STATE OF NEW YORK

2942--A

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

Introduced by Sens. COMRIE, BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to frozen desserts micro-business and in relation to establishing frozen desserts micro-business grant program

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

Section 1. Paragraph b of subdivision 3 of section 71-a of the agriculture and markets law, as added by chapter 796 of the laws of 1974, is amended and two new paragraphs c and d are added to read as follows:

b. "Plant" means any single location or mobile manufacturing unit which manufactures frozen desserts**, or for a micro-business "plant" may include a shared-use kitchen where frozen desserts are manufactured**.

c. "Micro-business" shall mean a business located in this state that manufacturers frozen desserts and has twenty-five or fewer employees.

d. "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. Section 71-a of the agriculture and markets law is amended by adding a new subdivision 5 to read as follows:

5. Frozen dessert micro-businesses shall be permitted to manufacture frozen desserts 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.

LBD07589-02-1

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

§ 71-k-1. Frozen desserts micro-business grant program. 1. For purposes of this section, the following terms shall have the following meanings:

a. "micro-business" shall mean a business located in this state that manufacturers frozen desserts and has twenty-five or fewer employees; and

b. "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 frozen desserts 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 frozen desserts.

4. Any owner of a frozen desserts 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 frozen desserts 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.

§ 4. 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.