STATE OF NEW YORK

3954--B

2021-2022 Regular Sessions

IN ASSEMBLY

January 29, 2021

Introduced by M. of A. THIELE, LUPARDO -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the economic development law, in relation to locally grown farm and food products and codifying the New York state council on food policy

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

Section 1. Short title. This act shall be known and may be cited as the "local food, farms, and jobs act".

§ 2. Section 16 of the agriculture and markets law is amended by adding a new subdivision 6-a to read as follows:

6-a. Establish a New York state council on food policy. The purpose of the council shall be to develop comprehensive, coordinated state food policies with the goal of: ensuring that all citizens of the state are able to eat a healthy diet and avoid food insecurity while consuming New York grown and produced foods as much as possible. The council shall work to: support and facilitate the growth of a New York-based local farm and food product economy that revitalizes rural, suburban and urban communities, creates jobs, and supports economic growth through promoting and developing local farm and food businesses and their products and helps to make them more available to New York residents; and promote healthy eating through a plentiful, accessible, affordable, safe and nutritious food supply with access to fresh and minimally processed foods including a readily available supply of such food during emergencies.

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

LBD04684-06-2

(a) The responsibilities of the council shall include, but are not limited to, developing and recommending policies and plans to achieve the following:

(i) a food policy for the state which recognizes that it is in the best interests of the state to ensure the availability of an adequate supply of affordable, fresh and nutritious food to its residents;

(ii) state policies to expand agricultural production and processing, including locally-grown and organically-grown food;

(iii) a strategic plan for implementation of the state food policy, including benchmarks and criteria for measuring progress in achieving state food policy objectives;

(iv) offer comments on state regulations, legislation and budget proposals in the area of food policy, to ensure a coordinated and comprehensive inter-agency approach to food policy issues;

(v) assist state agencies, state-owned facilities, and other entities with the purchase of local farm or food products and with tracking and reporting of such purchases in order to meet the goals established in this section;

(vi) assist local farm and food businesses to succeed and grow, especially beginning and new owners and those historically underrepresented or marginalized in agriculture or the food industry, to identify and secure necessary resources and equipment to begin, maintain, and expand projects and networks necessary for the development of local farm or food products;

(vii) facilitate the building of infrastructure, including, but not limited to, aggregation, processing, storage, packaging, distribution, and marketing facilities necessary to move local farm or food products to local and other markets;

(viii) support and expand programs that recruit, train, and provide technical assistance to New York farmers, food producers, food processors and residents in order to encourage the production and processing of local farm or food products;

(ix) coordinate interagency policies, initiatives, and procedures promoting local farm and food products in New York communities, by working with and involving state, federal, and local agencies, as well as community based organizations, educational institutions, and trade organizations in executing the purposes of this section;

(x) eliminate statutory and legal barriers hindering the development of a local farm and food economy by working with federal, state, and local agencies, other agencies and applicable entities, to create consistent and compatible regulations for the production, processing, storage, distribution, and marketing of local farm or food products;

(xi) facilitate the use of public lands for growing local farm or food products by working with governmental entities at the local, state, and federal levels;

(xii) set annual goals for all purchases of local farm or food products by New York residents and to monitor the development and expansion of a local farm and food economy through data collection, tracking, measurement, analysis, and reporting on progress made in an annual report to the legislature; and

(xiii) initiate and facilitate public awareness campaigns about the economic benefits of a local farm and food economy.

(b) (i) The council shall consist of thirteen voting members as follows: six members with experience and expertise related to agriculture, nutrition, food insecurity or food policy appointed on the recommendation of the legislative leaders, two each by the temporary presi-

dent of the senate and the speaker of the assembly, and one each by the minority leader of the senate, and the minority leader of the assembly; the dean of the New York state college of agriculture and life sciences; and six members shall be appointed by the governor.

(ii) The council shall consult on a regular basis with an advisory board consisting of: the commissioner, the commissioner of health, the commissioner of the office of temporary and disability assistance, the commissioner of the office of children and family services, the commissioner of education, the commissioner of the department of economic development, the commissioner of the department of environmental conservation, the director of the office for the aging, the director of the office of general services, and eight members appointed by the governor.

(c) (i) The six council members selected by the legislative leaders shall be appointed to three-year staggered terms as determined by the legislature. Such persons may be nominated by organizations representing the sectors outlined in paragraph (b) of this subdivision. Vacancies shall be filled by the legislative leaders.

(ii) The six council members selected by the governor and the dean of the New York state college of agriculture and life sciences shall be appointed to three-year staggered terms as determined by the governor.

(iii) The members of the advisory board shall be appointed to three-year staggered terms as determined by the governor. Such persons shall be nominated by organizations representing the sectors outlined in paragraph (b) of this subdivision. Vacancies shall be filled by the governor.

(d) The board of directors shall elect its presiding officers from among its members and may elect or appoint an executive committee, other committees, and subcommittees to conduct the business of the organization.

(e) The council shall issue a written report on the first day of December each year on: (i) the activities of the council during the preceding year; (ii) recommended food policies for the state; (iii) recommended changes to the strategic plan; (iv) an account of the progress made in achieving the goals of the council; and (v) actions which are necessary to implement the recommendations of the council and effectuate its purposes.

(f) The state governmental agencies represented on the board of directors may re-direct existing staff, as appropriations permit; assist in executing the purposes of this subdivision; and provide office space, meeting space, and other research and communication services as appropriate.

(g) No member of the council shall be disqualified from holding any public office or employment, nor shall he or she forfeit any such office or employment by virtue of his or her appointment hereunder. Members of the council shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their functions hereunder. All members of the council shall serve at the pleasure of the governor and vacancies shall be filled in the same manner as original appointments.

§ 3. Subdivision 52 of section 16 of the agriculture and markets law, as added by chapter 751 of the laws of 2021, is amended to read as follows:

52. Develop and maintain, in cooperation with the department of economic development and urban development corporation, a publicly available searchable database of New York state farms and farm products. The database shall include all farms located within the state and shall

list the products available for purchase and contact information for each farm, unless a farm opts out of being included in the database by notifying the department of such option. **The department shall provide farms with the ability to signify that they are interested in supplying schools on the directory.** The department shall provide easily accessible electronic access to the database on the department's website and shall update the database at least every two years. **The department shall seek cooperation and coordination of the directory with the New York state council on food policy and the New York state land grant university, where necessary information overlaps. The department may utilize any directories that exist or are in progress.**

§ 4. Subdivisions 8 and 9 of section 180-a of the economic development law, as added by chapter 550 of the laws of 1999, are amended to read as follows:

8. geographically balanced public input and advice from individuals and agencies directly involved with the production, processing, manufacturing and storage of agricultural products; and such other individuals and agencies as may be engaged in state and local activities in support of economic development in the agriculture resource industry; [~~and~~]

9. **the establishment and purposes of the New York state council on food policy established pursuant to subdivision six-a of section sixteen of the agriculture and markets law; and**

10. all things necessary or convenient to carry out the functions, powers and duties expressly set forth in this article.

§ 5. This act shall take effect immediately; provided that if chapter 751 of the laws of 2021 shall not have taken effect on or before such date then section three of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2021 takes effect.