

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5952

To increase access to and consumption of fresh fruits, vegetables, and healthy alternatives in low-income communities with high incidences of obesity and obesity-related disease.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2006

Ms. VELÁZQUEZ (for herself, Mr. OWENS, Mr. SERRANO, Mr. RANGEL, Mr. LIPINSKI, and Ms. BORDALLO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Small Business and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To increase access to and consumption of fresh fruits, vegetables, and healthy alternatives in low-income communities with high incidences of obesity and obesity-related disease.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bodegas as Catalysts  
5 for Healthy Living Act”.

1 **SEC. 2. GRANTS FOR SMALL BUSINESSES AND CONSUMER**  
2 **EDUCATION AND OUTREACH.**

3 (a) PROGRAM REQUIRED.—The Administrator of the  
4 Small Business Administration shall carry out a program  
5 under which the Administrator makes grants to any of the  
6 following:

7 (1) A locally-based organization that represents  
8 small business concerns.

9 (2) A local redevelopment agency that is char-  
10 tered, established, or otherwise sanctioned by a  
11 State or local government.

12 (b) USE OF GRANT AMOUNTS.—The recipient of a  
13 grant under this section shall use the grant amounts for  
14 one or more of the following activities:

15 (1) To provide, to independently owned and op-  
16 erated small business concerns, such as bodegas and  
17 corner stores, assistance (such as assistance in pur-  
18 chasing appropriate equipment, or assistance in hir-  
19 ing and training personnel) in expanding their inven-  
20 tory to include one or more of the following prod-  
21 ucts:

22 (A) Fresh fruits and vegetables.

23 (B) Healthy alternatives (as defined by the  
24 Department of Agriculture) such as whole milk  
25 alternatives, pure fruit juices, and products  
26 with 0 grams of transfat).

1           (2) To provide, to community-based organiza-  
2           tions, such as community health centers, assistance  
3           in carrying out consumer education and outreach ac-  
4           tivities to encourage the purchase of such products,  
5           such as by informing communities about the health  
6           risks associated with high-calorie, low-exercise life-  
7           styles and the benefits of healthy living.

8           (c) COLLABORATION REQUIRED.—A small business  
9           concern may receive assistance in expanding inventory  
10          under subsection (b)(1) only if the small business concern  
11          works in collaboration with one or more community-based  
12          organizations in expanding that inventory. A community-  
13          based organization may receive assistance in carrying out  
14          activities under subsection (b)(2) only if the community-  
15          based organization works in collaboration with one or  
16          more small business concerns in carrying out those activi-  
17          ties.

18          (d) MAXIMUM GRANT.—A grant under this section  
19          may not exceed \$100,000.

20          (e) AUTHORIZATION OF APPROPRIATIONS.—There  
21          are authorized to be appropriated to carry out this section  
22          \$5,000,000 for fiscal year 2007.

1 **SEC. 3. COVERAGE OF ADDITIONAL PRIMARY CARE AND**  
2 **PREVENTIVE SERVICES UNDER THE MEDI-**  
3 **CARE AND MEDICAID PROGRAMS.**

4 (a) **MEDICARE PROGRAM.**—

5 (1) **IN GENERAL.**—Section 1861 of the Social  
6 Security Act (42 U.S.C. 1395x) is amended—

7 (A) in subsection (s)(2), by adding at the  
8 end the following new subparagraph:

9 “(BB) additional primary and preventive  
10 services described in subsection (ccc);” and

11 (B) by adding at the end the following new  
12 subsection:

13 “Additional Primary and Preventive Services

14 “(ccc) The term ‘additional primary and preventive  
15 services’ means such primary and preventive services that  
16 are not otherwise covered under this title as the Secretary  
17 shall specify when provided by qualified providers, as spec-  
18 ified by the Secretary. Such term includes the following:

19 “(1) Services for the prevention and treatment  
20 of obesity and obesity-related disease.

21 “(2) Supervised exercise sessions.

22 “(3) Exercise stress testing for the purpose of  
23 exercise prescriptions.

24 “(4) Lifestyle modification education.

25 “(5) Culinary arts education for the purpose of  
26 promoting proper nutrition.”.

1           (2) CONFORMING AMENDMENTS.—(A) Section  
2           1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)) is  
3           amended—

4                   (i) by striking “and” at the end of sub-  
5           paragraph (M);

6                   (ii) by adding “and” at the end of sub-  
7           paragraph (N); and

8                   (iii) by adding at the end the following new  
9           subparagraph:

10                   “(O) in the case of additional primary care  
11           and preventive services, which are performed  
12           more frequently than the Secretary may speci-  
13           fy;”.

14           (B) Section 1833(b)(5) of such Act (42 U.S.C.  
15           1395l(b)(5)) is amended by inserting “or additional  
16           primary care or preventive services (as defined in  
17           section 1861(ccc))” after “(jj)”.

18           (b) MEDICAID PROGRAM.—Section 1905(a) of the  
19           Social Security Act (42 U.S.C. 1396d(a)) is amended—

20                   (1) by striking “and” at the end of paragraph  
21           (27);

22                   (2) by redesignating paragraph (28) as para-  
23           graph (29); and

24                   (3) by inserting after paragraph (27) the fol-  
25           lowing new paragraph:

1           “(28) additional primary care and preventive  
2           services (as defined in section 1861(ccc)) which are  
3           not otherwise covered under this subsection; and”.

4           (c) EFFECTIVE DATE.—The amendments made by  
5 this section shall take effect on the first day of the first  
6 calendar quarter beginning after the date of the enactment  
7 of this Act, with regard to whether regulations to imple-  
8 ment such amendments are in effect as of such date.

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