

# STATE OF NEW YORK

5057--A

2025-2026 Regular Sessions

## IN SENATE

February 18, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend 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 increasing the state subsidy for school lunch meals

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

1 Section 1. Subdivisions b and c of section 5 of chapter 537 of the  
2 laws of 1976 relating to paid, free and reduced price breakfast for  
3 eligible pupils in certain school districts, subdivision b as amended by  
4 section 32-a of part A of chapter 56 of the laws of 2024 and subdivision  
5 c as amended by section 22-b of part A of chapter 56 of the laws of  
6 2022, are amended and two new subdivisions b-1 and c-1 are added to read  
7 as follows:  
8 b. Notwithstanding any monetary limitations with respect to school  
9 lunch programs contained in any law or regulation, for school lunch  
10 meals served in the school year commencing July 1, ~~2022~~ 2027 and each  
11 July 1 thereafter, a school food authority shall be eligible for a State  
12 subsidy equal to [~~\$0.1901 per free and paid school lunch meal, and~~  
13 ~~\$0.0519 per reduced-price lunch meal,~~ an amount per school lunch meal  
14 determined pursuant to paragraphs (i), (ii) and (iii) of this subdivi-  
15 sion for any school lunch meal served by such school food authority;  
16 provided that the school food authority certifies to the Department of  
17 Agriculture and Markets through the application submitted pursuant to  
18 subdivision c of this section that such food authority has purchased at  
19 least thirty percent of its total cost of food products for its school  
20 breakfast service, lunch service, and reimbursable snack program from

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

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1 New York state farmers, growers, producers or processors in the preced-  
2 ing school year. Payments pursuant to this subdivision shall be separate  
3 from and shall not supplant or offset any other state or federal  
4 reimbursement, aid, grant, or payment for school meals or child nutri-  
5 tion programs, including but not limited to the state reimbursement  
6 amount for school lunch meals. Where the school food authority certi-  
7 fies that it has purchased at least thirty percent of its total cost of  
8 food products permitted to be counted under this section for its school  
9 breakfast service, lunch service, and reimbursable snack program from  
10 New York state farmers, growers, producers or processors in the preced-  
11 ing school year, the amount of the state subsidy payable pursuant to  
12 this subdivision shall be:

13 (i) twenty-six cents per school lunch meal where such percentage is at  
14 least thirty percent but not more than forty percent;

15 (ii) twenty-eight cents per school lunch meal where such percentage is  
16 at least forty-one percent but not more than fifty percent; and

17 (iii) thirty cents per school lunch meal where such percentage is  
18 fifty-one percent or greater.

19 b-1. Each of the per school lunch meal subsidy amounts set forth in  
20 paragraphs (i), (ii) and (iii) of subdivision b of this section shall be  
21 increased annually by one and one-half percent over the prior school  
22 year's applicable amount. The commissioner of agriculture and markets  
23 shall publish the adjusted per-meal amounts on or before July first of  
24 each such school year.

25 c. The Department of Agriculture and Markets in cooperation with the  
26 State Education Department, shall develop an application for school food  
27 authorities to seek an additional State subsidy pursuant to this section  
28 in a timeline and format prescribed by the commissioner of agriculture  
29 and markets. Such application shall include, but not be limited to,  
30 documentation demonstrating the school food authority's total food  
31 purchases for its school breakfast service, lunch service, and reimburs-  
32 able snack program, and documentation demonstrating its total food  
33 purchases and percentages for such [~~program~~] programs permitted to be  
34 counted under this section from New York State farmers, growers, produc-  
35 ers or processors in the preceding school year. The application shall  
36 also include an attestation from the school food authority's chief oper-  
37 ating officer that it purchased at least thirty percent of its total  
38 cost of food products permitted to be counted under this section for its  
39 school breakfast service, lunch service, and reimbursable snack program  
40 from New York State farmers, growers, producers or processors in the  
41 preceding school year in order to meet the requirements for this addi-  
42 tional State subsidy. School food authorities shall be required to annu-  
43 ally apply for this subsidy. After reviewing school food authorities'  
44 completed applications for an additional State subsidy pursuant to this  
45 section, the Department of Agriculture and Markets shall certify to the  
46 State Education Department the school food authorities approved for such  
47 additional State subsidy and the State Education Department shall pay  
48 such additional State subsidy to such school food authorities.

49 c-1. (i) For three school years commencing July 1, 2027 (the "transi-  
50 tion period"), any school food authority that has been certified by the  
51 department of agriculture and markets as approved to receive the addi-  
52 tional State subsidy pursuant to this section for school meals served  
53 during the school year commencing July 1, 2026, based on such authori-  
54 ty's eligible food purchases made during the school year commencing July  
55 1, 2026, shall be deemed eligible during the transition period to  
56 receive the subsidy amount set forth in paragraph (i) of subdivision b

1 of this section, provided that such participant submits such documenta-  
2 tion as deemed necessary by the commissioner of agriculture of markets  
3 for purposes of payment processing and program integrity.

4 (ii) Nothing in this section shall be construed to prohibit a school  
5 food authority from receiving the higher per school lunch meal subsidy  
6 pursuant to paragraphs (ii) or (iii) of subdivision b of this section  
7 during or after the transition period, provided however that eligibility  
8 for such higher amounts shall be determined based on the purchasing  
9 percentage calculation set forth in such subdivision b, including school  
10 breakfast service, lunch service, and reimbursable snack programs.

11 § 2. This act shall take effect immediately; provided, however, that  
12 the amendments related to eligible purchases counted toward the thirty  
13 percent threshold made by section one of this act shall apply to  
14 purchases made on and after July 1, 2026; and provided further, however,  
15 that the amendments relating to the tiered per-meal subsidy amounts,  
16 indexing, and hold harmless provisions made by section one of this act  
17 shall apply to school lunch meals served on and after July 1, 2027.