STATE OF NEW YORK

7816

2025-2026 Regular Sessions

IN ASSEMBLY

April 11, 2025

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

AN ACT to amend the education law and the agriculture and markets law, in relation to permitting schools located within the state to purchase certain New York milk

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

Section 1. The education law is amended by adding a new section 915-a to read as follows:

§ 915-a. New York milk in New York schools. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "New York milk" means raw milk produced by the milking of cows physically located within the geographic boundaries of this state, transported to a dairy processing facility located within the geographic boundaries of this state, and processed as fluid milk into containers intended for distribution to consumers. "New York milk" shall include, but not be limited to, whole milk and reduced fat milk, including milk that has been flavored.

(b) "School" means any public school district, charter school, private or parochial school, or board of cooperative educational services.

2. Notwithstanding any other provision of law, rule, or regulation, a school board or other governing entity of a school may utilize state or local funds to provide or sell New York milk at such school.

3. The commissioner shall perform outreach to schools to ensure awareness of the provisions of this section. Such outreach shall utilize materials produced by the commissioner of agriculture and markets, in consultation with the milk marketing advisory council established pursuant to section two hundred fifty-four-a of the agriculture and markets law, including information regarding:

(a) the nutritional benefits of New York milk, including whole milk and reduced fat milk; and

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

LBD11314-01-5

(b) local sourcing options for New York milk.

4. If any federal law, rule, or regulation is enacted that prevents the provision or sale of New York milk in schools, the commissioner shall review and consider alternative methods to promote the availability of New York milk in schools and shall issue a report to the governor and the legislature regarding such alternative methods within one hundred eighty days of enactment of such federal law, rule, or regulation.

5. New York milk provided or sold in schools shall be deemed to be in the stream of intrastate commerce.

6. No later than one year after the effective date of this section, the commissioner, in consultation with the commissioner of agriculture and markets and the milk marketing advisory council established pursuant to section two hundred fifty-four-a of the agriculture and markets law, shall issue a report to the governor and the legislature regarding the implementation of this section. Such report shall include, but need not be limited to:

(a) a list of all schools providing or selling New York milk pursuant to this section;

(b) the approximate increase or decrease in the provision or sale of New York milk pursuant to this section; and

(c) actions taken by the department to perform outreach to schools as required pursuant to subdivision three of this section.

§ 2. Section 254-a of the agriculture and markets law is amended by adding a new subdivision 4 to read as follows:

4. The advisory council shall assist the commissioner in the preparation of materials to promote New York milk in schools pursuant to subdivision three of section nine hundred-fifteen-a of the education law and in the preparation of a report regarding the provision and sale of New York milk in schools pursuant to subdivision six of section nine hundred-fifteen-a of the education law.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law and shall expire and be deemed repealed upon the occurrence of either of the following:

1. The amendment or repeal of section 9(a)(2)(A) of the National School Lunch Act (60 Stat. 230, 42 U.S.C. § 1758(a)(2)(A)), which results in the availability of whole milk or reduced fat milk, flavored or unflavored, in elementary and secondary schools in the state.

2. An update to the Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (Public Law 101-445, 7 U.S.C. § 5341), which permits the availability of whole milk or reduced fat milk, flavored or unflavored, in elementary and secondary schools in the state.

Provided, however, that the commissioner of education shall notify the legislative bill drafting commission upon the occurrence of either event described in subdivisions one or two of this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.