# STATE OF NEW YORK

7590

2025-2026 Regular Sessions

# IN ASSEMBLY

April 1, 2025

Introduced by M. of A. GANDOLFO -- read once and referred to the Committee on Education

AN ACT to amend the education law and chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to healthy school meals

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

Section 1. Subdivisions b and c of section 5 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, subdivision b as amended by section 32-a of part A of chapter 56 of the laws of 2024 and subdivision c as amended by section 22-b of part A of chapter 56 of the laws of 2022, are amended to read as follows:

b. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2022 and each July 1 thereafter, a school food authority shall be eligible for a State subsidy equal to $0.1901 per free and paid school lunch meal, and $0.0519 per reduced-price lunch meal, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the Department of Agriculture and Markets through the application submitted pursuant to subdivision c of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year. **Commencing July 1, 2025, and each July 1 thereafter, a school food authority shall be allowed to attribute moneys spent on purchases of food products from New York state farmers, growers, producers or processors made for its school breakfast or snack programs to the thirty percent of costs for school breakfast and lunch service programs.**

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

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c. The Department of Agriculture and Markets in cooperation with the State Education Department, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of agriculture and markets. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school **breakfast, snack, and** lunch service program, and documentation demonstrating its total food purchases and percentages for such program**, permitted to be counted under this section,** from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products**, permitted to be counted under this section,** for its school **breakfast, snack, and** lunch service program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy. After reviewing school food authorities' completed applications for an additional State subsidy pursuant to this section, the Department of Agriculture and Markets shall certify to the State Education Department the school food authorities approved for such additional State subsidy and the State Education Department shall pay such additional State subsidy to such school food authorities.

§ 2. The education law is amended by adding a new section 915-a to read as follows:

**§ 915-a. Prohibiting the sale of foods containing synthetic color additives. 1. No foods or beverages, including competitive foods as defined under 7 CFR 210.11(a)(2) and meals reimbursed under programs authorized by the federal Richard B. Russell National School Lunch Act (Public Law 113-79) and the federal Child Nutrition Act of 1966 (42 U.S.C. Sec. 1771 et seq.), containing any of the following substances shall be sold in any public school within the state:**

**a. FD&C Red No. 3**

**b. FD&C Red No. 40**

**c. FD&C Blue No. 1**

**d. FD&C Blue No. 2**

**e. FD&C Green No. 3**

**f. FD&C Yellow No. 5**

**g. FD&C Yellow No. 6**

**h. Titanium dioxide**

**2. A school may permit the sale of foods and beverages that do not comply with subdivision one of this section if the sale of such items takes place either:**

**a. off and away from the premises of the school; or**

**b. on school premises at least one-half hour after the end of the school day.**

§ 3. The education law is amended by adding a new section 915-b to read as follows:

**§ 915-b. Healthy kitchens, healthy schools program. 1. For the purposes of this section, the following terms shall have the following meanings:**

**(a) "Eligible kitchen upgrades" shall mean purchase of new kitchen appliances, kitchen renovations, or other improvements to a school's kitchen that the commissioner determines qualify for a grant under the program.**

(b) "Program" means the healthy kitchens, healthy schools program established under subdivision two of this section.

2. The department shall establish a "healthy kitchens, healthy schools program" under which grants shall be awarded to schools in the state for eligible kitchen upgrades. The commissioner shall determine eligibility requirements for schools to receive grants under the program, which shall prioritize schools that lack existing facilities to provide healthy lunches to students.

3. The commissioner shall ensure that every school deemed eligible under subdivision two of this section shall receive sufficient grant funding under the program for requested eligible kitchen upgrades. If the commissioner determines that adequate funds do not exist to ensure such sufficient grant funding, the commissioner shall submit a report to the governor, the temporary president of the senate, and the speaker of the assembly, detailing the funds needed, and requesting an appropriation to be made therefor.

4. The commissioner is authorized to promulgate any rule or regulation necessary to effectuate the provisions of this section.

§ 4. The education law is amended by adding a new section 915-c to read as follows:

§ 915-c. Limiting sugar content of school meals. Every school in the state shall plan the meals it provides to students in a manner that prevents students from consuming more than twenty-five grams of added sugars in a day from such school meals. Such meals shall be planned in a manner under which a student receiving a breakfast meal and lunch meal at a school in the same day shall have the opportunity to choose any available breakfast meal option and any available lunch meal option for such day, and any such combination of such breakfast meal and lunch meal options would not exceed twenty-five grams of added sugars.

§ 5. This act shall take effect immediately.