

# STATE OF NEW YORK

3400

2021-2022 Regular Sessions

## IN SENATE

January 29, 2021

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to incentivize the purchase of local produce in supermarkets and grocery stores through the FreshConnect program

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

- 1 Section 1. (a) For the purposes of this act the following terms shall  
2 have the following meanings:
- 3 (i) "local produce" means produce grown by a producer with the pride  
4 of New York symbol of the business claiming the local produce tax credit  
5 within the state of New York, from seed or conception through final  
6 product.
- 7 (ii) "producer" means an individual, whether acting individually or  
8 through a cooperative, corporation, partnership, business association,  
9 or educational institution, who is a farmer, student farmer or manufac-  
10 turer of foods or goods in New York state. It shall not, however,  
11 include a wholesaler or distributor.
- 12 (iii) "supermarket" or "grocery store" means a retail store at a given  
13 location devoted to the sale of foods, food stuffs and groceries for  
14 human consumption regularly and customarily sold in a bona fide manner  
15 for consumption off of the premises. The following shall not be consid-  
16 ered supermarkets or grocery stores for the purposes of this act:  
17 hotels, motels, restaurants, cafeterias, bakeries, caterers, hospitals,  
18 assisted living facilities, independent living facilities, nursing  
19 homes, hospices, group homes, drug stores, educational institutions,  
20 food courts in shopping malls, food retailers at airports or other  
21 transportation facilities, gas stations, sports arenas, movie theaters  
22 or any other similar establishments.
- 23 (b) The commissioner of agriculture and markets shall expand the  
24 FreshConnect program, which improves access to local produce by provid-  
25 ing certain people with two dollar rebates to be used for the purchase

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

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1 of further local produce for every five dollars of local produce  
2 purchased, to include local produce sold in supermarkets and grocery  
3 stores.

4 § 2. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law. Effective immediately, the addition, amend-  
6 ment and/or repeal of any rule or regulation necessary for the implemen-  
7 tation of this act on its effective date are authorized to be made on or  
8 before such date.