

STATE OF NEW YORK

3829

2019-2020 Regular Sessions

IN SENATE

February 15, 2019

Introduced by Sen. METZGER -- 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 advertising and labeling of locally produced food

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 211 to read as follows:

3 § 211. Advertising and labeling of locally produced foods. 1. For
4 purposes of this section "retail food product" shall mean articles of
5 food, drink, confectionary or condiment, whether simple, mixed or
6 compound, including all substances or ingredients added to food for any
7 purpose, intended for human consumption.

8 2. No person, corporation, partnership or limited liability company
9 shall knowingly sell or offer for sale at retail any retail food product
10 advertised or labeled as "local", "locally grown", "locally produced",
11 "locally sourced" or any substantially similar term, unless such food
12 product: (i) is grown, raised, or harvested in New York state; or (ii)
13 its components that are essential to such product's identity are grown,
14 raised, harvested or produced in New York state; or (iii) is defined in
15 law as New York state labelled, manufactured, or produced.

16 3. A retail food product may also be advertised or labeled as local if
17 it was grown, raised, harvested or produced outside of New York state,
18 or contains essential components not sourced in New York, if it has
19 additional descriptive language identifying the state or region or
20 distance from the border of New York state where such product or its
21 components that are essential to such product's identity are grown,
22 raised, harvested or produced displayed adjacent to and in the same size
23 font as the term or terms indicating it is local in such advertising or
24 labeling.

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

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1 4. The commissioner is hereby authorized to develop rules and regu-
2 lations to provide guidance to businesses selling retail food products
3 pursuant to this section.

4 § 2. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law, provided that any rule or regulation neces-
6 sary for the timely implementation of this act on its effective date may
7 be promulgated on or before such date, provided further however that
8 retailers shall have ninety days from the effective date of this act to
9 sell through product subject to the provisions of this act which is held
10 in inventory on the effective date of this act.