

# STATE OF NEW YORK

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4644--C

Cal. No. 826

2021-2022 Regular Sessions

## IN SENATE

February 8, 2021

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Introduced by Sens. BIAGGI, CLEARE, HINCHEY, JACKSON, MYRIE, RAMOS, RIVERA, SALAZAR, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- recommitted to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to guidelines for food and beverages purchased or sold by state agencies

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

1 Section 1. Article 2 of the public health law is amended by adding a  
2 new title 4-A to read as follows:

### TITLE IV-A

#### STATE FOOD GUIDELINES

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4  
5 Section 252. Development of state food guidelines.

6 253. Applicability of state food guidelines.

7 254. Implementation of state food guidelines.

8 § 252. Development of state food guidelines. 1. Within six months  
9 following the effective date of this section, the department, in consul-  
10 tation with the office of general services, shall begin an assessment of  
11 the food and beverage purchasing, service, and sales of each state agen-  
12 cy. The department shall develop and finalize state food guidelines  
13 considering the findings of such assessment no later than eighteen  
14 months following the effective date of this section, for foods  
15 purchased, served, and sold by state agencies, programs, and insti-

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

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1 tutions and on state property. The department shall report such guide-  
2 lines to the governor, temporary president of the senate, and speaker of  
3 the assembly, and disseminate them to the heads of all state agencies  
4 that purchase, prepare, or serve food and beverages.

5 2. The state food guidelines developed under this section shall:

6 (a) be consistent with or exceed the recommendations in the most  
7 recent edition of the federal Dietary Guidelines for Americans, includ-  
8 ing as to sodium, whole grains, added sugars, saturated fat, cholester-  
9 ol, and fiber;

10 (b) include recommendations for the use of sustainably and locally  
11 grown New York state food products to the greatest extent possible;

12 (c) ensure the availability of safe, clean tap water when feasible  
13 whenever foods and beverages are sold or served; and

14 (d) encourage state agencies to offer foods and beverages that reflect  
15 the health risks, allergens, traditions, and preferences of the demo-  
16 graphics served.

17 3. The state food guidelines shall be reviewed and updated by the  
18 department as necessary, but no less often than every five years, to  
19 ensure that the guidelines remain current and science-based.

20 4. In developing the state food guidelines, the department shall  
21 consider the following:

22 (a) recommendations for nutrition standards for foods, beverages, or  
23 meals made by authoritative scientific organizations, including but not  
24 limited to, the guidelines for purchased food recommended by the New  
25 York State Food Policy Council, the American Heart Association Workplace  
26 Food and Beverage Toolkit, the Food Service Guidelines for Federal  
27 Facilities, the USDA National School Lunch Program and School Breakfast  
28 Program standards, the USDA Child and Adult Care Food Program guide-  
29 lines, the American Cancer Society Guideline for Diet and Physical  
30 Activity, and the American Diabetes Association Diabetes Plate Method;

31 (b) both positive and negative contributions of nutrients, ingredi-  
32 ents, and foods to the diets of adults and children, including calories  
33 or portion size, saturated fat, sodium, added sugars, and the presence  
34 of fruits, vegetables, and whole grains; and

35 (c) adaptations of the guidelines for different venues, such as child-  
36 care, correctional facilities, government meetings, or other settings  
37 and programs with unique populations or circumstances.

38 § 253. Applicability of state food guidelines. 1. The state food  
39 guidelines developed under section two hundred fifty-two of this title  
40 shall include recommendations for all foods and beverages purchased,  
41 prepared, served, and sold by all state agencies, programs, and insti-  
42 tutions, including but not limited to:

43 (a) All state government office buildings.

44 (b) Meetings and conferences funded by state agencies.

45 (c) Road-side rest areas and welcome centers managed or owned by the  
46 state.

47 (d) State parks and historic sites.

48 (e) Emergency food relief organizations receiving hunger prevention  
49 and nutrition assistance program funds.

50 (f) State child and adult care food programs.

51 (g) State-supported hospitals.

52 (h) City University of New York and State University of New York, and  
53 each of the institutions in these university systems.

54 (i) Office for the aging congregate and home-delivered meal services.

55 (j) Department of corrections and community supervision facilities.

56 (k) Office of mental health inpatient and residential services.

1 (l) Bureau of adult care homes.

2 (m) Division of juvenile justice and opportunities for youth facili-  
3 ties.

4 (n) Office for people with developmental disabilities services.

5 (o) Office of addiction services and supports treatment centers.

6 2. All purchases made by any department, division, or agency listed in  
7 subdivision one of this section, or by any officer on behalf of a  
8 department, division, or agency listed in subdivision one of this  
9 section, shall, to the greatest extent possible, be made in accordance  
10 with the state food guidelines.

11 3. All contracts made by any department, division, or agency listed in  
12 subdivision one of this section, or by any officer on behalf of a  
13 department, division, or agency listed in subdivision one of this  
14 section, for the purchase, service, catering, or vending, of food or  
15 beverage will, to the greatest extent possible, ensure the food or  
16 beverage supplied, served, and sold shall be in accordance with the  
17 state food guidelines.

18 4. The state food guidelines shall not apply to food distributed or  
19 served by agencies during an emergency or disaster.

20 5. Under any contract for the purchase, service, catering or vending  
21 of food or beverages that is subject to renewal, where such renewal  
22 occurs after the state food guidelines have become effective, the state  
23 agency shall provide such contractor notice of the state food guidelines  
24 and shall include such guidelines in the terms of the renewal contract.

25 § 254. Implementation of state food guidelines. Within twenty-one  
26 months of the effective date of this section, the department shall adopt  
27 a plan for providing technical and supervisory assistance to state agen-  
28 cies implementing the state food guidelines made under section two  
29 hundred fifty-two of this title. At minimum, such plan shall establish:

30 1. A timeline for state agencies to receive initial training and  
31 implement the state food guidelines.

32 2. A process by which the department shall monitor the extent to which  
33 state agencies follow the state food guidelines on a routine basis and  
34 follow up with additional technical assistance as needed.

35 3. Guidance for applicable state agencies to adopt internal policies  
36 on the contracting and purchasing of food in accordance with the state  
37 food guidelines.

38 § 2. This act shall take effect immediately.