

1666

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 11, 2011

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Introduced by M. of A. ROBINSON -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the education law, in relation to establishing the New York calcium purchasing preference initiative

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. This act shall be known and may be cited as the "New York  
2 calcium purchasing preference initiative".  
3     S 2. Section 16 of the agriculture and markets law is amended by  
4 adding a new subdivision 5-c to read as follows:  
5     5-C. ESTABLISH, IN COOPERATION WITH THE COMMISSIONER OF EDUCATION,  
6 THE NEW YORK CALCIUM PURCHASING PREFERENCE INITIATIVE. THE PURCHASING  
7 AGENT FOR ANY GOVERNMENTAL ENTITY WHICH PURCHASES FOOD OR BEVERAGES TO  
8 BE PROCESSED OR SERVED IN A BUILDING OR ROOM OWNED OR OPERATED BY SUCH  
9 GOVERNMENTAL ENTITY SHALL GIVE PREFERENCE TO FOODS AND BEVERAGES THAT:  
10     (A) CONTAIN A HIGHER LEVEL OF CALCIUM THAN PRODUCTS OF THE SAME TYPE  
11 AND QUALITY; AND  
12     (B) ARE EQUAL TO OR LOWER IN PRICE THAN PRODUCTS OF THE SAME TYPE AND  
13 QUALITY.  
14     FOR THE PURPOSES OF THIS SUBDIVISION, "GOVERNMENTAL ENTITY" SHALL  
15 MEAN:  
16     (A) THE STATE OF NEW YORK;  
17     (B) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION  
18 OR CIVIL SUBDIVISION OF THE STATE;  
19     (C) A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC  
20 SCHOOL, COLLEGE OR UNIVERSITY;  
21     (D) A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION;  
22     (E) AN AGENCY, BOARD, BUREAU, DIVISION, COMMITTEE, INSTITUTION, COUN-  
23 CIL, OR OFFICE; OR

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

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1 (F) ANY OTHER GOVERNMENTAL ENTITY OR INSTRUMENTALITY PERFORMING  
2 PROPRIETARY FUNCTION FOR THE STATE, EXCEPT THE LEGISLATURE AND JUDICI-  
3 ARY.

4 A PURCHASING AGENT SHALL NOT BE REQUIRED TO PURCHASE A HIGH CALCIUM  
5 FOOD OR BEVERAGE FOR ANY GOVERNMENTAL ENTITY IF SUCH PREFERRED FOOD OR  
6 BEVERAGE WILL INTERFERE WITH THE TREATMENT OR CARE OF ANY PERSON.

7 THE DEPARTMENT SHALL SOLICIT INFORMATION FROM THE EDUCATION DEPARTMENT  
8 REGARDING SCHOOL DISTRICTS AND OTHER EDUCATIONAL INSTITUTIONS PURCHASING  
9 PREFERRED FOODS AND BEVERAGES IN ACCORDANCE WITH THIS SUBDIVISION.

10 NOTWITHSTANDING ANY PROVISIONS OF THIS SUBDIVISION TO THE CONTRARY, A  
11 PURCHASING AGENT WHO HAS ENTERED INTO A CONTRACT WITH A SUPPLIER BEFORE  
12 JULY FIRST, TWO THOUSAND ELEVEN TO PURCHASE FOOD AND BEVERAGES SHALL NOT  
13 BE REQUIRED TO PURCHASE HIGH CALCIUM FOODS AND BEVERAGES IF PURCHASING  
14 SUCH PRODUCTS CHANGE OR ALTER THE TERMS OF THE CONTRACT.

15 THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE ON THE NEED FOR  
16 CHANGES IN LAW TO FACILITATE THE PURCHASES OF SUCH FOODS AND BEVERAGES  
17 BY A GOVERNMENTAL ENTITY.

18 S 3. Section 305 of the education law is amended by adding a new  
19 subdivision 42 to read as follows:

20 42. THE COMMISSIONER SHALL COOPERATE WITH THE COMMISSIONER OF AGRICUL-  
21 TURE AND MARKETS IN ESTABLISHING THE NEW YORK CALCIUM PURCHASING PREFER-  
22 ENCE INITIATIVE PURSUANT TO SUBDIVISION FIVE-C OF SECTION SIXTEEN OF THE  
23 AGRICULTURE AND MARKETS LAW. THE COMMISSIONER'S RESPONSIBILITIES SHALL  
24 INCLUDE, BUT NOT BE LIMITED TO, COMPILING INFORMATION FOR THE DEPARTMENT  
25 OF AGRICULTURE AND MARKETS FROM SCHOOL DISTRICTS AND OTHER EDUCATIONAL  
26 INSTITUTIONS UNDER THE DEPARTMENT'S JURISDICTION PURCHASING PREFERRED  
27 FOODS AND BEVERAGES. THE COMMISSIONER SHALL REPORT TO THE LEGISLATURE  
28 ABOUT THE NEED FOR CHANGES IN LAW TO FACILITATE THE PURCHASE OF SUCH  
29 FOOD AND BEVERAGES BY SCHOOLS AND OTHER EDUCATIONAL INSTITUTIONS.

30 S 4. This act shall take effect immediately; provided, however, that  
31 the commissioner of agriculture and markets and the commissioner of  
32 education are authorized to promulgate any and all rules and regulations  
33 necessary to implement the provisions of this act on or before such  
34 effective date.