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I N   A S S E M B L Y

April 19, 2012

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

AN ACT to amend the agriculture and markets law, in relation to establishing the Dine: Pride of New York program for restaurants using and serving New York state produced foods and food products

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

1     Section 1. The agriculture and markets law is amended by adding a new  
2     section 156-j to read as follows:  
3     S 156-J. DINE: PRIDE OF NEW YORK. 1. DEFINITIONS. AS USED IN THIS  
4     SECTION, THE FOLLOWING TERMS SHALL MEAN:  
5     (A) "NEW YORK PRODUCT" MEANS (I) NEW YORK STATE GROWN FARM PRODUCT  
6     PACKED WITHIN THIS STATE IN ACCORDANCE WITH OFFICIAL STANDARDS ESTAB-  
7     LISHED AS PROVIDED BY THIS ARTICLE, ARTICLE THIRTEEN, ARTICLE THIR-  
8     TEEN-A, ARTICLE THIRTEEN-B, ARTICLE THIRTEEN-C AND ARTICLE THIRTEEN-D OF  
9     THIS CHAPTER OR ANY NEW YORK STATE PRODUCED OR LANDED AQUATIC PRODUCT,  
10    SUBJECT TO AND IN ACCORDANCE WITH RULES AND REGULATIONS TO BE PROMULGAT-  
11    ED BY THE COMMISSIONER; OR  
12    (II) ANY NEW YORK STATE PROCESSED FOOD PRODUCT, MANUFACTURED WITHIN  
13    THIS STATE IN ACCORDANCE WITH OFFICIAL STANDARDS ESTABLISHED BY THE  
14    COMMISSIONER PURSUANT TO REGULATION, WHICH ARE ESSENTIALLY COMPOSED OF  
15    NEW YORK STATE GROWN FARM PRODUCTS, PROVIDED, HOWEVER, THAT WHENEVER THE  
16    COMMISSIONER DETERMINES, AFTER PUBLIC HEARING, THAT THE USE OF INGREDI-  
17    ENTS NOT GROWN OR PRODUCED IN THIS STATE IS NECESSARY OR BENEFICIAL IN  
18    MANUFACTURING A PARTICULAR PRODUCT BECAUSE SUCH INGREDIENTS ARE EITHER  
19    NOT GROWN IN NEW YORK OR UNAVAILABLE IN SUFFICIENT QUANTITY OR AT A  
20    REASONABLE PRICE TO ALLOW THE PRODUCT TO BE COMPOSED OF ONLY NEW YORK  
21    STATE GROWN FARM PRODUCTS, THE STANDARD FOR SUCH PRODUCT MAY AUTHORIZE  
22    THE INCLUSION OF INGREDIENTS NOT PRODUCED IN THIS STATE, EXCEPT THAT IN  
23    NO EVENT SHALL AN OFFICIAL BRAND OR MARK BE APPROVED FOR USE ON A FOOD  
24    PRODUCT UNLESS AT LEAST FIFTY-ONE PERCENT OF ITS CONTENT IS DERIVED FROM  
25    NEW YORK STATE GROWN FARM PRODUCTS.

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

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1 (B) "RESTAURANT" MEANS A PLACE WHICH IS REGULARLY OPERATED FOR THE  
2 SERVING OF MEALS, FOR CONSUMPTION ON PREMISES OR OFF PREMISES, FOR  
3 COMPENSATION.

4 2. THE COMMISSIONER SHALL DESIGN, DETERMINE AND ADOPT AN OFFICIAL LOGO  
5 FOR DINE: PRIDE OF NEW YORK RESTAURANTS WHICH MAY BE DISPLAYED UPON THE  
6 PREMISES OF RESTAURANTS DESIGNATED PURSUANT TO THIS SECTION. SUCH LOGO,  
7 WHEN ADOPTED BY THE COMMISSIONER, MAY BE REGISTERED AS A TRADEMARK IN  
8 THE OFFICE OF THE SECRETARY OF STATE PURSUANT TO ARTICLE TWENTY-FOUR OF  
9 THE GENERAL BUSINESS LAW OR ANY OTHER PROVISION OF LAW RELATING TO THE  
10 REGISTRATION OF TRADEMARKS. SUCH TRADEMARK SHALL BE REGISTERED BY THE  
11 SECRETARY OF STATE WITHOUT EXTRACTION OF ANY FEE THEREFOR. THE COMMIS-  
12 SIONER MAY, IN HIS OR HER DISCRETION, REGISTER SUCH MARK WITH THE UNITED  
13 STATES GOVERNMENT AND ANY OTHER STATE OR FOREIGN COUNTRY.

14 3. THE OPERATOR OF ANY RESTAURANT, WHO OPERATES AT LEAST ONE RESTAU-  
15 RANT IN THIS STATE, MAY APPLY TO THE COMMISSIONER TO HAVE A RESTAURANT  
16 DESIGNATED AS A DINE: PRIDE OF NEW YORK, IF NOT LESS THAN FIFTEEN  
17 PERCENT OF THE INGREDIENTS USED AND SERVED AT SUCH RESTAURANT ARE NEW  
18 YORK PRODUCTS. EVERY APPLICANT FOR DESIGNATION PURSUANT TO THIS SECTION  
19 SHALL INCLUDE IN HIS OR HER APPLICATION A LIST OF NEW YORK PRODUCTS USED  
20 AND SERVED ANNUALLY, THE NAMES OF THE NEW YORK PRODUCT PRODUCERS FROM  
21 WHOM SUCH PRODUCTS WERE PURCHASED, AND A ONE SENTENCE DESCRIPTION OF THE  
22 FOOD AND MEALS OFFERED BY THE APPLICANT. THE COMMISSIONER MAY, BASED  
23 UPON THE PRODUCERS NAMED IN EACH APPLICATION, VERIFY THAT THE PRODUCTS  
24 AND/OR INGREDIENTS USED AND SERVED BY THE APPLICANT ARE NEW YORK  
25 PRODUCTS. IF THE COMMISSIONER FINDS THAT THE APPLICANT'S RESTAURANT  
26 COMPLIES WITH THE STANDARDS ESTABLISHED IN THIS SUBDIVISION, HE OR SHE  
27 SHALL DESIGNATE THE APPLICANT'S RESTAURANT AS A DINE: PRIDE OF NEW YORK  
28 RESTAURANT. APPLICANTS RECEIVING SUCH DESIGNATION WITHIN ONE YEAR OF  
29 THE EFFECTIVE DATE OF THIS SECTION SHALL BE PROVIDED WITH OFFICIAL DINE:  
30 PRIDE OF NEW YORK ADVERTISING AND PROMOTIONAL MATERIALS FREE OF CHARGE.  
31 THEREAFTER, THE COMMISSIONER SHALL PROVIDE SUCH MATERIALS, AS HE OR SHE  
32 DEEMS NECESSARY, TO FULFILL THE GOALS AND PURPOSES OF THE DINE: PRIDE OF  
33 NEW YORK PROGRAM.

34 4. THE DEPARTMENT SHALL ESTABLISH, ON ITS DEPARTMENTAL INTERNET  
35 WEBSITE, A LINK DEDICATED TO THE DINE: PRIDE OF NEW YORK PROGRAM. SUCH  
36 LINK SHALL INCLUDE THE NAME, LOCATION AND HOURS OF OPERATION OF EACH  
37 DINE: PRIDE OF NEW YORK DESIGNATED RESTAURANT AND THE BRIEF DESCRIPTION  
38 OF THE FOODS AND MEALS OFFERED BY EACH SUCH RESTAURANT THAT WAS PROVIDED  
39 IN THE RESTAURANT'S APPLICATION FOR DESIGNATION PURSUANT TO THIS  
40 SECTION. FURTHERMORE, THE DEPARTMENT, IN COOPERATION WITH THE DEPART-  
41 MENT OF ECONOMIC DEVELOPMENT AND THE REGIONAL OFFICES OF SUCH DEPART-  
42 MENT, SHALL ENGAGE IN THE PROMOTION OF DINE: PRIDE OF NEW YORK DESIG-  
43 NATED RESTAURANTS.

44 5. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS HE  
45 OR SHE DEEMS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

46 S 2. This act shall take effect on the first of January next succeed-  
47 ing the date on which it shall have become a law, provided, that, effec-  
48 tive immediately, any rules and regulations necessary to implement the  
49 provisions of this act on its effective date are authorized and directed  
50 to be promulgated on or before such date.