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:

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

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

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

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

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

LBD01242-01-9

4. The commissioner is hereby authorized to develop rules and regulations to provide guidance to businesses selling retail food products pursuant to this section.

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