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

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2013-2014 Regular Sessions

I N A S S E M B L Y

April 12, 2013

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

AN ACT to amend the agriculture and markets law, in relation to combating the incidence of adult and child obesity and encouraging direct marketing of fresh fruits and vegetables in areas with a high incidence of adult and child obesity; and to amend the county law, in relation to the Cornell cooperative extension system relating to adult and childhood obesity, asthma, and respiratory illness prevention

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

Section 1. Section 3 of the agriculture and markets law, as amended by chapter 651 of the laws of 1946, is amended to read as follows:

S 3. Declaration of policy and purposes. The agricultural industry is basic to the life of our state. It vitally concerns and affects the welfare, health, economic well-being and productive and industrial capabilities of all our people. It is the policy and duty of the state to promote, foster, and encourage the agricultural industry, with proper standards of living for those engaged therein; to design and establish long-range programs for its stabilization and profitable operation; to increase through education, research, regulation, and scientific means, the quantity, quality, and efficiency of its production; to improve its marketing system; to encourage adequate and skilled assistance for agricultural enterprises; to maintain at fair prices uncontrolled by speculation the instrumentalities and products of agriculture; to remove unnecessary or unfair costs and obstacles in the [transporation] TRANSPORTATION, storage, processing, distribution, marketing, and sale of agricultural products; to prevent frauds in the traffic therein; to promote an expanded demand for the state's agricultural products and the intelligent uses thereof by consumers as pure and wholesome food; to protect the public health and to eliminate the evils of under-nourishment; to encourage the selection and consumption of food according to

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

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sound dietary and nutritional principles; TO IMPROVE OUR CITIZENS' OVERALL HEALTH AND TO COMBAT THE INCREASING INCIDENCE OF ADULT AND CHILDHOOD OBESITY; and to make our people conscious of the bond of mutual self-interest between our urban and our rural populations.

Accordingly, all laws enacted concerning the agricultural industry and its allied subjects, whether included in this chapter or not, are to be deemed an exercise of the police power of the state and a discharge of its obligations for the promotion of the general welfare through statewide laws and regulations, local initiative and government, cooperative action between groups and localities, home-rule measures, individual enterprise, civic consciousness, and appropriate coordination with the federal government and as between educational research institutions within the state.

Such laws and all governmental measures adopted pursuant thereto should receive a liberal interpretation and application in furtherance of the aforesaid policy and purposes.

S 2. Subdivision 5-b of section 16 of the agriculture and markets law, as added by chapter 2 of the laws of 2001, is amended to read as follows:

5-b. (A) Establish, in cooperation with the commissioner of education, a farm-to-school program to facilitate and promote the purchase of New York farm products by schools, universities and other educational institutions under the jurisdiction of the education department. The department shall solicit information from the education department regarding school districts and other educational institutions interested in purchasing New York farm products, including but not limited to, the type and amount of such products schools wish to purchase and the name of the appropriate contact person from the interested school district. The department shall make this information readily available to interested New York farmers, farm organizations and businesses that market New York farm products. The department shall provide information to the education department and interested school districts and other educational institutions about the availability of New York farm products, including but not limited to, the types and amount of products, and the names and contact information of farmers, farm organizations and businesses marketing such products. The commissioner shall report to the legislature on the need for changes in law to facilitate the purchases of such products by schools and educational institutions.

The department shall also coordinate with the education department, and school food service, education, health and nutrition, farm, and other interested organizations in establishing a promotional event, to be known as New York Harvest For New York Kids Week, in early October each year, that will promote New York agriculture and foods to children through school meal programs and the classroom, at farms and farmers' markets and other locations in the community.

(B) COOPERATE WITH THE DEPARTMENT OF HEALTH IN IMPLEMENTING THE CHILDHOOD OBESITY PREVENTION PROGRAM PURSUANT TO TITLE EIGHT OF ARTICLE TWENTY-FIVE OF THE PUBLIC HEALTH LAW AND WITH THE COMMISSIONER OF EDUCATION TO ENCOURAGE THE PRODUCTION AND CONSUMPTION OF FRESH LOCALLY PRODUCED FRUITS AND VEGETABLES BY ELEMENTARY AND SECONDARY SCHOOL AGED CHILDREN PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION TO HELP COMBAT THE INCREASING INCIDENCE OF CHILDHOOD OBESITY.

(C) COOPERATE WITH FEDERAL, OTHER STATE AND MUNICIPAL AGENCIES TO ENCOURAGE THE EXPANSION OF COMMUNITY GARDENS PURSUANT TO ARTICLE TWO-C OF THIS CHAPTER TO HELP ENCOURAGE THE PRODUCTION AND CONSUMPTION OF

FRESH LOCALLY PRODUCED FRUITS AND VEGETABLES TO HELP COMBAT THE INCREASING INCIDENCE OF ADULT AND CHILD OBESITY.

S 3. The opening paragraph of section 281 of the agriculture and markets law, as added by chapter 834 of the laws of 1981, is amended to read as follows:

The legislature hereby finds that inflation has caused higher prices in all phases of farm and food production and farm and food products distribution; and that the demand, by consumers within the state, for increasing supplies of wholesome, fresh and nutritious farm and food products provides a significant opportunity for the development of alternative marketing structures for food grown within the state by which such products may be supplied directly to the consuming public. IN ADDITION, INCREASING THE SUPPLY OF WHOLESOME, FRESH, LOCALLY PRODUCED FRUITS AND VEGETABLES CAN HELP TO ENCOURAGE THE CONSUMPTION OF SUCH PRODUCE IN A MANNER THAT HELPS TO COMBAT THE INCREASING INCIDENCE OF ADULT AND CHILDHOOD OBESITY. REDUCING THE INCIDENCE OF OBESITY CAN HELP TO IMPROVE THE OVERALL HEALTH OF THE GENERAL PUBLIC, HELP TO REDUCE THE COST OF PROVIDING HEALTH CARE AND REDUCE THE STATE'S COSTS OF PROVIDING SUCH CARE.

S 4. Subdivision 5 of section 283 of the agriculture and markets law, as added by chapter 834 of the laws of 1981, is amended and a new subdivision 8-a is added to read as follows:

5. Provide assistance to consumer or non-profit organizations, PUBLIC OR PRIVATE AGENCIES, HOSPITALS AND OTHER HEALTH CARE FACILITIES seeking to purchase or facilitate the purchase of farm products directly from producers.

8-A. ENCOURAGE THE DEVELOPMENT OF DIRECT MARKETING PROGRAMS, WITHIN AREAS OF THE STATE DESIGNATED BY THE DEPARTMENT OF HEALTH AS HAVING A HIGH INCIDENCE OF CHILDHOOD OBESITY AND TO INCREASE THE CONSUMPTION OF FRESH FRUITS AND VEGETABLES TO HELP CURB THE INCIDENCE OF CHILDHOOD OBESITY.

S 5. Subdivision 1 of section 224-b of the county law, as added by chapter 575 of the laws of 1989, is amended to read as follows:

1. Agreements to employ and manage area program specialists. Notwithstanding the provisions of subdivision eight of section two hundred twenty-four of this article, two or more county cooperative extension associations may enter into a separate agreement with Cornell university to employ area program specialists. Examples of program areas which could be funded and delivered through the Cornell cooperative extension system could include but not be limited to water quality, solid waste management, commercial and alternative agricultural technologies integrated pest management, nutrition, diet and health, ADULT AND CHILDHOOD OBESITY, ASTHMA AND CHRONIC RESPIRATORY ILLNESS PREVENTION, community and rural development, housing availability and affordability, family and economic well being, and the complex problems of youth at risk. Such annual agreements shall identify the titles of the positions to be supported and the program areas for which they will provide leadership. Standards for the employment of area program specialists, including salaries, shall be established by Cornell university, through the director of extension in consultation with county cooperative extension associations, apart from standards for the employment of professional staff under section two hundred twenty-four of this article. Area program specialists shall, for administrative purposes, receive salary payments through the Cornell university payroll and for such purposes shall be deemed employees of Cornell university; provided, however, that their program activities shall be directed and managed jointly by the partic-

ipating associations and Cornell university under the terms of the annual memorandum of agreement. Area program specialists shall be eligible to receive the same state or federal fringe benefits as professional staff employed by the cooperative extension associations under the terms of section two hundred twenty-four of this article.

S 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided that, effective immediately, any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be completed on or before such date.