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LEGISLATURE *of* THE STATE *of* KANSAS
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MEMORANDUM

To: House Committee on Agriculture and Natural Resources

From: The Office of Revisor of Statutes

Date: 02/06/2024

Re: H.B. 2564; Establishing a farm to food bank program to expand the availability of Kansas agricultural food products for the state of Kansas' emergency food system.

H.B. 2564 would establish a Kansas farm-to-food bank program within the Kansas department of agriculture. The program would be required to acquire Kansas agricultural food products¹ from agricultural entities² or aggregators and distribute such products to the Kansas emergency food system.³ Such distributed food products would be required to be safe for human consumption and could only be distributed within Kansas. The program could use funds to purchase food products or facilitate the donation of food products, including, but not limited to, harvesting, packing and transportation. The program could distribute funds to food banks with the infrastructure to accept, store and distribute foods through the emergency food system in compliance with federal, state and local health and food safety requirements. Foods⁴ could be sourced directly from an agricultural entity or through Kansas-based aggregators if such foods meet program requirements. The program would be subject to appropriation and would be required to dedicate not less than 75% of available funds to acquisition and distribution of Kansas agricultural food products.

The secretary would be required to engage food banks to administer the program. Such food banks would be required to collectively cover every county of the state and distribute food to food pantries and soup kitchens without duplication. Such participating food banks would be

¹ Sec. 2(e) "Kansas agricultural food product" means food that has been grown, raised or produced in Kansas.

² Sec. 2(a) "Agricultural entity" means a grower, producer or processor of Kansas agricultural food products.

³ Sec. 2(f) "Kansas emergency food system" means food pantries, soup kitchens, hunger relief centers or other feeding programs that, as an integral part of their normal activities, provide meals or food to needy persons.

⁴ Sec. 2(c) "Food" means the same as defined in **K.S.A. 65-656** ((1) Articles used for food or drink for humans or other animals; (2) chewing gum; and (3) articles used for components of any such article.)

required to pass a scored, third-party food safety audit and adhere to federal, state and local health and food safety regulations.⁵ Such participating food banks would not be allowed to assess fees on foods from the program to recipient distribution sites, programs, individuals or households. The secretary of agriculture would have certain duties in administering the program, including adopting rules and regulations to carry out the provisions of the act.

H.B. 2564 would become effective upon publication in the statute book.

⁵ Under **K.S.A. 65-689(d)(2)**, a food establishment or food processing plant license is not required for a registered nonprofit organization that provides food without charge solely to people who are food insecure, including, but not limited to, soup kitchens and food pantries. However, under subsection (e), entities are not exempt from inspection or regulation when a violation is observed or reported to the secretary.
https://www.ksrevisor.org/statutes/chapters/ch65/065_006_0089.html

Additionally, under **K.S.A. 65-687(b)**, good faith donor of canned or perishable food, to a bona fide charitable or not for profit organization for ultimate distribution to needy individuals, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food unless such injury or death is a direct result of the willful, wanton, malicious or intentional misconduct of the donor.
https://www.ksrevisor.org/statutes/chapters/ch65/065_006_0087.html