SENATE DOCKET, NO. 841 FILED ON: 1/14/2025

SENATE . . . . . No. 311

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Massachusetts farm to school program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Joanne M. Comerford	*Hampshire, Franklin and Worcester*	
Angelo J. Puppolo, Jr.	*12th Hampden*	*1/30/2025*
Adam Gómez	*Hampden*	*2/4/2025*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*2/10/2025*
James B. Eldridge	*Middlesex and Worcester*	*2/10/2025*
Michael J. Barrett	*Third Middlesex*	*2/11/2025*
Patricia D. Jehlen	*Second Middlesex*	*2/19/2025*
Norman J. Orrall	*12th Bristol*	*2/20/2025*
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/24/2025*
John F. Keenan	*Norfolk and Plymouth*	*2/25/2025*
Manny Cruz	*7th Essex*	*2/26/2025*
Bruce E. Tarr	*First Essex and Middlesex*	*2/26/2025*
Dylan A. Fernandes	*Plymouth and Barnstable*	*3/10/2025*
Patrick M. O'Connor	*First Plymouth and Norfolk*	*3/25/2025*
Julian Cyr	*Cape and Islands*	*3/27/2025*
Joan B. Lovely	*Second Essex*	*3/31/2025*
Rebecca L. Rausch	*Norfolk, Worcester and Middlesex*	*4/4/2025*
Bradley H. Jones, Jr.	*20th Middlesex*	*4/4/2025*

Vanna Howard	*17th Middlesex*	*4/4/2025*
Ryan C. Fattman	*Worcester and Hampden*	*5/7/2025*
John J. Marsi	*6th Worcester*	*7/24/2025*

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By Ms. Comerford, a petition (accompanied by bill, Senate, No. 311) of Joanne M. Comerford, Angelo J. Puppolo, Jr., Adam Gomez, Jacob R. Oliveira and other members of the General Court for legislation to establish farm to school grants to promote healthy eating and strengthen the agricultural economy. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *243* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act establishing the Massachusetts farm to school program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 69 of the General Laws is hereby amended by adding the following section:-

Section 38. (a) (1) The department of elementary and secondary education shall administer a Massachusetts Farm to School Program, consisting of a grant program and a local food incentive, with the aim of strengthening the commonwealth's food and agriculture economy, improving student health and nutrition and building food literacy amongst students. The program shall build the capacity of primary and secondary schools and licensed childcare programs to purchase ingredients grown, raised, caught and processed in Massachusetts and other states in the New England region or the state of New York, prepare scratch-cooked meals

and provide food literacy education to students, including, but not limited to, curriculum on the food system and the use of experiential and garden-based learning.

(2) The department shall establish an advisory committee to advise the department on the development and administration of the Farm to School Program. The committee shall include a representative from each of the following groups: the department of agricultural resources, the department of early education and care, the division of marine fisheries, Massachusetts Farm to School and the School Nutrition Association of Massachusetts, Inc., and a geographically and demographically diverse group of stakeholders appointed by the commissioner.

(3) The department shall employ a full time program coordinator for the Farm to School Program. The responsibilities of the program coordinator shall include:

(i) working with the advisory committee to instruct the department on actions and strategies for establishing and implementing the Massachusetts Farm to School program; (ii) overseeing program implementation; (iii) assessing and building the capacity of interested School Food Authorities and early education and care programs to participate in the program, which may include contracting with public and nonprofit entities to provide technical assistance to school and early education staff, farmers, food distributors and processors; and (iv) ensuring timely reimbursement to participating School Food Authorities and early education and care programs.

(b) (1) The department shall, in consultation with the advisory committee established in subsection (a) of this section, establish a Farm to School grant program to advance the use of local foods in schools and provide food literacy education to students.

(2) To be eligible for grant funding the department shall require that applicants: (i) be a K-12 school or licensed child care program located in the commonwealth; and (ii) provide meals through the National School Lunch Program or the Child and Adult Care Food Program.

(3) The grant program shall provide, subject to appropriation, funding for the following local food and food literacy priorities: (i) adequate kitchen equipment used to prepare food for serving in school or early education meals and snacks including, but not limited to, local, fresh produce, meats, seafood and dairy items; (ii) training for kitchen staff in preparing fresh meals using local ingredients and in procuring such ingredients; (iii) training for educators and other school or early education staff in adding or integrating food system lessons to their curriculum; (iv) programming for curricular and extracurricular activities, such as farm field trips and school gardens, for students to learn about agriculture and the food system; and (v) infrastructure for classroom projects related to food literacy such as school gardens or indoor growing systems.

(4) There shall be established and set up on the books of the commonwealth a separate fund, to be administered by the commissioner of the department of elementary and secondary education, which shall be known as the Massachusetts Farm to School Fund. The Fund shall consist of all revenues from public and private sources as appropriations, gifts, grants, donations, reimbursements from the federal government and grants-in-aid or other receipts to further the purposes of the Fund in accordance with this section. Any unexpended funds appropriated for purposes of this section shall not lapse at the end of the fiscal year but shall be available for expenditure during the next fiscal year.

(5) The department, in consultation with the advisory committee, shall promulgate regulations or guidelines to implement the grant program established pursuant to subsection (b)

of this section. The regulations or guidelines promulgated by the department shall include eligibility criteria that promotes geographic, social, economic and racial equity in distribution of grant funds. Grants shall be awarded in consultation with the advisory committee.

(c) (1) The department shall, in consultation with the advisory committee established in subsection (a), develop a Massachusetts Local Food Incentive program, to reimburse school food authorities, as defined in 7 CFR 225.2 and hereinafter referred to as SFAs, and licensed early education and care programs participating in the Child and Adult Care Feeding Program, as defined in section 1 of chapter 15D, for money spent to purchase food from local farms, fishers and producers.

(2) School districts participating in the federal National School Lunch Program and licensed early education and care programs participating in the federal Child and Adult Care Feeding Program shall be eligible for participation and reimbursement through the program. Participants in the program shall be reimbursed 1 dollar for every 2 dollars of purchases of products grown, raised or caught in Massachusetts. Participants in the program shall be reimbursed 1 dollar for every 3 dollars of purchases from regional vendors where such product originates within other states in the New England region or the state of New York. Food purchases eligible for reimbursement shall include direct purchases from farms and farmer cooperatives, fishers and fishing cooperatives, food hubs and wholesale distributors. The department shall confirm the place of origin for the products through self-attestation from the originating producer or any other user-friendly means required by the department.

(3) The department, in consultation with the advisory committee, shall promulgate rules relative to the specifications and qualifications for eligible foods for the program including, but

not limited to, value-added dairy, unprocessed and lightly processed seafood, pork, beef, poultry, eggs, fruits, vegetables, grains, honey and maple syrup. The department shall encourage purchases of products originating from socially disadvantaged farmers or producers or from small farm or seafood businesses, as documented to participating SFAs or early education and care programs. All food items purchased through the program shall comply with federal Child Nutrition Program guidelines. When developing the rules, the department, in consultation with the advisory committee, shall consider any necessary differences in program administration to ensure equitable participation by early education programs.

(4) The department shall, in consultation with the advisory committee, promulgate regulations to implement the program, which shall include eligibility criteria, promotional and outreach campaigns, identification of product eligibility, sourcing information and guidelines for reimbursement and reporting requirements. The department shall annually determine the maximum funding award per district or early education program based on the annual appropriation level and any available federal funding. The department shall maximize federal financial participation for state expenditures made on behalf of program enrollees and work to ensure any available federal funds are incorporated into existing programs for eligible SFAs and early education programs. The regulations or guidelines promulgated by the department shall promote geographic, social, economic and racial equity in program impact and in distribution of state funds.

(d) The department shall, in consultation with the advisory committee, annually on or before January 31, submit a report of the Massachusetts Farm to School program's activities and impact to the clerks of the house and the senate, the house and senate committees on ways and means, the joint committee on education and the joint committee on agriculture. To write this

report, the department shall, in consultation with the advisory committee, develop a survey on the grant program and the local food incentive to be distributed annually to participating school districts and early education programs in order to collect data to document the impacts of the program and any challenges, including additional staffing or training needs. The annual report shall describe the program's impacts including, but not limited to: (i) testimonials from students, teachers and staff at participating schools and early education programs and participating producers and food businesses; (ii) the number of impacted students in participating schools and early education programs; (iii) the number of new or expanded school gardens; (iv) the value of food purchased through the incentive program, including a breakdown of the number, business type and geographic location of participating farms, producers and food businesses; and (v) analysis of the current unmet need for the program and what financial and other resources are needed to meet said needs.

SECTION 2. The department of elementary and secondary education shall promulgate regulations pursuant to the program set forth in section 1 within 180 days of the effective date of this act.