S T A T E O F N E W Y O R K

7027

I N S E N A T E

March 8, 2010

Introduced by Sen. ESPADA -- 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 establishing the fresh fruit and vegetable program

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 920 to read as follows:

S 920. FRESH FRUIT AND VEGETABLE PROGRAM. 1. THE DEPARTMENT SHALL ESTABLISH A FRESH FRUIT AND VEGETABLE PROGRAM PROVIDING SPONSORS OF NON-PROFIT SCHOOL BREAKFAST, LUNCH OR OTHER SCHOOL CHILD FEEDING PROGRAMS WITH PAYMENTS FOR THE PURCHASE OF FRESH OR MINIMALLY PROCESSED FRUITS AND VEGETABLES OR, PROVIDING, AT THE OPTION OF SUCH SPONSORS, PURCHASED FRESH OR MINIMALLY PROCESSED FRUITS AND VEGETABLES TO BE OFFERED TO STUDENTS AS PART OF SCHOOL LUNCHES, BREAKFASTS OR SNACKS IN THE CAFETERIA OR CLASSROOM. SUCH FRUITS AND VEGETABLES, TO THE MAXIMUM EXTENT PRACTICABLE AND IN ACCORDANCE WITH FEDERAL AND STATE STATUTES AND RULES AND REGULATIONS, SHALL BE GROWN AND PRODUCED IN NEW YORK STATE.

2. FUNDS FOR THE FRESH FRUIT AND VEGETABLE PROGRAM SHALL BE EXPENDED SUBJECT TO THE LIMITATION OF FUNDS AVAILABLE AND SHALL BE USED TO REIMBURSE SPONSORS OF NON-PROFIT SCHOOL LUNCH, BREAKFAST, OR OTHER SCHOOL CHILD FEEDING PROGRAMS FIVE CENTS PER THE NUMBER OF FEDERALLY REIMBURSABLE BREAKFASTS AND LUNCHES SERVED IN THE PRIOR FISCAL YEAR TO STUDENTS UNDER SUCH PROGRAM AGREEMENTS ENTERED INTO BY THE DEPARTMENT AND SUCH SPONSORS, IN ACCORDANCE WITH AN ACT OF CONGRESS ENTITLED THE "NATIONAL SCHOOL LUNCH ACT", P.L. 79-396, AS AMENDED, OR THE PROVISIONS OF THE "CHILD NUTRITION ACT OF 1966", P.L. 89-642, AS AMENDED. SUCH FUNDS SHALL BE PAID DIRECTLY TO SUCH SPONSORS FOR THE PURPOSES OF THE FRESH FRUIT AND VEGETABLE PROGRAM PROVIDED, HOWEVER, THAT, AT THE REQUEST OF A SCHOOL DISTRICT OR DISTRICTS WHEN NECESSARY TO PROCURE NEW YORK STATE GROWN OR PRODUCED FRESH OR MINIMALLY PROCESSED FRUITS AND VEGETABLES SUCH FUNDS MAY BE DIRECTED TO BE USED BY THE DEPARTMENT OR, BY AGREEMENT, OTHER STATE AGENCIES INCLUDING, BUT NOT LIMITED TO THE OFFICE OF GENERAL SERVICES AND DEPARTMENT OF AGRICULTURE AND MARKETS.

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

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3. THE DEPARTMENT AS PART OF THE FARM-TO-SCHOOL PROGRAM, AUTHORIZED UNDER SUBDIVISION THIRTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS TITLE, AS ADDED BY CHAPTER TWO OF THE LAWS OF TWO THOUSAND ONE, SHALL PROVIDE GUIDANCE AND TECHNICAL ASSISTANCE TO SCHOOLS TO ENCOURAGE PURCHASES OF NEW YORK STATE GROWN AND PRODUCED FRESH OR MINIMALLY PROCESSED FRUITS AND VEGETABLES. THE DEPARTMENT IN COORDINATION WITH THE DEPARTMENT OF HEALTH SHALL PROVIDE ASSISTANCE TO SCHOOLS TO ENCOURAGE CONSUMPTION BY STUDENTS OF THE FRESH OR MINIMALLY PROCESSED FRUITS AND VEGETABLES.

4. THE COMMISSIONER SHALL ADOPT REGULATIONS TO ADMINISTER THE FRESH FRUIT AND VEGETABLE PROGRAM WITH THE GOAL OF PROMOTING INCREASED CONSUMPTION OF FRESH OR MINIMALLY PROCESSED FRUITS AND VEGETABLES BY STUDENTS AND OF MAXIMIZING THE PROCUREMENT OF NEW YORK STATE FRUITS AND VEGETABLES BY PURCHASES DIRECTLY BY SPONSORS OF NON-PROFIT SCHOOL BREAKFAST, LUNCH OR OTHER CHILD FEEDING PROGRAMS OR BY STATE AGENCIES ON BEHALF OF SUCH SPONSORS OF NON-PROFIT SCHOOL BREAKFAST, LUNCH OR OTHER CHILD FEEDING PROGRAMS.

S 2. This act shall take effect on the first of July next succeeding the date on which it shall have become a law.