

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

3628--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. ROBINSON -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 (I) THE STATE OF NEW YORK;
17 (II) A COUNTY, CITY, TOWN, VILLAGE OR ANY OTHER POLITICAL SUBDIVISION
18 OR CIVIL SUBDIVISION OF THE STATE;
19 (III) A SCHOOL DISTRICT OR ANY GOVERNMENTAL ENTITY OPERATING A PUBLIC
20 SCHOOL, COLLEGE OR UNIVERSITY;
21 (IV) A PUBLIC AUTHORITY, COMMISSION OR PUBLIC BENEFIT CORPORATION;

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

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1 (V) AN AGENCY, BOARD, BUREAU, DIVISION, COMMITTEE, INSTITUTION, COUN-
2 CIL, OR OFFICE; OR

3 (VI) ANY OTHER GOVERNMENTAL ENTITY OR INSTRUMENTALITY PERFORMING
4 PROPRIETARY FUNCTIONS FOR THE STATE, EXCEPT THE LEGISLATURE AND JUDICI-
5 ARY.

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

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

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

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

20 S 3. Section 305 of the education law is amended by adding a new
21 subdivision 44 to read as follows:

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

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