

5806

2015-2016 Regular Sessions

I N S E N A T E

June 3, 2015

Introduced by Sen. MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to establish the retail food stores in underserved areas task force

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

1 Section 1. Legislative intent. The legislature finds that the lack of
2 access to healthy foods is a problem of growing concern in many communi-
3 ties across the state. High land values and commercial rents, zoning
4 restrictions, licensing and permitting delays, trucking and delivery
5 expenses, limited access to financing, and other economic pressures have
6 left many lower-income residents in urban and rural areas underserved by
7 full service supermarkets and other food retail establishments. The
8 resulting lack of access to affordable and nutritious food makes it more
9 difficult and expensive for these residents to maintain a nutritionally
10 balanced diet which negatively impacts public health and increases asso-
11 ciated medical costs. Lack of access not only results in higher prices
12 for healthy foods, but also increased expenditures for transportation by
13 those already living on limited incomes. The wholesale food available
14 for sale to existing retailers in underserved communities is often
15 imported from outside the state and this reduces potential opportunities
16 for the state's farmers to sell locally-grown or produced food products.
17 Retailers who seek to open a business in underserved areas face an array
18 of federal, state, and local laws and regulations and the accompanying
19 approvals, permits, and fees which are necessary for the protection of
20 the public. To address the lack of healthy food and retail stores that
21 can provide it there is a need for a task force to identify barriers to
22 the establishment or expansion of food retailers in these areas and how
23 to better assist such businesses in navigating the path to establish-
24 ment.

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

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1 S 2. For the purposes of this act an underserved area is defined as a
2 low- or moderate-income census tract, an area of below average supermar-
3 ket density, or an area having a supermarket customer base with more
4 than 50 percent living in a low-income census tract.

5 S 3. The retail food stores in underserved areas task force is hereby
6 established. 1. The governor shall convene a task force to identify
7 barriers to start-up or expansion by food retailers in underserved areas
8 of the state and how to better assist such businesses in getting neces-
9 sary approvals for successful operation.

10 2. The membership of the task force shall include representation from
11 appropriate state agencies including, but not limited to, the depart-
12 ments of agriculture and markets, health, taxation and finance, labor,
13 the empire state development corporation, the office of temporary and
14 disability assistance, and the state liquor authority. Members shall
15 also include, but not be limited to, representatives of the retail food
16 industry, wholesale food industry, farmers, community development finan-
17 cial institutions that have worked to recruit food retailers to under-
18 served areas, and local governments including cities, town, villages and
19 counties. The role of the task force includes, but is not limited to:

20 (a) Assessing issues relating to the impact of local zoning rules and
21 their application to retail food business start-up or expansion in
22 underserved areas including the time periods for securing approvals.

23 (b) Assessing issues relating to state, local and federal licensing
24 and permits required to open a full service supermarket or other retail
25 food business in underserved areas, including approval for the Women,
26 Infants, and Children (WIC) nutrition program and Supplemental Nutrition
27 Assistance Program (SNAP).

28 (c) Identifying statutory, regulatory and administrative changes to
29 streamline and simplify government approvals necessary for the success-
30 ful establishment of retail food businesses in underserved areas in a
31 manner that would increase the number of such businesses in such areas.

32 (d) Reviewing existing guidance information related to government
33 requirements necessary for retail food business operation to ensure that
34 such information is accurate and up-to-date and clearly communicates
35 what is required.

36 S 4. The task force shall issue its findings, in the form of a report
37 to the governor, the speaker of the assembly, and the majority leader of
38 the senate, no later than February 1, 2017.

39 S 5. This act shall take effect immediately.