

STATE OF NEW YORK

6132

2017-2018 Regular Sessions

IN ASSEMBLY

February 23, 2017

Introduced by M. of A. LIFTON, CROUCH, LOPEZ, BARRETT -- read once and referred to the Committee on Education

AN ACT to amend the general municipal law, in relation to requiring school districts to purchase food products that are grown, produced, harvested or processed in New York state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 9 of section 103 of the general municipal law,
2 as amended by chapter 269 of the laws of 2004, and paragraph (a) as
3 amended by chapter 62 of the laws of 2016, is amended to read as
4 follows:

5 9. Notwithstanding the foregoing provisions of this section to the
6 contrary, a board of education [~~may~~] shall, on behalf of its school
7 district, [~~separately purchase eggs, livestock, fish, dairy products~~
8 ~~(excluding milk), juice, grains, and species of fresh fruit and vegeta-~~
9 ~~bles directly from New York State producers or growers, or associations~~
10 ~~of producers and growers]~~ require that essential components of all food
11 products purchased are grown, produced or harvested in New York state or
12 that any processing of such food products take place in facilities
13 located within New York state, provided that:

14 (a) (i) such association of producers or growers that produces or
15 grows eggs, livestock, fish, dairy products (excluding milk), juice,
16 grains, and species of fresh fruit and vegetables, is comprised of ten
17 or fewer owners of farms who also operate such farms and who have
18 combined to fill the order of a school district as herein authorized,
19 provided however, that a school district may apply to the commissioner
20 of education for permission to purchase from an association of more than
21 ten owners of such farms when no other producers or growers have offered
22 to sell to such school; or

23 (ii) such association of producers or growers that produces or grows
24 eggs, livestock, fish, dairy products (excluding milk), juice, grains,

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

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1 and species of fresh fruit and vegetables, is comprised of owners of
2 farms who also operate such farms and have combined to fill the order of
3 a school district, and where such order is for twenty-five thousand
4 dollars or less as herein authorized, provided however, that a school
5 district may apply to the commissioner of education for permission to
6 purchase orders of more than twenty-five thousand dollars from an asso-
7 ciation of owners of such farms when no other producers or growers have
8 offered to sell to such school;

9 ~~(b) [the amount that may be expended by a school district in any~~
10 ~~fiscal year for such purchases shall not exceed an amount equal to twen-~~
11 ~~ty cents multiplied by the total number of days in the school year~~
12 ~~multiplied by the total enrollment of such school district;~~

13 (e)] upon determination by a board of education that the cost of such
14 food products is not reasonably competitive, the specifications requir-
15 ing such purchase shall be waived for that specific food product until
16 the next contract for such food product is let out for bid. For purposes
17 of this subdivision "reasonably competitive" shall mean that the cost of
18 the New York state grown, produced, harvested or processed food product
19 does not exceed a cost premium of ten percent above the cost of a compa-
20 rable product that is not grown, produced, harvested or processed in New
21 York state.

22 (c) upon determination by a board of education that such food products
23 are not available in sufficient quantity for purchasing, the specifica-
24 tions requiring such purchase shall be waived for that specific food
25 product until the next contract for such food product is let out for
26 bid.

27 (d) all such purchases shall be administered pursuant to regulations
28 promulgated by the commissioner of education. Such regulations shall: be
29 developed in consultation with the commissioner of agriculture and
30 markets to accommodate and promote the provisions of the farm-to-school
31 program established pursuant to subdivision five-b of ~~the~~ section
32 sixteen of the agriculture and markets law and subdivision thirty-one of
33 section three hundred five of the education law as added by chapter two
34 of the laws of two thousand ~~two~~ one; ensure that the prices paid by a
35 district for any items so purchased do not exceed the prices of compara-
36 ble local farm products that are available to districts through their
37 usual purchases of such items; ensure that all producers and growers who
38 desire to sell to school districts can readily access information in
39 accordance with the farm-to-school law; include provisions for situ-
40 ations when more than one producer or grower seeks to sell the same
41 product to a district to ensure that all such producers or growers have
42 an equitable opportunity to do so in a manner similar to the usual
43 purchasing practices of such districts; develop guidelines for approval
44 of purchases of items from associations of more than ten growers and
45 producers; and, to the maximum extent practicable, minimize additional
46 paperwork, recordkeeping and other similar requirements on both growers
47 and producers and school districts.

48 § 2. This act shall take effect immediately and shall apply to the
49 academic school year commencing on or after July 1, 2017; provided that,
50 effective immediately, the addition, amendment and/or repeal of any rule
51 or regulation necessary for the implementation of this act on its effec-
52 tive date is authorized and directed to be made and completed on or
53 before such effective date.