

# STATE OF NEW YORK

9123

## IN ASSEMBLY

January 31, 2022

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the  
Committee on Social Services

AN ACT to amend the social services law, in relation to establishing the  
New York healthy incentive program (Part A); to amend the social  
services law, in relation to automating SNAP and the New York healthy  
incentive program (Part B); and to amend the social services law, in  
relation to establishing the New York healthy incentive program  
outreach program (Part C)

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

1 Section 1. This act enacts into law major components of legislation  
2 which are necessary to implement the New York healthy incentive program.  
3 Each component is wholly contained within a Part identified as Parts A  
4 through C. The effective date for each particular provision contained  
5 within such Part is set forth in the last section of such Part. Any  
6 provision in any section contained within a Part, including the effec-  
7 tive date of the Part, which makes a reference to a section "of this  
8 act", when used in connection with that particular component, shall be  
9 deemed to mean and refer to the corresponding section of the Part in  
10 which it is found. Section three of this act sets forth the general  
11 effective date of this act.

### 12 PART A

13 Section 1. The social services law is amended by adding a new section  
14 95-b to read as follows:

15 § 95-b. New York healthy incentive program (NYHIP). 1. Legislative  
16 findings. The legislature hereby finds and declares that healthy food  
17 incentive programs provide significant health, educational, social, and  
18 economic benefits to the general public, especially for those individ-  
19 uals who have historically been excluded from access to fresh produce;  
20 in food deserts where access to healthy and affordable food is limited  
21 or where there are no grocery stores; and local farmers who struggle to  
22 compete with imported goods and produce. Furthermore, it is the artic-

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

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1 ulated public policy of this state to promote and foster growth in the  
2 number of farm to consumer entities accepting supplemental nutrition  
3 assistance benefits and participate in the healthy food incentive  
4 program. The healthy food incentive program provides earned dollars for  
5 supplemental nutrition assistance program recipients to spend on local  
6 produce that is fresh and nutritious for those who may be unable to  
7 readily afford or have easy access to fresh fruits and vegetables for  
8 themselves or their families; promotes healthier individual lifestyles  
9 by incentivizing better eating habits; fosters the retention and expan-  
10 sion of farm to consumer entities, particularly in food insecure envi-  
11 ronments; engenders a closer relationship between communities and local  
12 farmers; increases capacity for local farms; and stimulates local econo-  
13 mies. It is therefore the intent of the legislature and the purpose of  
14 this section to create a state operated healthy food incentive program,  
15 known as the New York healthy incentive program (NYHIP), for all SNAP  
16 recipients and local economies across the state.

17 2. Definitions. a. "Farm to consumer entities" shall mean any sort of  
18 enterprise that allows local farmers to sell their produce directly to  
19 the consumer, such as farmers markets, co-ops, locally sourced community  
20 owned grocery stores, and community supported agriculture, as determined  
21 by the commissioner with input from the commissioner of agriculture and  
22 markets.

23 b. "Similarly situated entities" shall mean stores of any size that  
24 have agreed to and signed a memorandum of understanding detailing how  
25 they will prioritize sourcing produce locally, agree to goal metrics to  
26 increase their ability to locally source, and meet those metrics to  
27 maintain their healthy food incentive program participation. For the  
28 purposes of this paragraph, "stores" shall mean any not farm to consumer  
29 produce retailer that is currently authorized as an electronic benefit  
30 transfer retailer, such as grocery stores, corner stores, bodegas, food  
31 marts, food stores, convenience stores, or markets.

32 c. "SNAP card" or "SNAP benefit card" shall mean any electronic method  
33 in which the supplemental nutrition assistance program is administered  
34 to beneficiaries on a credit or debit card, including through the elec-  
35 tronic benefit transfer system described in section twenty-one-a of the  
36 social services law.

37 3. Department powers and duties to promulgate program. a. The depart-  
38 ment is directed to apply for any necessary grant or waiver to partic-  
39 ipate in the Gus Schumacher Nutrition Incentive Program or similar grant  
40 administered by the United States Department of Agriculture and the  
41 National Institute of Food and Agriculture for approval, and to act for  
42 the state in any negotiations relative to the submission and approval of  
43 such plan, waiver, or grant, and shall make such arrangements and take  
44 such action, not inconsistent with law, as may be required to obtain and  
45 retain such approval, to implement such plan, waiver, or grant and to  
46 secure for the state the benefits available.

47 b. The department shall actively search for, find and apply for grants  
48 and other streams of funding to promulgate this section and fund this  
49 program.

50 c. The department shall promulgate rules and regulations and take all  
51 other actions necessary for the effective creation and implementation of  
52 NYHIP, providing earned dollars for SNAP beneficiaries to spend on local  
53 produce that is fresh and nutritious, in accordance with this section.  
54 Nothing in this section shall prohibit or limit the commissioner's abil-  
55 ity to expand access to the NYHIP to all New Yorkers, so long as it  
56 continues to prioritize the earned dollars used to buy locally grown

healthy foods. Nothing in this section shall prohibit or limit the department from including New York grown and certified foods, as created by section one hundred fifty-six-h of agriculture and markets law, from being included in NYHIP. NYHIP shall include the following:

i. A fixed earned dollar amount for the purchase of fresh locally grown healthy foods using SNAP;

ii. Automation of earned dollar amounts on SNAP cards;

iii. Automation of SNAP benefit cards so SNAP beneficiaries are able to participate in local community supported agriculture subscriptions and earn NYHIP dollars;

iv. Ensuring NYHIP is available at all farm to consumer entities and similarly situated entities by encouraging them to participate;

v. Connecting farm to consumer entities and similarly situated entities with the necessary resources and technology to participate in NYHIP;

vi. Regular updates and maintenance of the mobile application and website; and

vii. Creation and maintenance of a NYHIP outreach program to ensure all SNAP beneficiaries are aware of the opportunity to participate in such program.

4. NYHIP mobile application, website and interactive map. a. i. The department shall establish a mobile application and website to promote NYHIP and locations available to SNAP recipients across the state and promote farm to consumer entities that take SNAP. The mobile application and website shall include, but is not limited to:

A. Name, location, hours of operation, contact information, and hyperlinks, as available, to all farm to consumer entities that sell locally grown produce and accept SNAP benefits; and

B. Name, location, hours of operation, contact information, and hyperlinks, as available, to all farmers markets, mobile markets, community supported agriculture, or similarly situated entities that sell locally grown produce that are participants of NYHIP.

ii. The mobile application and website should have an interactive map where a user may find farm to consumer entities that take SNAP and are NYHIP participants. This information should also be searchable by town/city, county, region or any other criteria the commissioner deems relevant.

iii. The mobile application and website should make clear distinctions between farm to consumer entities that just take SNAP and those that are participants of NYHIP.

b. Each commissioner of social services shall provide information regarding NYHIP on their website and hyperlinks to this interactive website and where to download the mobile application on the SNAP pages of all social services websites.

c. The department shall establish procedures for farm to consumer entities that accept SNAP benefits and NYHIP to provide the updated information detailed above for the mobile application and website. In developing such procedures, the department shall provide a system in which the information required in the mobile application and website is updated monthly and continuous maintenance is provided.

d. The department shall promulgate rules and regulations and take all other actions necessary for the effective implementation of this section. Nothing in this section shall prohibit or limit the department's ability to expand access to the NYHIP incentive program map to all New Yorkers.

§ 2. This act shall take effect immediately.

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## PART B

2 Section 1. Section 95 of the social services law is amended by adding  
3 a new subdivision 12 to read as follows:

4 12. (a) The office shall promptly seek any necessary approvals from  
5 the United States department of agriculture food and nutrition service  
6 (USDA) to automate the use of SNAP benefit cards to streamline the proc-  
7 ess for potential and current recipients to participate in locally grown  
8 fresh produce subscription services, such as community supported agri-  
9 culture partnerships, by conducting an automatic deduction on a weekly  
10 basis. The office shall also create an automation process for the New  
11 York healthy incentive program (NYHIP) as prescribed in section ninety-  
12 five-b of this title, by allowing the state to add the accrued incen-  
13 tives directly to a SNAP card. Once the office receives the waiver, the  
14 office shall work with the USDA and NYHIP to ensure that any incentives  
15 accrued are used by SNAP beneficiaries to purchase local produce that is  
16 fresh and nutritious for those who may be unable to readily afford or  
17 have easy access to fresh fruits and vegetables for themselves or their  
18 families. The office shall promptly seek any necessary approvals from  
19 the USDA in order to maximize availability of the NYHIP purchasing  
20 options throughout the state.

21 (b) The office shall ensure SNAP beneficiaries and locally grown fresh  
22 produce subscription services, such as community supported agriculture  
23 partnerships, are held harmless under situations in which SNAP benefi-  
24 ciaries lose benefits during their subscription contract. The office shall  
25 honor the entirety of the subscription service contract at the expense  
26 of the state.

27 (c) Within one hundred eighty days after the effective date of this  
28 subdivision, the office shall apply for a waiver or any other necessary  
29 measure to the USDA to automate the use of SNAP in the state to stream-  
30 line NYHIP and increase access to locally grown CSA subscriptions.

31 (d) For the purposes of this subdivision, "community supported agri-  
32 culture partnerships" or "CSA" shall mean a system that connects farmers  
33 and consumers by allowing the consumer to invest in farmers by subscrib-  
34 ing to a harvest of a certain farm or group of farms, usually done by  
35 crop season but may be year round.

36 § 2. This act shall take effect immediately.

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## PART C

38 Section 1. The social services law is amended by adding a new section  
39 95-c to read as follows:

40 § 95-c. New York healthy incentive program (NYHIP) outreach program.

41 1. In accordance with federal requirements and to the extent that  
42 federal matching funds are available, the department shall develop and  
43 implement an outreach plan to inform low-income households potentially  
44 eligible to receive food stamps and participate in NYHIP to encourage  
45 the participation of eligible households that wish to participate.

46 2. In developing and implementing such a plan the department and/or  
47 its local districts are authorized and empowered, subject to the  
48 approval of the director of the budget and provided that federal aid is  
49 available therefor, to enter into contractual agreements with public  
50 and/or private organizations to develop and implement local, regional,  
51 and statewide outreach programs.

52 3. Each commissioner of social services shall develop and submit to  
53 the department on an annual basis for its approval, a local outreach

1 plan governing the use of local social services personnel and services  
2 provided by federally funded and other agencies and organizations to  
3 inform potentially eligible households of the availability and benefits  
4 of NYHIP and to encourage and facilitate the participation of eligible  
5 households. The department shall provide commissioners of social  
6 services with technical assistance as needed to carry out the provisions  
7 of this subdivision.

8 4. As part of each local outreach plan, social services officials  
9 shall take all steps necessary to maintain a supply of information leaf-  
10 lets in public buildings, including but not limited to local unemploy-  
11 ment insurance and employment services offices of the department of  
12 labor, institutions and facilities under the supervision or control of  
13 the department of health, food stores, union halls, community centers,  
14 entities participating in the NYHIP, and local agencies providing  
15 services to the elderly to help ensure that eligible persons are  
16 informed of the supplemental nutrition assistance program and NYHIP.

17 5. The department shall periodically distribute to all newspapers, and  
18 to television and radio stations throughout the state, public service  
19 announcements describing the NYHIP, including the NYHIP interactive map  
20 and website, and shall promptly inform such media of significant changes  
21 in the program affecting eligibility requirements and/or the amount of  
22 NYHIP earnings.

23 6. The department shall establish procedures in cooperation with the  
24 industrial commissioner of the department of labor to ensure that infor-  
25 mational leaflets about the NYHIP are sent to each local employment  
26 services office for distribution pursuant to section five hundred forty  
27 of the labor law. Each leaflet shall include, but not be limited to: the  
28 phone number for the New York state food stamp hotline; how to access  
29 the NYHIP website and interactive map; how SNAP beneficiaries earn NYHIP  
30 benefits buying local healthy foods; estimated maximum income eligibil-  
31 ity levels by household size for participation in SNAP; and the avail-  
32 ability of local social services departments to provide additional  
33 information about NYHIP.

34 7. In accordance with applicable federal laws, rules and regulations,  
35 the department shall make available appropriate bilingual materials so  
36 that potentially eligible non-English speaking individuals may be  
37 informed about NYHIP.

38 8. The department shall promulgate rules and regulations and take all  
39 other actions necessary for the effective implementation of this  
40 section.

41 § 2. This act shall take effect immediately.

42 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
43 sion, section or part of this act shall be adjudged by any court of  
44 competent jurisdiction to be invalid, such judgment shall not affect,  
45 impair, or invalidate the remainder thereof, but shall be confined in  
46 its operation to the clause, sentence, paragraph, subdivision, section  
47 or part thereof directly involved in the controversy in which such judg-  
48 ment shall have been rendered. It is hereby declared to be the intent of  
49 the legislature that this act would have been enacted even if such  
50 invalid provisions had not been included herein.

51 § 3. This act shall take effect immediately provided, however, that  
52 the applicable effective date of Parts A through C of this act shall be  
53 as specifically set forth in the last section of such Parts.