

Department of Legislative Services
 Maryland General Assembly
 2023 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 8 (Delegate Amprey)
 Environment and Transportation

Counties and State Legislative Districts - Food Environment Reports

This bill requires the Department of Housing and Community Development (DHCD), the Maryland Department of Planning (MDP), the Department of Human Services (DHS), and the Maryland Department of Agriculture (MDA) to jointly produce and submit a report on the food environment for each county and each State legislative district to the General Assembly by July 1, 2024, and every two years thereafter. **The bill takes effect June 1, 2023.**

Fiscal Summary

State Effect: No effect in FY 2023. General fund expenditures increase by \$766,100 in FY 2024; future years reflect ongoing staffing and contractual costs. Revenues are not affected.

(in dollars)	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	766,100	499,400	512,200	525,400	541,100
Net Effect	(\$766,100)	(\$499,400)	(\$512,200)	(\$525,400)	(\$541,100)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary: “SNAP” means the federal Supplemental Nutrition Assistance Program. “WIC” means the federal Special Supplemental Food Program for Women, Infants, and Children.

The reports must include (1) the metrics that determine food insecurity zones; (2) detailed metrics that identify the “Healthy Food Availability Index” for each county and each State legislative district, taking into account the density, population, and transportation methods used in each jurisdiction; (3) the number of grocery stores and supermarkets offering fresh food in each county and State legislative district; (4) the number of SNAP and WIC recipients in each county and each State legislative district; and (5) which stores accept purchases made with SNAP and WIC benefits in each county and each State legislative district.

In producing the reports, DHCD, MDP, DHS, and MDA may collaborate with (1) any university in the State; (2) any nonprofit organization or association that specializes in equity for health and food priority areas; and (3) any local department of planning and zoning or equivalent department.

Current Law: There is no requirement in current law for DHCD, MDP, DHS, or MDA to report on the food environment in each State legislative district and county. In addition, current law does not define a Healthy Food Availability Index.

Food Environment Atlas

The U.S. Department of Agriculture (USDA) publishes the Food Environment Atlas, which illustrates, among other things, low-income census tracts lacking access to supermarkets. The atlas uses information from the 2010 Decennial Census, the 2014 to 2018 American Community Survey, and a list of supermarkets collected in 2019. The Food Environment Atlas can be found [here](#).

Supplemental Nutrition Assistance Program

SNAP, administered by DHS, assists low-income households to purchase food. A State supplemental benefit is provided to certain households with seniors, as specified. Chapters 635 and 636 of 2019 created a supplemental SNAP benefit for households with school-aged children called Summer SNAP. Traditional SNAP benefits are 100% federally funded; the supplemental benefit for seniors is 100% State funded; and the Summer SNAP benefit is provided through State funds and local funds. Chapters 362 and 363 of 2021 established a Heat and Eat Program to expand food access to households that are receiving or eligible for SNAP. The program requires DHS to apply a standard utility allowance to

the shelter deduction used to determine countable gross income for SNAP eligibility, thereby increasing access to SNAP benefits.

Special Supplemental Nutrition Food Program for Women, Infants, and Children

WIC, administered through the Maryland Department of Health (MDH), is a discretionary public health nutrition program designed to ensure the healthy growth and development of young children. Services include providing nutrition, breastfeeding assessments and education, supplemental foods, and health care and social service referrals to pregnant, postpartum, and breastfeeding women, as well as infants and children up to five years of age. Funding for WIC is split between federal, State, and manufacturer rebates and varies each year.

Farmers' Market Nutrition Program

The Farmers' Market Nutrition Program (FMNP), which is funded with federal funds provided by USDA, is administered by MDA in conjunction with MDH and the Maryland Department of Aging. USDA gives grants to state agencies to provide checks to those participating in WIC or the Senior Farmers' Market Nutrition Program (SFMNP). Checks can be used to buy fresh fruits, vegetables, cut herbs, and honey (for seniors only) at Maryland farmers' markets. Participants in WIC and SFMNP receive nutrition information and a participant brochure that includes details on the program and information to assist in the purchase of local, in-season produce.

Maryland Farms and Families Program

The stated purpose of the Maryland Farms and Families Program within MDA is to double the purchasing power of food-insecure Maryland residents with limited access to fresh fruits and vegetables and to increase revenue for farmers through redemption of federal nutrition benefits at Maryland farmers' markets. Under the program, the Maryland Farms and Families Fund provides grants to (1) nonprofit organizations that match purchases made with FMNP, SNAP, and WIC benefits at participating farmers' markets; (2) nonprofit farmers' markets to implement the program at the farmers markets and farm stands; and (3) local nonprofit organizations to implement the program in partnership with one or more participating local farmers markets.

Interagency Food Desert Advisory Committee

The Interagency Food Desert Advisory Committee within DHCD must (1) advise and make recommendations to DHCD on the development and adoption of regulations related to food desert projects; (2) make recommendations to the Secretary of Housing and Community Development on applications for designating an area as a food desert; and

(3) make recommendations for interagency coordination to reduce the number of food deserts and promote healthy food access for Maryland neighborhoods. The Secretary of Housing and Community Development, on the recommendation of the committee, is authorized to designate an area as a food desert.

Maryland Food System Resiliency Council

The council must meet regularly for a period of at least two years to address food insecurity in the State. The council must pursue specified goals, including addressing the food insecurity crisis in the State resulting from the COVID-19 pandemic and resulting economic crisis by, among other things, tracking and analyzing data to create a comprehensive map of food insecurity across the State and identify the gaps in service; developing, by November 1, 2021, specified equity and sustainability policy recommendations to increase the long-term resiliency of the food system; expanding the impact of existing food council organizations by providing coordination and facilitation of knowledge exchange at the State level and supporting identification and application of grants to operating funds to support existing and new food council organizations; and developing, by November 1, 2021, a strategic plan to increase the production and procurement of Maryland certified food. The council's second interim report, which includes a discussion on mapping food insecurity across the State, can be found [here](#).

State Expenditures: The bill contemplates the use of a Healthy Food Availability Index to develop the required reports. However, that metric is not defined under current law, nor is there an agreed upon consensus within government or academic communities as to how to develop such an index. House Bill 1325 of 2021, a prior introduction similar to this bill, references Baltimore City's State Legislative District 2018 Food Environment Briefs in creating reports that detail the overall food environment in specified legislative districts. That report was created by the Baltimore City Department of Planning and the Johns Hopkins Center for a Livable Future (CLF). A Healthy Food Availability Index is a metric used by that report and is the likely basis for the index specified under the bill. Therefore, this analysis assumes that the reports required under the bill must use that same index. For a copy of the scoring sheet used to collect data from individual grocery stores for the index, please see **Appendix – Healthy Food Availability Index Scoring Tool**.

The 2018 Food Environment Briefs report that 871 food retail stores were physically visited in Baltimore City by volunteers. The volunteers then completed a scoring sheet for 761 locations indicating the various types of food available for purchase. After the data collection was completed, the results were used alongside secondary data for other reporting purposes. As the bill requires the index to serve as the basis for the report, this analysis further assumes that every retail food store in the State must be surveyed to collect the data necessary to calculate the index. Such data collection and analysis are not

absorbable with existing staff, so it is anticipated that extensive staffing resources are needed to prepare the required reports.

Though the bill authorizes the specified State agencies to collaborate with any university in the State to create the reports, it is unlikely any university will participate due to the work needed in order to survey every food retail store in the State. CLF previously advised that it stopped work on the Baltimore City briefs as a result of the amount of work specifically needed in order to create the index. Duplicating CLF's work statewide requires substantially more resources that CLF indicates it is unable to provide. In addition, with respect to similar legislation introduced in a prior year, the University System of Maryland (USM) advised that it would likely be unable to participate in creating the reports.

Therefore, general fund expenditures increase by \$766,060 in fiscal 2024, which accounts for a 30-day start-up delay from the bill's June 1, 2023 effective date. This estimate reflects the cost of hiring two staff for MDP to coordinate the development of the required reports. This includes one planner to perform the necessary data and Geographic Information Systems analysis and one supervisor to coordinate the data collection contractual services and supervise the planner. The estimate includes salaries, fringe benefits, one-time start-up costs, and ongoing operating expenses, including one-time contractual services of \$500,000 and annual subscription fees of \$20,000. The information and assumptions used in calculating the estimate are stated as follows:

- every two years, MDP must prepare 71 different reports (1 for each State legislative district and county), with DHCD, DHS, and MDA assisting only as needed using existing resources;
- Johns Hopkins University (JHU), USM, other universities in the State, and nonprofit organizations are unable to participate in the development of the reports;
- MDP requires additional staff to coordinate the collection and analysis of data and the preparation of each of the 71 reports;
- MDP requires \$500,000 in contractual services to gather the necessary food retail store survey data to develop the index for the first series of reports and \$250,000 annually thereafter to maintain the index;
- data on household income, vehicle availability, WIC and SNAP participation, and other relevant variables is readily available from existing data sources, with some effort needed by MDP to adapt the data to the reporting requirements; and
- MDP must subscribe to a mapping tool necessary to calculate driving distances to food stores at an annual cost of \$20,000.

Positions	2.0
Salaries and Fringe Benefits	\$230,712
Subscription Fees	20,000
First-year Contractual Services	500,000
Other Operating Expenses	<u>15,348</u>
Total FY 2024 State Expenditures	\$766,060

Future year expenditures reflect salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses, including contractual services to maintain the index.

Additional Comments: The bill requires the completion of the first set of 71 reports (one for each State legislative district and county) by July 1, 2024, which is approximately one year after the bill’s effective date. While Baltimore City advises that it took the city and JHU one year to complete the first set of Food Environment Briefs covering only Baltimore City, MDP advises that it may take at least three years to complete all 71 reports. Thus, MDP and the participating State agencies will likely not be able to meet the bill’s July 1, 2024 deadline for the first set of reports.

Additional Information

Prior Introductions: Similar legislation has been introduced within the last three years. See HB 179 of 2022 and HB 1325 of 2021.

Designated Cross File: None.

Information Source(s): Baltimore, Carroll, and Queen Anne’s counties; Maryland Association of Counties; University System of Maryland; The Johns Hopkins University; Maryland Independent College and University Association; Maryland Department of Agriculture; Department of Housing and Community Development; Maryland Department of Health; Maryland Department of Planning; U.S. Department of Agriculture; Department of Legislative Services

Fiscal Note History: First Reader - January 24, 2023
rh/mcr

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Appendix – Healthy Food Availability Index Scoring Tool

II) METHODOLOGY

a. Healthy Food Availability Index Scoring Tool

www.jhsph.edu/clf



Baltimore Food Store Study								Data Collector: _____	
Healthy Food Availability Index									
Store ID: _____ Store #: _____	Store Name:						Grid:	Date:	
Type: <input type="checkbox"/> Public Market <input type="checkbox"/> Supermarket <input type="checkbox"/> Small Grocery <input type="checkbox"/> Specialty Store <input type="checkbox"/> Discount Store <input type="checkbox"/> Corner Store <input type="checkbox"/> Convenience Store <input type="checkbox"/> Gas Station <input type="checkbox"/> Behind Glass Store	Store Address:						Neighborhood:		
	<input type="checkbox"/> Confirmed	WIC:	SNAP:	# Registers:	# Aisles:	Prepared Food:	Parking Lot:		
	<input type="checkbox"/> New	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes		
	<input type="checkbox"/> Absent	<input type="checkbox"/> No	<input type="checkbox"/> No			<input type="checkbox"/> No	<input type="checkbox"/> No		
Comments:						Photo:	Refusal:		
						<input type="checkbox"/> Yes	<input type="checkbox"/> Yes		
						<input type="checkbox"/> No	<input type="checkbox"/> No		

Measure 1: MILK	Measure 3: FRUIT	Measure 4: VEGETABLES	Measure 5: BEEF
Available: <input type="checkbox"/> Yes <input type="checkbox"/> No	Available: <input type="checkbox"/> Yes <input type="checkbox"/> No	Available: <input type="checkbox"/> Yes <input type="checkbox"/> No	Ground Beef <input type="checkbox"/> Yes Available: <input type="checkbox"/> No
1% or Skim <input type="checkbox"/> Yes Option(s) <input type="checkbox"/> No	Quality: <input type="checkbox"/> A <input type="checkbox"/> UA	Quality: <input type="checkbox"/> A <input type="checkbox"/> UA	Quality: <input type="checkbox"/> A <input type="checkbox"/> UA
Available:	Type(s) <input type="checkbox"/> 0	Type(s) <input type="checkbox"/> 0	% Lean: ____ % Fat: ____ (of leanest)
Measure 2: JUICE	Available: <input type="checkbox"/> 1-3 <input type="checkbox"/> 4-6 ____ <input type="checkbox"/> 7-10 <input type="checkbox"/> 11-25 <input type="checkbox"/> >25	Available: <input type="checkbox"/> 1-3 <input type="checkbox"/> 4-6 ____ <input type="checkbox"/> 7-10 <input type="checkbox"/> 11-25 <input type="checkbox"/> >25	Other <input type="checkbox"/> Yes Options <input type="checkbox"/> No Available:
100% Fruit <input type="checkbox"/> Yes Juice Available: <input type="checkbox"/> No Comments:	Comments:		Comments:
Whole ____ Cut ____		Potatoes ____ Onions ____ Whole ____ Cut ____	

Measure 6: CHICKEN	Measure 8: FROZEN FOODS	Measure 9: PACKAGED FOODS	Measure 11: BREAD
Available: <input type="checkbox"/> Yes <input type="checkbox"/> No	Meal(s) <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	Dried Beans <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	Available: <input type="checkbox"/> Yes <input type="checkbox"/> No
Quality: <input type="checkbox"/> A <input type="checkbox"/> UA	Healthier <input type="checkbox"/> Yes Meal(s) <input type="checkbox"/> No	Rice <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	100% Whole <input type="checkbox"/> Yes Wheat <input type="checkbox"/> No
Measure 7: SEAFOOD	Available:	Pasta(s) <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	Corn Tortillas <input type="checkbox"/> Yes Available: <input type="checkbox"/> No
Available: <input type="checkbox"/> Yes <input type="checkbox"/> No	Fruits(s) <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	Measure 10: CANNED FOODS	Measure 12: CEREAL
Quality: <input type="checkbox"/> A <input type="checkbox"/> UA	Vegetables (s) <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	Soup(s) <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	Available: <input type="checkbox"/> Yes <input type="checkbox"/> No
Option(s) <input type="checkbox"/> Fresh Available: <input type="checkbox"/> Frozen <input type="checkbox"/> Both	Comments:	Low-Sodium <input type="checkbox"/> Yes Soup(s) <input type="checkbox"/> No Available:	>7g Sugar <input type="checkbox"/> Yes Options: <input type="checkbox"/> No
Comments:		Fruit(s) <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	# Low Sugar <input type="checkbox"/> 0 Varieties: <input type="checkbox"/> 1 <input type="checkbox"/> 2+
		Vegetable(s) <input type="checkbox"/> Yes Available: <input type="checkbox"/> No	Comments:
		Comments:	

Source: The Johns Hopkins Center for a Livable Future