

# 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:

1 Section 1. The agriculture and markets law is amended by adding a new  
2 section 71-j-1 to read as follows:

3 § 71-j-1. Non-dairy frozen novelties. 1. For purposes of this section,  
4 the following terms shall have the following meanings:

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

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

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

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

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

LBD17454-01-0

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

3     § 71-j-2. Non-dairy frozen novelties micro-business grant program. 1.  
4 For purposes of this section, the following terms shall have the follow-  
5 ing meanings:

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

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

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

17     2. There is hereby established a non-dairy frozen novelties micro-bu-  
18 siness grant program to be administered by the department, in conjunc-  
19 tion with the empire state development corporation.

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

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

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

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

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