COMMITTEE REPORT

April 19, 2012

**S. 1438**

Introduced by Senators Lourie, Alexander, Sheheen, Courson, Nicholson, Hutto and Cleary

S. Printed 4/19/12--S.

Read the first time April 12, 2012.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (S. 1438) to amend the Code of Laws of South Carolina, 1976, by adding Chapter 84 to Title 44 so as to create the Commission on Hunger within and staffed by the Department Health, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting Section 44-84-30 beginning on page 3, line 30 through page 4, line 42 and inserting:

/ Section 44‑84‑30. (A) The Commission on Hunger must be comprised of the following officials or their designees, who shall serve ex officio:

(1) Commissioner of the Department of Health and Environmental Control;

(2) Director of the Department of Social Services;

(3) Superintendent of Education;

(4) Commissioner of the Department of Agriculture;

(5) Director of the Department of Health and Human Services;

(6) Director of the Department of Employment and Workforce;

(7) Director of the Division on Aging, Office of the Lieutenant Governor;

(8) Chair of the Joint Citizens and Legislative Committee on Children;

(9) President of the South Carolina Food Bank Association;

(10) President of the South Carolina Dietetic Association;

(11) Director of the School Nutrition Council of South Carolina;

(12) Director of the South Carolina Association of Counties;

(13) Director of the Municipal Association of South Carolina;

(14) President of the South Carolina Hospitality Association;

(15) Executive Minister of the Christian Action Council;

(16) President of the South Carolina State Conference of the National Association for the Advancement of Colored People;

(17) President of the Hispanic Leadership Council.

(B) The commission shall elect from among its members a chairman and a vice chairman who shall serve terms of two years. The commission shall meet quarterly and otherwise at the call of the chair. A majority of the commission members constitutes a quorum for the purpose of conducting business of the commission.  /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 84 TO TITLE 44 SO AS TO CREATE THE COMMISSION ON HUNGER WITHIN AND STAFFED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND TO PROVIDE FOR ITS MEMBERS, POWERS, AND DUTIES.

Whereas, 14.8 percent of South Carolinians lack food security, placing South Carolina as the seventeenth highest state in the United States for citizens suffering from food insecurity and the likelihood of hunger. Persons lack food security if they are uncertain at any time of having, or being able to acquire in socially acceptable ways, enough acceptable food to meet basic needs because they have insufficient money or other resources for food; and

Whereas, conversely, having food security means freedom from hunger. Hunger is a series of events that lead up to and follow a lack of adequate food intake. Chronic hunger and resulting malnutrition take a heavy toll, especially on children with days missed from school, inattention in class, stunted growth, and frequent illnesses, all of which jeopardize their education and their futures as productive citizens; and

Whereas, thousands of South Carolinians face hunger on a daily basis. They live in urban areas and in rural areas. They are often children and the elderly, those living in poverty, the unemployed, and the working poor. Some are suffering from hunger due to the downturn in the economy, while others struggle even in the best of economic times; and

Whereas, tens of thousands of emergency meals are provided to South Carolinians every month; food banks in South Carolina annually provide more than three million discrete food distributions to individuals, and the need for food bank services continues to grow; and

Whereas, although many South Carolinians receive Supplemental Nutrition Assistance Program benefits (SNAP, formerly food stamps), tens of thousands more are eligible but do not participate in this program. The United States Department of Agriculture reports that for every dollar the SNAP program provides to individuals, almost double that amount is generated in economic activity; and

Whereas, in many ways the United States, and South Carolina as well, is the land of plenty, producing food in abundance. However, more than one‑fourth of our nation’s food, or about 96 billion pounds of food a year, goes to waste ‑ in fields, commercial kitchens, manufacturing plants, markets, schools, and restaurants, ultimately costing billions to dispose of and unnecessarily taking up space in our landfills. If just 5 percent of food discarded was recovered to feed those with food insecurity, four million additional Americans could be fed each day; and

Whereas, hunger is one of our most complex and serious health problems, impacting not only the lives of individuals, but also our State and our country, now and in the future, in ways that may not be readily apparent. Reducing food insecurity and alleviating hunger is an issue driven by compassion for others, as well as one involving productivity, healthcare, the environment, our economy, and the long term future of our country and its place in the world; and

Whereas, to address the issues of food insecurity and hunger and to ensure that all South Carolinians have access to nutritious food through food programs and services across the State, it is necessary to establish a commission to thoroughly assess the lack of food security and the presence of hunger in this State and to develop, implement, and oversee a well designed, comprehensive plan to reduce food insecurity and alleviate hunger. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 44 of the 1976 Code is amended by adding:

“Chapter 84

Commission on Hunger

Section 44‑84‑10. There is created within the Department of Health and Environmental Control the Commission on Hunger to develop, implement, and oversee a comprehensive strategy to reduce food insecurity and alleviate hunger in this State.

Section 44‑84‑20. As used in this chapter:

(1) ‘Food insecurity’ means a household‑level economic and social condition of uncertainty of being able to acquire, in socially acceptable ways, enough food, at any given time, to meet basic dietary needs because of insufficient funds or other resources for food.

(2) ‘Food recovery’ means collecting wholesome food for distribution to the food insecure and hungry, including, field gleaning, perishable food rescue or salvage, collecting perishable produce from wholesale and retail sources, collecting prepared foods from the food service industry, and nonperishable food collection.

(3) ‘Hunger’ means a physiological condition that is a potential consequence of food insecurity, which, because of prolonged, involuntary lack of food, results in discomfort, illness, weakness, or pain that goes beyond the usual uneasy sensation.

Section 44‑84‑30. (A) The Commission on Hunger must be comprised of:

(1) the following officials or their designees, who shall serve ex officio:

(a) Commissioner of the Department of Health and Environmental Control;

(b) Director of the Department of Social Services;

(c) Superintendent of Education;

(d) Commissioner of the Department of Agriculture;

(e) Director of the Department of Health and Human Services;

(f) Director of the Department of Employment and Workforce;

(g) Director of the Division on Aging, Office of the Lieutenant Governor;

(h) Chair of the Joint Citizens and Legislative Committee on Children;

(i) Chairman of the School of Public Health at the University of South Carolina;

(j) President of the South Carolina Food Bank Association;

(k) President of the South Carolina Dietetic Association;

(l) Director of the School Nutrition Council of South Carolina;

(m) Director of the South Carolina Farm Bureau;

(n) Director of the South Carolina Association of Counties;

(o) Director of the Municipal Association of South Carolina;

(p) President of the South Carolina Restaurant Association;

(q) Executive Minister of the Christian Action Council;

(r) President of the South Carolina State Conference of the National Association for the Advancement of Colored People;

(s) President of the Hispanic Leadership Council;

(2) seven members, one from each congressional district, who must be knowledgeable about matters that address food insecurity and hunger and who must be appointed by the Governor, with the advice and consent of the Senate, for terms of four years and until their successors are appointed and qualify. However, of the initial appointees, as designated by the Governor, three shall serve terms of four years, two shall serve terms of three years, and two shall serve terms of two years. Members appointed by the Governor may be removed by the Governor pursuant to Section 1‑3‑240(B). A vacancy among the Governor’s appointees must be filled in the manner of the original appointment for the unexpired portion of the term.

(B) The commission shall elect from among its members a chairman and a vice chairman who shall serve terms of two years. The commission shall meet monthly and otherwise at the call of the chair. A majority of the commission members constitutes a quorum for the purpose of conducting business of the commission.

(C) Members of the commission are entitled to subsistence, per diem, and mileage, as provided by law for members of state boards, committees, and commissions.

Section 44‑84‑40. The Department of Health and Environmental Control shall provide staff to the commission to assist in implementing the provisions of this chapter.

Section 44‑84‑50. In carrying out its duties and responsibilities pursuant to this chapter, the commission has the authority to:

(1) establish ad hoc committees outside of the commission membership to assist the commission in fulfilling its duties;

(2) hold public hearings, subpoena witnesses and records, and administer oaths;

(3) review program and budget data of state agencies that engage in activities and provide services that involve the reduction of food insecurity and the alleviation of hunger and of other public and private entities that voluntarily agree to participate in these reviews.

Section 44‑84‑60. The commission shall:

(1) conduct research and analyze data, using existing data if possible, and undertake other studies and actions to determine:

(a) the dimension and demographics of food insecurity and hunger in this State;

(b) the cultural, community, and practical barriers to achieving food security;

(c) the availability and accessibility of emergency food sources and assistance among demographic groups and by geographic areas of the State, including gaps in availability and accessibility;

(d) other barriers to individuals receiving food from emergency food sources and programs;

(e) the effectiveness and efficiency of existing emergency food sources and programs;

(f) the participation rates of eligible persons in all federal food programs, including, but not limited to, the Supplemental Nutrition Assistance Program (SNAP, formerly food stamps), the Women, Infants, and Children Program, and school breakfast, lunch, and summer meal programs, and whether all federal programs and options have been adopted and maximized by the State;

(g) barriers to eligible individuals participating in federal food programs;

(h) the extent to which food recovery is used in this State to feed the food insecure and hungry and barriers to and opportunities for utilizing this resource;

(2) review the work of other public and private entities used to reduce food insecurity and alleviate hunger, including programs, approaches, and concepts addressing food source and program availability and access, program participation, and other matters as may be useful to the commission;

(3) evaluate existing and develop new opportunities for public‑private partnerships to address the needs of the food insecure and hungry, including, but not limited to, utilization of food recovery and promotion, by expansion, of existing public‑private endeavors and programs;

(4) identify strategies to overcome barriers to and develop solutions for improving delivery of and participation in food assistance programs;

(5) coordinate the effective and efficient provision of services and programs to the food insecure and hungry so that food sources and assistance will be readily available to the greatest number over the widest geographic area, including minimizing the duplication of services and programs and providing comprehensive public awareness and education campaigns throughout the State.

Section 44‑84‑70. All state agencies and political subdivisions of the state shall cooperate with the commission in providing information and assistance at the request of the commission.

Section 44‑84‑80. The commission annually shall submit a report to the Governor and General Assembly that includes the status of food insecurity and hunger in the State, progress being made to achieve food security and alleviate hunger, and proposals and recommendations for strengthening programs and services to further reduce food insecurity and alleviate hunger.”

SECTION 2. This act takes effect July 1, 2012.

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