

SENATE BILL NO. 415

BY SENATOR ABRAHAM AND REPRESENTATIVES AMEDEE, BERAULT, BILLINGS, BOUDREAUX, BROUSSARD, CARVER, CHASSION, DICKERSON, EGAN, FISHER, FREEMAN, FREIBERG, GLORIOSO, MANDIE LANDRY, MARCELLE, MILLER, SPELL, STAGNI, TURNER AND WYBLE

1 AN ACT

2 To enact Subpart E of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of  
3 1950, to be comprised of R.S. 46:291, relative to food purchase cards; to create the  
4 Empower Louisiana Food Purchase Program; to provide for the duties of the  
5 Louisiana Department of Health; to provide for criteria for nonprofit organization  
6 participation; to provide for funding; to provide for records; to provide for reporting;  
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Subpart E of Part II of Chapter 3 of Title 46 of the Louisiana Revised  
10 Statutes of 1950, comprised of R.S. 46:291, is hereby enacted to read as follows:

11 **SUBPART E. EMPOWER LOUISIANA FOOD PURCHASE PROGRAM**

12 **§291. Empower Louisiana Food Purchase Program; Louisiana Department of**  
13 **Health**

14 **A. The Louisiana Department of Health shall establish and administer**  
15 **the Empower Louisiana Food Purchase Program. The program shall make**  
16 **restricted-use food purchase cards available for issuance through qualified**  
17 **nonprofit organizations.**

18 **B.(1) The Louisiana Department of Health shall partner with qualified**  
19 **nonprofit organizations that operate food assistance programs in Louisiana.**

20 **(2) To qualify for participation in the program, the organization shall be**  
21 **recognized under Section 501(c)(3) of the Internal Revenue Code, execute a**  
22 **participation agreement, and comply with reporting requirements established**  
23 **by the Louisiana Department of Health.**

24 **(3) The Louisiana Department of Health may implement the program as**  
25 **a pilot program in one administrative region of the state and may expand the**

1 program as determined by the secretary. Upon statewide implementation, the  
2 program shall include at least one participating qualified nonprofit organization  
3 in each administrative region of the Louisiana Department of Health.

4 C.(1) Each qualified nonprofit organization shall do all of the following:

5 (a) Be responsible for funding any purchase cards issued by the  
6 organization.

7 (b) Accept charitable contributions to support the program.

8 (c) Establish a process to allow individuals to provide funding for cards.

9 (2) Cards may be issued directly to the individual providing the funds or  
10 to another person identified by the individual providing the funds for the card.

11 D.(1) Nothing in this Section shall be construed to create a public  
12 entitlement, require participation, authorize federal funding, or merge the  
13 program with Supplemental Nutrition Assistance Program.

14 (2) Benefits provided pursuant to this Section shall be considered  
15 charitable food assistance and shall not be construed as wages, compensation,  
16 or remuneration to the recipient.

17 E. The Louisiana Department of Health shall establish uniform  
18 guidelines and operating standards for the program.

19 F. The program shall do all of the following:

20 (1) Operate under a program identifier separate from Supplemental  
21 Nutrition Assistance Program.

22 (2) Align food items that are allowable for purchase with food items that  
23 are eligible for purchase through Supplemental Nutrition Assistance Program.

24 (3) Prohibit cash withdrawals and transfers.

25 (4) Not access Supplemental Nutrition Assistance Program eligibility or  
26 recipient data.

27 G. Transaction records shall be generated automatically by the payment  
28 processor. The Louisiana Department of Health shall generate aggregate annual  
29 transaction reports, which participating nonprofits shall reconcile to their  
30 internal records. The Louisiana Department of Health may review, monitor,

1 and inspect records as necessary for the provisions of this Section. Any recipient  
2 information collected pursuant to this Section shall be confidential and shall not  
3 be used for solicitation, marketing, or any purpose not related to the program.

4 H. The Louisiana Department of Health shall promulgate rules in  
5 accordance with the Administrative Procedure Act to implement the provisions  
6 of this Section.

7 I. The Louisiana Department of Health shall utilize existing resources  
8 and staff to fulfill the requirements provided for in this Section.

9 Section 2. No later than March 1, 2027, the Louisiana Department of Health shall  
10 submit a report evaluating the program provided for in this Act to the Senate and House  
11 committees on health and welfare.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_