

5064

2013-2014 Regular Sessions

I N   S E N A T E

May 7, 2013

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Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing the Grow: Pride of New York program for nursery dealers using and selling New York state produced horticulture products

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The agriculture and markets law is amended by adding a new  
2 article 24-a to read as follows:

3                                    ARTICLE 24-A

4                                    GROW: PRIDE OF NEW YORK

5 SECTION 291. GROW: PRIDE OF NEW YORK.

6     S 291. GROW: PRIDE OF NEW YORK. 1. FOR PURPOSES OF THIS ARTICLE, THE  
7 FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

8     (A) "NEW YORK PRODUCT" MEANS NEW YORK STATE HORTICULTURAL PRODUCTS  
9 GROWN WITHIN THIS STATE IN ACCORDANCE WITH OFFICIAL STANDARDS ESTAB-  
10 LISHED BY THE COMMISSIONER.

11     (B) "HORTICULTURE" MEANS ORNAMENTALS, NURSERY STOCK, SOD AND CHRISTMAS  
12 TREES.

13     (C) "NURSERY DEALER" MEANS A SINGLE LOCATION OF A BUSINESS WHICH REGU-  
14 LARLY OPERATES FOR THE SALE OF HORTICULTURAL PRODUCTS AND RELATED ITEMS  
15 FOR COMPENSATION.

16     2. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO DESIGN,  
17 DEVELOP AND ADOPT AN OFFICIAL LOGO FOR GROW: PRIDE OF NEW YORK DEALERS  
18 WHICH MAY BE DISPLAYED UPON THE PREMISES OF A NURSERY DEALER. A NURSERY  
19 DEALER SHALL BE ELIGIBLE FOR DESIGNATION AS A GROW: PRIDE OF NEW YORK  
20 NURSERY, IF NOT LESS THAN TWENTY-FIVE PERCENT OF THE HORTICULTURE  
21 PRODUCTS SOLD AT SUCH NURSERY ARE NEW YORK PRODUCTS.

22     3. A NURSERY DEALER LOCATED WITHIN THIS STATE MAY APPLY TO THE COMMIS-  
23 SIONER FOR DESIGNATION AS A GROW: PRIDE OF NEW YORK NURSERY. SUCH APPLI-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 CATION SHALL BE IN A MANNER AND FORM DETERMINED BY THE COMMISSIONER AND  
2 SHALL INCLUDE, BUT NOT BE LIMITED TO:

3 (A) A LIST OF NEW YORK HORTICULTURE PRODUCTS USED AND SOLD BOTH ANNU-  
4 ALLY AND SEASONALLY BY THE NURSERY DEALER;

5 (B) THE NAMES OF THE NEW YORK PRODUCT PRODUCERS FROM WHOM SUCH  
6 PRODUCTS WERE PURCHASED BY THE NURSERY DEALER;

7 (C) A ONE SENTENCE DESCRIPTION OF EACH HORTICULTURE ITEM OFFERED FOR  
8 SALE BY THE NURSERY DEALER; AND

9 (D) ANY OTHER INFORMATION THE COMMISSIONER DEEMS RELEVANT.

10 4. A NURSERY DEALER WHICH MEETS AND COMPLIES WITH THE PROVISIONS OF  
11 THIS ARTICLE AND THE OFFICIAL STANDARDS, RULES AND REGULATIONS ESTAB-  
12 LISHED BY THE COMMISSIONER SHALL BE DESIGNATED AS A GROW: PRIDE OF NEW  
13 YORK NURSERY DEALER. NURSERY DEALERS DESIGNATED AS GROW: PRIDE OF NEW  
14 YORK NURSERIES WITHIN ONE YEAR AFTER THE EFFECTIVE DATE OF THIS ARTICLE  
15 SHALL RECEIVE PROMOTIONAL AND ADVERTISING MATERIALS AS GROW: PRIDE OF  
16 NEW YORK NURSERIES FREE OF CHARGE. AFTER THE EXPIRATION OF SUCH ONE YEAR  
17 PERIOD, THE COMMISSIONER MAY PROVIDE SUCH MATERIALS, AS HE OR SHE FEELS  
18 NECESSARY, TO FULFILL THE GOALS AND PURPOSES OF THE GROW: PRIDE OF NEW  
19 YORK PROGRAM.

20 5. THE DEPARTMENT SHALL ESTABLISH ON ITS DEPARTMENTAL WEBSITE A LINK  
21 DEDICATED TO THE GROW: PRIDE OF NEW YORK PROGRAM. THIS LINK SHALL  
22 INCLUDE THE NAME, LOCATION AND HOURS OF OPERATION OF EACH GROW: PRIDE OF  
23 NEW YORK NURSERY DEALER, AND EACH BUSINESS THAT SUCH NURSERY DEALER  
24 OBTAINED ITS NEW YORK PRODUCTS. THE DEPARTMENT, IN COOPERATION WITH THE  
25 DEPARTMENT OF ECONOMIC DEVELOPMENT AND INDUSTRY MEMBERS, SHALL WORK TO  
26 PROMOTE GROW: PRIDE OF NEW YORK NURSERY DEALERS.

27 6. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO PROMULGATE  
28 SUCH RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS  
29 ARTICLE.

30 S 2. This act shall take effect on the first of January next succeed-  
31 ing the date on which it shall have become a law; provided, however,  
32 that effective immediately, the addition, amendment and/or repeal of any  
33 rule or regulation necessary for the implementation of this act on its  
34 effective date is authorized to be made and completed on or before such  
35 date.