

# STATE OF NEW YORK

3035

2017-2018 Regular Sessions

## IN SENATE

January 19, 2017

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

AN ACT to amend the education law, in relation to creating the school-to-pantry donation credit

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 3641-c  
2 to read as follows:

3 § 3641-c. School-to-pantry donation credit. 1. The commissioner shall  
4 create a school-to-pantry donation credit in which any school may donate  
5 products generated by its farm or garden to a local food pantry, or  
6 equivalent organization, so long as that product meets any applicable  
7 federal, state, or local health and safety requirements for the  
8 production or processing of the product. However, if donations consist  
9 only of fresh whole uncut fruits and vegetables, clean and properly  
10 refrigerated at forty-five degrees Fahrenheit or less eggs, grains and  
11 legumes, or honey and maple syrup then donor schools and their products  
12 will be subject to such regulations as may apply to a direct marketing  
13 business as contained in article seventeen of the agriculture and  
14 markets law.

15 2. Donor schools shall submit record of the product type donated and  
16 the total weight of each product type accepted by the food pantry to the  
17 commissioner. Such record must be validated by the donee food pantry and  
18 submitted no later than October thirty-first of each calendar year.

19 3. For each type of product donated the commissioner shall calculate a  
20 donation credit for each donor school that submits record in compliance  
21 with this section following the formula herein:

22  $A = (P * Y) * E$   
23 "A" is the credit amount to be given to the donor school. "P" is the  
24 pounds of goods of a specific type accepted by a donee food pantry. "Y"  
25 is the yield factor for a specific type of goods as determined by the

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

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1 United States department of agriculture economic research service, if  
2 any. "E" is the average retail price of a specific type of goods as  
3 determined by the United States department of agriculture economic  
4 research service.

5 4. The most recent United States department of agriculture economic  
6 research service data shall be used for each type of goods. If the  
7 United States department of agriculture economic research service has  
8 not published data for a given type of goods, then data on the most  
9 reasonably similar type of goods will be used.

10 5. Any credits due a donor school shall be paid during the calendar  
11 year after the commissioner receives records of the donation. The credit  
12 amount shall, to the extent funds are available, be included in any  
13 payments due to the donor school according to the payment schedule found  
14 in subparagraph three of paragraph b of subdivision one of section thir-  
15 ty-six hundred nine-a of the education law. If no such payments are due,  
16 the school shall be paid the value of such credits on or before October  
17 fifteenth of each calendar year.

18 § 2. This act shall take effect on the ninetieth day after it shall  
19 have become a law; provided that the commissioner of education is  
20 authorized to promulgate any rules and regulations necessary to imple-  
21 ment this act on or before its effective date.