

# STATE OF NEW YORK

3954

2021-2022 Regular Sessions

## IN ASSEMBLY

January 29, 2021

Introduced by M. of A. THIELE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, the state finance law, and the economic development law, in relation to procurement of locally grown farm and food products and codifying the New York state council on food policy

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "local food, farms, and jobs act".

3 § 2. Section 16 of the agriculture and markets law is amended by  
4 adding a new subdivision 6-a to read as follows:

5 6-a. Establish a New York state council on food policy. The purpose  
6 of the council shall be to facilitate the growth of a New York-based  
7 local farm and food product economy that revitalizes rural and urban  
8 communities, promotes healthy eating with access to fresh foods, creates  
9 jobs, ensures a readily available supply of safe food in an emergency  
10 event, and supports economic growth through making local farm or food  
11 products available to all New York citizens.

12 (a) The responsibilities of the council shall include, but are not  
13 limited to, the following:

14 (i) to develop and recommend a food policy for the state which recog-  
15 nizes that it is in the best interests of the state to ensure the avail-  
16 ability of an adequate supply of affordable, fresh and nutritious food  
17 to its residents;

18 (ii) to develop and recommend state policies to expand agricultural  
19 production, including locally-grown and organically-grown food;

20 (iii) to develop and recommend a strategic plan for implementation of  
21 the state food policy, including benchmarks and criteria for measuring  
22 progress in achieving state food policy objectives;

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

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(iv) to offer comments on state regulations, legislation and budget proposals in the area of food policy, to ensure a coordinated and comprehensive inter-agency approach to food policy issues;

(v) to assist state agencies, state-owned facilities, and other entities with the purchase of local farm or food products and with tracking and reporting of such purchases in order to meet the goals established in this section;

(vi) to assist local farm and food entrepreneurs to identify and secure necessary resources and equipment to begin, maintain, and expand projects and networks necessary for the development of local farm or food products; provided, however, that the council will facilitate program start-ups and then relinquish rights, benefits, and control within a reasonably short duration of time;

(vii) to facilitate the building of infrastructure, including aggregation, processing, storage, packaging, and distribution facilities necessary to move local farm or food products to local and other markets;

(viii) to support and expand programs that recruit, train, and provide technical assistance to New York farmers and residents in order to encourage the production of local farm or food products;

(ix) to coordinate interagency policies, initiatives, and procedures promoting local farm and food products in New York communities, by working with and involving state, federal, and local agencies, as well as community based organizations, educational institutions, and trade organizations in executing the purposes of this section;

(x) to facilitate the elimination of legal barriers hindering the development of a local farm and food economy by working with federal, state, and local public health agencies, other agencies and applicable entities, and the New York attorney general to create consistent and compatible regulations for the production, storage, distribution, and marketing of local farm or food products;

(xi) to facilitate the use of public lands for growing local farm or food products by working with governmental entities at the local, state, and federal levels;

(xii) to set annual goals for all purchases of local farm or food products by New York residents and to monitor the development and expansion of a local farm and food economy through data collection, tracking, measurement, analysis, and reporting on progress made in an annual report to the legislature; and

(xiii) to initiate and facilitate public awareness campaigns about the economic benefits of a local farm and food economy.

(b) (i) The council shall consist of twenty voting members as follows: eight members with experience and expertise related to agriculture, nutrition or food policy appointed on the recommendation of the legislative leaders, three each by the temporary president of the senate and the speaker of the assembly, and one each by the minority leader of the senate, and the minority leader of the assembly; the dean of the New York state college of agriculture and life sciences; and eleven members shall be appointed by the governor.

(ii) The council shall consist of the following non-voting members: the commissioner, the commissioner of health, the commissioner of the office of temporary and disability assistance, the commissioner of the office of children and family services, the commissioner of education, the commissioner of the department of economic development, the director of the office for the aging and the director of the office of rural affairs; one member representing farm organizations; one member repres-

1 enting school food administrators; one member representing consumers;  
2 two members representing an organization that provides food assistance;  
3 one member representing anti-hunger advocates; one member who is a  
4 nutritionist; two members representing the food industry, who are  
5 producers, distributors, processors or retailers in the state of New  
6 York, at least one of whom produces organic food; four local farm or  
7 food product farmers representing different agribusiness sectors,  
8 including, but not limited to, the dairy, meat, vegetable, and grain  
9 sectors; two representatives of not-for-profit educational organizations  
10 that specialize in supporting and expanding local farm or food product  
11 networks; one certifier of specialty local farm or food products, such  
12 as an organic, naturally grown, biodynamic, Halal, or Kosher certifier;  
13 one representative from a philanthropic organization supporting the  
14 development of local farm or food products; two municipal represen-  
15 tatives from different communities in the state actively engaged in the  
16 development of local farm or food products; two representatives from  
17 community-based organizations focusing on access to local farm or food  
18 products, including at least three minority members; and one chef  
19 specializing in the preparation of locally grown foods.

20 (c) (i) The eight voting members selected by the legislative leaders  
21 shall be appointed to three-year staggered terms as determined by the  
22 legislature. Such persons may be nominated by organizations representing  
23 the sectors outlined in paragraph (b) of this subdivision. Vacancies  
24 shall be filled by the legislative leaders.

25 (ii) The eleven voting members selected by the governor and the dean  
26 of the New York state college of agriculture and life sciences shall be  
27 appointed to three-year staggered terms as determined by the governor.  
28 Such persons may be nominated by organizations representing the sectors  
29 outlined in paragraph (b) of this subdivision. Vacancies shall be filled  
30 by the governor.

31 (iii) The twenty-two non-voting, non-state governmental members shall  
32 be appointed to three-year staggered terms as determined by the gover-  
33 nor. Such persons shall be nominated by organizations representing the  
34 sectors outlined in paragraph (b) of this subdivision. Vacancies shall  
35 be filled by the governor.

36 (d) The council may apply for and establish a not-for-profit corpo-  
37 ration.

38 (e) The board of directors shall elect its presiding officers from  
39 among its members and may elect or appoint an executive committee, other  
40 committees, and subcommittees to conduct the business of the organiza-  
41 tion.

42 (f) The council may solicit grants, loans, and contributions from  
43 public or private sources and may enter into any contracts, grants,  
44 loans, or agreements with respect to the use of such funds to execute  
45 the purposes of this subdivision.

46 (g) The council shall issue a written report on the first day of  
47 December each year on: (i) the activities of the council during the  
48 preceding year; (ii) recommended food policies for the state; (iii)  
49 recommended changes to the strategic plan; (iv) an account of the  
50 progress made in achieving the goals of the council; and (v) actions  
51 which are necessary to implement the recommendations of the council and  
52 effectuate its purposes.

53 (h) Subject to the availability of public or private funds, the board  
54 of directors may employ an executive director, treasurer, other staff,  
55 or independent contractors necessary to execute the purposes of this

1 subdivision, and it may fix the compensation, benefits, terms, and  
2 conditions of those persons' employment.

3 (i) The state governmental agencies represented on the board of direc-  
4 tors may re-direct existing staff, as appropriations permit; assist in  
5 executing the purposes of this subdivision; and provide office space,  
6 meeting space, and other research and communication services as appro-  
7 priate.

8 (j) No member of the council shall be disqualified from holding any  
9 public office or employment, nor shall he or she forfeit any such office  
10 or employment by virtue of his or her appointment hereunder. Members of  
11 the council shall receive no compensation for their services but shall  
12 be allowed their actual and necessary expenses incurred in the perform-  
13 ance of their functions hereunder. All members of the council shall  
14 serve at the pleasure of the governor and vacancies shall be filled in  
15 the same manner as original appointments.

16 § 3. The state finance law is amended by adding a new section 163-c to  
17 read as follows:

18 § 163-c. Procurement goals for local farm or food products. 1. For  
19 the purposes of this section, "local farm or food products" are products  
20 grown, processed, packaged, and distributed by New York citizens or  
21 businesses located wholly within the borders of New York state.

22 2. (a) In order to create, strengthen, and expand local farm and food  
23 economies throughout New York, it shall be the goal of this state that:

24 (i) twenty percent of all food and food products purchased by state  
25 agencies and state-owned facilities, including, without limitation,  
26 facilities for persons with mental health and developmental disabili-  
27 ties, correctional facilities, and public universities, shall, by two  
28 thousand twenty-two, be local farm or food products; and

29 (ii) fifty percent of all food and food products purchased by state  
30 agencies and state-owned facilities, including, without limitation,  
31 facilities for persons with mental health and developmental disabili-  
32 ties, correctional facilities, and public universities, shall, by two  
33 thousand twenty-six, be local farm or food products.

34 (b) The New York state council on food policy shall support and  
35 encourage that twenty-five percent of food and food products purchased  
36 by entities funded in part or in whole by state funds, which spend more  
37 than twenty-five thousand dollars per year on food or food products for  
38 its students, residents, or clients, including, without limitation,  
39 public schools, child care facilities, after-school programs, and hospi-  
40 tals, shall, by two thousand twenty-three, be local farm or food  
41 products. The goal shall increase to forty percent by two thousand twen-  
42 ty-eight.

43 (c) To meet the goals set forth in this section, when a state contract  
44 for purchase of food or food products is to be awarded to the lowest  
45 responsible bidder, an otherwise qualified bidder who will fulfill the  
46 contract through the use of local farm or food products may be given  
47 preference over other bidders, provided that the cost included in the  
48 bid of local farm or food products is not more than ten percent greater  
49 than the cost included in a bid that is not for local farm or food  
50 products.

51 (d) All state agencies and state-owned facilities that purchase food  
52 and food products shall, with the assistance of the New York state coun-  
53 cil on food policy, develop a system for (i) identifying the percentage  
54 of local farm or food products purchased for fiscal year two thousand  
55 twenty-two as the baseline; and (ii) tracking and reporting local farm  
56 or food products purchases on an annual basis.

1 § 4. Section 16 of the agriculture and markets law is amended by  
2 adding a new subdivision 52 to read as follows:

3 52. Establish, and make available on its website, a geo-coded elec-  
4 tronic database to facilitate the purchase of fresh produce and food  
5 products by schools. The database shall be developed jointly with the  
6 New York state council on food policy and, at a minimum, contain the  
7 information necessary for (a) schools to identify and contact agricul-  
8 tural producers that are interested in supplying schools in the state  
9 with fresh produce and food products and (b) agricultural producers of  
10 fresh produce and food products to identify schools in the state that  
11 are interested in purchasing those products.

12 § 5. Subdivisions 8 and 9 of section 180-a of the economic development  
13 law, as added by chapter 550 of the laws of 1999, are amended to read as  
14 follows:

15 8. geographically balanced public input and advice from individuals  
16 and agencies directly involved with the production, processing, manufac-  
17 turing and storage of agricultural products; and such other individuals  
18 and agencies as may be engaged in state and local activities in support  
19 of economic development in the agriculture resource industry; [and]

20 9. the establishment and purposes of the New York state council on  
21 food policy established pursuant to subdivision six-a of section sixteen  
22 of the agriculture and markets law; and

23 10. all things necessary or convenient to carry out the functions,  
24 powers and duties expressly set forth in this article.

25 § 6. This act shall take effect immediately.