HLS 18RS-2060 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 786

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BY REPRESENTATIVE TALBOT

SCHOOLS/FOOD PROGRAMS: Removes prohibition on the disbursement of state appropriated funds for the support of any privately provided for profit nutrition program administered by the state Department of Education

AN ACT

2	To amend and reenact R.S. 17:191 and 194(B), relative to nutrition programs; to remove the
3	prohibition on the disbursement of state appropriated funds for the support of
4	nutrition programs used by any private entity for profit; to remove exceptions to the
5	prohibition; to provide relative to definitions; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 17:191 and 194(B) are hereby amended and reenacted to read as
8	follows:
9	§191. Terms defined
10	As used in this Subpart:
11	(1) "Governing authority of a nutrition program provider" means any an
12	authority which has executed an agreement or contract with the state Department of
13	Education to participate in a nutrition program authorized by this Subpart.
14	(2) "Nutrition program" means a program under which meals or snacks are
15	served by any a governing authority of a nutrition program provider in this state on
16	a nonprofit basis to individuals in attendance, including any such program under
17	which a nutrition program provider receives assistance out of the funds appropriated
18	by the Congress of the United States.
19	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	§194. Administration of nutrition program; general powers of governing authorities
2	of nutrition program providers; funds for privately supplied programs for
3	profit prohibited; exceptions
4	* * *
5	B. The state Department of Education, pursuant to rules and regulations
6	promulgated by the State Board of Elementary and Secondary Education, may
7	employ personnel and take other action it may deem necessary to provide for the
8	establishment, maintenance, and expansion of any nutrition program and to direct the
9	disbursement of federal and state funds in accordance with any applicable provisions
10	of federal or state law. However, no state appropriated funds shall be disbursed for
11	the support of any nutrition program which shall be used by any private person,
12	enterprise, concern, or other entity for profit, regardless of any authority in federal
13	or state law for contracting with such a private supplier or provider of nutrition
14	programs, except with regard to the following:
15	(1) The Child and Adult Care Food Program, as provided in regulations
16	issued by the State Board of Elementary and Secondary Education.
17	(2) Any elementary or secondary school operated by Louisiana State
18	University and Agricultural and Mechanical College or by Southern University and
19	Agricultural and Mechanical College.
20	* * *
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## **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 786 Original

2018 Regular Session

Talbot

**Abstract:** Removes prohibition on the disbursement of state appropriated funds for the support of privately provided for-profit nutrition programs administered by the state Dept. of Education

<u>Present law</u> (R.S. 17:194(B)), relative to the administration of nutrition programs by the state Dept. of Education, specifies, in part, that no state appropriated funds shall be disbursed for the support of any nutrition program which shall be used by any private person, enterprise, concern, or other entity for profit, regardless of any authority in federal or state law for contracting with such a private provider of nutrition programs. Provides an exception for the

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Child and Adult Care Food Program and any elementary or secondary school operated by La. State University or Southern University.

<u>Proposed law</u> removes <u>present law</u> prohibition on the disbursement of state appropriated funds for the support of for profit nutrition programs and the exceptions to such prohibition.

<u>Present law</u> (R.S. 17:191) defines "governing authority of a nutrition program provider" as any authority which has an agreement with the state Dept. of Education to participate in a nutrition program authorized by law. Defines "nutrition program" as a program under which meals or snacks are served by any governing authority of a nutrition program provider in the state on a nonprofit basis to individuals in attendance including any such program under which a provider receives assistance out of funds appropriated by the U. S. Congress.

<u>Proposed law</u> retains <u>present law</u> but removes "on a nonprofit basis" from the definition of a nutrition program.

(Amends R.S. 17:191 and 194(B))