

# STATE OF NEW YORK

5781--A

2021-2022 Regular Sessions

## IN ASSEMBLY

February 25, 2021

Introduced by M. of A. CRUZ, LUPARDO, BARRON, AUBRY, GUNTHER, KELLES, STECK, FERNANDEZ, CLARK, THIELE, RODRIGUEZ, JACKSON, DeSTEFANO -- Multi-Sponsored by -- M. of A. B. MILLER -- read once and referred 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 the Nourish New York program

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

1 Section 1. The agriculture and markets law is amended by adding a new  
2 article 27 to read as follows:

### ARTICLE 27

#### NOURISH NEW YORK

5 Section 450. Declaration of legislative findings and intent.

6 451. Definitions.

7 452. Nourish New York program.

8 § 450. Declaration of legislative findings and intent. While the Nourish  
9 ish New York program was developed in response to disrupted food supply  
10 chains due to the COVID-19 pandemic, it has emerged as an important  
11 innovation, significantly supporting the state's farms while providing  
12 nourishing fresh foods to people experiencing food insecurity. The  
13 COVID-19 crisis unveiled the weaknesses in our state's food supply  
14 system and has caused serious economic hardships for the state's farms  
15 and agribusinesses. But, in the ten months since its inception, Nourish  
16 New York has already strengthened the state's food supply network and  
17 expanded markets for New York farm products. The local food movement has  
18 also gained significant momentum during the pandemic, with increasing  
19 numbers of New Yorkers wanting to know where their food is sourced.  
20 This presents the state with a major opportunity to support our local  
21 economies and create greater equity in our food system by providing

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

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1 greater access to local, healthy options in food insecure areas through  
2 making the Nourish New York program permanent.

3 § 451. Definitions. 1. "Food relief organization" means a religious  
4 organization or other not-for-profit that provides food for free to  
5 persons experiencing food insecurity, including but not limited to a  
6 food pantry, food bank, or soup kitchen or community-based organization  
7 that provides food for free to persons experiencing food insecurity.

8 2. "Surplus agricultural products" means consumable or edible agricul-  
9 tural products grown in New York but shall not include condiments,  
10 sweeteners or beverages containing alcohol.

11 § 452. Nourish New York program. 1. The commissioner shall, to the  
12 extent permitted by state or federal appropriations for such purpose,  
13 facilitate programming that ensures surplus agricultural products are  
14 provided to food relief organizations at competitive wholesale prices.

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

19 3. The commissioner shall provide means, which may include posting on  
20 the department's website, for producers to make available surplus agri-  
21 cultural products and for food relief organizations to access surplus  
22 agricultural products.

23 4. The commissioner, in consultation with the department of health,  
24 shall review the current funding structure, funding adequacy and current  
25 service levels of the hunger prevention nutrition assistance program in  
26 all regions of the state. Review of current service levels shall take  
27 into account the size of the service area, the population in need of  
28 such hunger prevention nutrition assistance program and the need for  
29 additional facilities within a region in order to address increasing  
30 food insecurity and hunger. Following such review, the commissioner  
31 shall make and report any recommendations, including but not limited to,  
32 increasing the maximum amount of money each food pantry may be allocated  
33 by such program, whether such program funding should be indexed for  
34 inflation annually, and any structural and funding adequacy changes  
35 deemed necessary.

36 5. The commissioner shall review and report on the need to establish a  
37 grant program to fund the purchase of cold storage equipment for  
38 regional food banks, food pantries and other emergency food organiza-  
39 tions. Such grant program shall prioritize regions of the state that  
40 have the highest demand for emergency food and regions of the state  
41 where regional food banks and pantries have determined the need for more  
42 capacity to safely store perishable food before such food is distrib-  
43 uted. Such report shall be completed and submitted to the governor and  
44 the legislature no later than February first, two thousand twenty-two.

45 § 2. This act shall take effect immediately.