# STATE OF NEW YORK

9064

# IN SENATE

October 23, 2020

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

AN ACT to amend the agriculture and markets law, in relation to non-dairy frozen novelties and in relation to establishing a non-dairy frozen novelties micro-business grant program

**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 71-j-1 to read as follows:

**§ 71-j-1. Non-dairy frozen novelties. 1. For purposes of this section, the following terms shall have the following meanings:**

**a. "non-dairy frozen novelties" shall mean separately packaged frozen desserts containing no milk or milk products; and**

**b. "shared-use kitchen" shall mean a commercial kitchen, incubator kitchen, community kitchen or other food preparation facility that provides individuals and businesses with kitchen space and access to commercial kitchen equipment in order to prepare food products and meals on a lease or rental basis.**

**2. Any manufacturer of non-dairy frozen novelties doing business in this state shall be exempt from any licensing requirements set forth in section seventy-one-b, seventy-one-c and seventy-one-d of this article to the extent that such sections apply exclusively to the wholesale manufacture of frozen desserts that contain milk or milk products. Manufacturers of non-dairy frozen novelties doing business in this state shall be required to comply with any licensing requirements set forth in section seventy-one-b, seventy-one-c and seventy-one-d of this article to the extent that such sections apply generally to the manufacture of frozen desserts.**

**3. Any manufacturer of non-dairy frozen novelties is permitted to manufacture non-dairy frozen novelties by utilizing a shared-use kitchen, provided that such shared-use kitchen is properly licensed pursuant to section two hundred fifty-one-z-three of this chapter and is in compliance with article twenty-c of this chapter and related rules and regulations of the commissioner.**

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

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§ 2. The agriculture and markets law is amended by adding a new section 71-j-2 to read as follows:

**§ 71-j-2. Non-dairy frozen novelties micro-business grant program. 1. For purposes of this section, the following terms shall have the following meanings:**

**a. "non-dairy frozen novelties" shall have the same meaning set forth in paragraph a of subdivision one of section seventy-one-j-1 of this article;**

**b. "micro-business" shall mean a business located in this state that manufacturers non-dairy frozen novelties and has twenty-five or fewer employees; and**

**c. "start-up costs and expenses" shall mean non-recurring costs and expenses associated with setting up a business, including, but not limited to, accountant's fees, legal fees, registration fees, licensing fees, advertising, promotional activities, employee training and related pre-opening or preliminary expenses.**

**2. There is hereby established a non-dairy frozen novelties micro-business grant program to be administered by the department, in conjunction with the empire state development corporation.**

**3. The purpose of the program is to provide financial assistance for start-up costs and expenses needed by micro-businesses that exclusively manufacture non-dairy frozen novelties.**

**4. Any owner of a non-dairy frozen novelties micro-business may submit an application for a grant pursuant to this section to the department. Grants awarded pursuant to this section shall be used solely for start-up costs and expenses incurred or anticipated to be incurred by such micro-business. Application for such grants shall be in a manner and form to be determined by the commissioner.**

**5. The commissioner, upon review of an application from a non-dairy frozen novelties micro-business, shall determine if such micro-business is eligible for a grant pursuant to this section. If eligible, the commissioner shall make the determination as to the amount of the grant needed by such micro-business for start-up costs and expenses, provided that such amount shall in no event exceed ten thousand dollars.**

**6. This program shall be funded through annual appropriations of the legislature or any other funds received by the state for the purposes of this section. Grants shall only be awarded based upon the availability of funds.**

§ 2. This act shall take effect immediately; provided that section two of this act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.