STATE OF NEW YORK

5836--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. GRAY -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to establishing the "homegrown foods act" to permit the sale of certain foods and food products without a license under certain conditions

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

Section 1. Short title. This act shall be known and may be cited as the "homegrown foods act".

§ 2. Section 251-z-13 of the agriculture and markets law, as renumbered by chapter 665 of the laws of 2005, is renumbered section 251-z-14 and a new section 251-z-13 is added to read as follows:

§ 251-z-13. Exemption from licensing for homegrown food products. 1. Definition. For the purposes of this section, "homegrown food products" shall refer to any food product grown or processed in an individual's private residence or on their personal property, and may include, but is not limited to, fruits, vegetables, jams, jellies, baked goods, dried fruits, pickles, honey, and similar non-potentially hazardous foods.

2. Exemption from licensing for homegrown food products. Notwithstanding any provisions of law to the contrary, food processing establishments which grow and process homegrown food products at a private residence or property for direct sale to consumers shall be exempt from any licensure requirements under this article if:

a. The total annual income from the sale of such homegrown food products does not exceed twelve thousand five hundred dollars;

b. The sales occur directly to consumers at local farmers markets, or through direct-to-consumer sales at such residence or residential prop-

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

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erty or other locations authorized by the commissioner in regulation; and

c. The food products are not potentially hazardous and are produced in compliance with food safety standards as established by the department.

3. Permissible foods for sale. Food processing establishments which grow and process homegrown food products may sell the following food products:

a. Jams, jellies, and preserves.

b. Baked goods, such as bread, cakes, cookies, and pastries.

c. Dried fruits, vegetables, herbs, and spices.

d. Honey and other similar bee products.

e. Pickles, sauerkraut, and other fermented foods.

f. Granola, trail mixes, and dry mixes.

g. Vinegar, mustard, and condiments that are not potentially hazardous.

h. Other low-risk, non-potentially hazardous food products as determined by the commissioner.

4. Limitations. Food processing establishments may sell homegrown food products only within New York state.

5. Food safety standards and oversight. a. Food processing establishments selling homegrown food products must follow basic food safety standards as outlined by the department, which may include guidelines on sanitation, packaging, labeling, and traceability.

b. The department may inspect food products and practices when necessary to ensure compliance with food safety regulations.

c. Food products sold under this section shall include a label that provides the name of the producer, the location of production, a list of ingredients, and a statement indicating that the food was prepared in a residential kitchen.

§ 3. This act shall take effect immediately.