STATE OF NEW YORK

7771

IN SENATE

January 11, 2022

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

AN ACT to amend the agriculture and markets law and the public health law, in relation to the Nourish New York program and the hunger prevention and nutrition assistance program; and to repeal certain provisions of the agriculture and markets law relating thereto

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

Section 1. Subdivision 2 of section 451 of the agriculture and markets law, as added by a chapter of the laws of 2021 amending the agriculture and markets law relating to the Nourish New York program, as proposed in legislative bills numbers S. 4892-A and A. 5781-A, is amended and a new subdivision 3 is added to read as follows:

2. "Surplus agricultural products" means consumable or edible agricultural products grown**, produced or harvested** in New York**, including processed products as defined pursuant to subdivision three of this section,** but shall not include [~~condiments, sweeteners or~~] beverages containing alcohol.

3. "Processed products" means any agricultural commodity that is grown, produced or harvested in New York state and further processed by butchering, freezing, canning, altering its state and/or blending with other ingredients, so long as the final product contains at least fifty-one percent by weight or volume agricultural products that are grown, produced or harvested in New York state, regardless of where processed.

§ 2. Subdivision 2 of section 452 of the agriculture and markets law, as added by a chapter of the laws of 2021 amending the agriculture and markets law relating to the Nourish New York program, as proposed in legislative bills numbers S. 4892-A and A. 5781-A, is amended to read as follows:

2. The commissioner shall provide technical assistance and information about the program to food relief organizations, producers of surplus agricultural products and the public[~~, including, but not limited to, information posted on the department's website~~].

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

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§ 3. Subdivisions 4 and 5 of section 452 of the agriculture and markets law, as added by a chapter of the laws of 2021 amending the agriculture and markets law relating to the Nourish New York program, as proposed in legislative bills numbers S. 4892-A and A. 5781-A, are REPEALED.

§ 4. Article 2 of the public health law is amended by adding a new title 8 to read as follows:

TITLE 8

HUNGER PREVENTION AND NUTRITION ASSISTANCE PROGRAM

Section 269. Hunger prevention and nutrition assistance program.

§ 269. Hunger prevention and nutrition assistance program. 1. The commissioner shall annually assess changing economic indicators impacting service levels within the hunger prevention nutrition assistance program in all regions of the state. Such assessment may include, but not be limited to, the average cost per meal, personnel costs, transportation costs, fuel costs and storage capacity. The commissioner shall provide a summary of findings to the governor and the legislature to inform funding levels for the hunger prevention and nutrition assistance program on or before the first day of December each year.

2. On or before the first day of December each year, the commissioner shall review and report to the governor and the legislature on the unmet need for cold storage equipment among regional food banks, food pantries and other emergency food organizations.

§ 5. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2021 amending the agriculture and markets law relating to the Nourish New York program, as proposed in legislative bills numbers S. 4892-A and A. 5781-A, takes effect.