program",
10 align with other programs and initiatives aimed at improving the health and
11 welfare of Arkansas citizens.

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13 SECTION 2. Arkansas Code Title 20, Chapter 76, Subchapter 2, is
14 amended to add additional sections to read as follows:

15 20-76-216. Use of Supplemental Nutrition Assistance Program benefits
16 for food products.

17 (a)(1) As used in this section, "food products" means substances,
18 whether in liquid, concentrated, solid, frozen, dried, or dehydrated form,
19 that are sold for ingestion or chewing by humans and are consumed for their
20 taste or nutritional value.

21 (2) "Food products" includes prepared foods.

22 (3) "Food products" does not include candy, soft drinks, or
23 energy drinks.

24 (b) The Supplemental Nutrition Assistance Program shall allow benefits
25 to be used only for food products.

26 (c)(1) The Department of Human Services shall prohibit the use of
27 benefits under the Supplemental Nutrition Assistance Program for items that
28 are not food products.

29 (2) The Department of Human Services shall consult with the
30 Department of Finance and Administration to follow guidelines established
31 under the Arkansas Gross Receipts Act of 1941, § 26-52-101 et seq.,
32 concerning soft drinks and candy that are not food products.

33 (d) The Department of Human Services shall request a demonstration
34 waiver from the United States Secretary of Agriculture to allow the
35 implementation of this section.

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SECTION 3. DO NOT CODIFY. TEMPORARY LANGUAGE.

The Department of Human Services shall implement the demonstration waiver authorized in Section 2 of this act no earlier than one (1) year following approval of the demonstration waiver by the United States Secretary of Agriculture, during which time the department shall engage in outreach and educational activities to inform Supplemental Nutrition Assistance Program beneficiaries, retailers, and the public about the legislative findings, intent, and programmatic changes under this act.

/s/Bentley