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

2146

2013-2014 Regular Sessions

I N S E N A T E

January 14, 2013

Introduced by Sens. VALESKY, MAZIARZ -- read twice and ordered printed, and when printed to be committed 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:

Section 1. The agriculture and markets law is amended by adding a new section 156-j to read as follows:

S 156-J. DINE: PRIDE OF NEW YORK. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL MEAN:

(A) "NEW YORK PRODUCT" MEANS (I) NEW YORK STATE GROWN FARM PRODUCT PACKED WITHIN THIS STATE IN ACCORDANCE WITH OFFICIAL STANDARDS ESTABLISHED AS PROVIDED BY THIS ARTICLE, ARTICLE THIRTEEN, ARTICLE THIRTEEN-A, ARTICLE THIRTEEN-B, ARTICLE THIRTEEN-C AND ARTICLE THIRTEEN-D OF THIS CHAPTER OR ANY NEW YORK STATE PRODUCED OR LANDED AQUATIC PRODUCT, SUBJECT TO AND IN ACCORDANCE WITH RULES AND REGULATIONS TO BE PROMULGATED BY THE COMMISSIONER; OR

(II) ANY NEW YORK STATE PROCESSED FOOD PRODUCT, MANUFACTURED WITHIN THIS STATE IN ACCORDANCE WITH OFFICIAL STANDARDS ESTABLISHED BY THE COMMISSIONER PURSUANT TO REGULATION, WHICH ARE ESSENTIALLY COMPOSED OF NEW YORK STATE GROWN FARM PRODUCTS, PROVIDED, HOWEVER, THAT WHENEVER THE COMMISSIONER DETERMINES, AFTER PUBLIC HEARING, THAT THE USE OF INGREDIENTS NOT GROWN OR PRODUCED IN THIS STATE IS NECESSARY OR BENEFICIAL IN MANUFACTURING A PARTICULAR PRODUCT BECAUSE SUCH INGREDIENTS ARE EITHER NOT GROWN IN NEW YORK OR UNAVAILABLE IN SUFFICIENT QUANTITY OR AT A REASONABLE PRICE TO ALLOW THE PRODUCT TO BE COMPOSED OF ONLY NEW YORK STATE GROWN FARM PRODUCTS, THE STANDARD FOR SUCH PRODUCT MAY AUTHORIZE THE INCLUSION OF INGREDIENTS NOT PRODUCED IN THIS STATE, EXCEPT THAT IN NO EVENT SHALL AN OFFICIAL BRAND OR MARK BE APPROVED FOR USE ON A FOOD

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

LBD04820-01-3

PRODUCT UNLESS AT LEAST FIFTY-ONE PERCENT OF ITS CONTENT IS DERIVED FROM NEW YORK STATE GROWN FARM PRODUCTS.

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

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

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

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

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

S 2. 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 promulgated on or before such date.