

STATE OF NEW YORK

73

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. QUART, PEOPLES-STOKES, BICHOTTE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the tax law, in relation to the healthy options and community outreach program and to direct the empire state development corporation to establish a public awareness campaign regarding such 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 29-A to read as follows:

ARTICLE 29-A

HEALTHY OPTIONS AND COMMUNITY OUTREACH PROGRAM

3
4 Section 530. Healthy options and community outreach program.

5 § 530. Healthy options and community outreach program. 1. (a) There is
6 hereby created within the department the healthy options and community
7 outreach program. The department shall conduct an outreach program for
8 the purpose of expanding the number of convenience stores and small
9 grocers offering healthy food and beverage options to at-risk communi-
10 ties in underserved areas. The outreach program shall also educate the
11 public on the importance of healthy eating and the availability of heal-
12 thy products in local communities.

13
14 (b) For purposes of this section, the following terms shall have the
15 following meanings:

16 (i) "underserved areas" means low or moderate-income census tracts,
17 areas of below average supermarket density or having a supermarket
18 customer base with more than fifty percent living in low-income census
19 tracts, or other areas demonstrated to have significant access limita-
20 tions to supermarkets due to travel distance, as determined by the
21 department;

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

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1 (ii) "at-risk communities" means those areas the department of health
2 has identified as suffering from high rates of obesity, diabetes and
3 other health problems associated with limited access to nutritious foods
4 and beverages; and

5 (iii) "small grocer" means any retail establishment with less than
6 three thousand five hundred square feet where foodstuffs are regularly
7 and customarily sold in a bona fide manner for consumption off the prem-
8 ises.

9 2. The department shall identify and inform eligible convenience
10 stores and small grocers of the outreach program and the tax benefits
11 should such stores or grocers choose to participate. Participating
12 convenience stores and small grocers found to be in compliance with the
13 program shall be eligible to receive tax credits pursuant to sections
14 two hundred ten-B and six hundred six of the tax law.

15 3. The commissioner shall determine eligibility requirements for
16 participation in the program, provided, however, that such requirements
17 shall include the following:

18 (a) a participating convenience store or small grocer shall be located
19 in an underserved area and serve an at-risk community;

20 (b) a participating convenience store or small grocer shall:

21 (i) stock and sell wholesome foods, as determined by the department,
22 such as fresh fruits, vegetables, whole grain products and dairy
23 products;

24 (ii) prominently display such foods and beverages; and

25 (iii) label and promote such foods and beverages.

26 4. Applications for participation in the program shall be submitted by
27 each convenience store or small grocer seeking to participate in the
28 program, and shall be in the form and contain such information as the
29 commissioner may prescribe. The commissioner shall review all applica-
30 tions for participation in the program for eligibility and shall regis-
31 ter eligible applicants. The department shall annually visit each
32 participating convenience store or small grocer to assess each partic-
33 ipant's compliance with this section. After such visit, the commissioner
34 shall provide a certificate certifying that the registered convenience
35 store or small grocer is eligible for tax credits pursuant to this arti-
36 cle.

37 5. The department, in consultation with the empire state development
38 corporation, shall promote such program within at-risk communities
39 through educational and informational materials in print, audio, visual,
40 electronic or other media as well as public service announcements and
41 advertisements.

42 6. The department, in consultation with the empire state development
43 corporation, shall provide store owners with information on local
44 distributors including farmers' markets. The department shall also
45 provide technical assistance and training to participants including
46 guidance on store layouts and food displays.

47 7. The department may produce, make available to others for reproduc-
48 tion, or contract with others to develop such materials mentioned in
49 this section as the commissioner deems appropriate. These materials
50 shall be made available to the public and for distribution in partic-
51 ipating convenience stores and small grocers.

52 8. The commissioner may make rules and regulations necessary and
53 appropriate for implementation of this section.

54 § 2. Section 210-B of the tax law is amended by adding a new subdivi-
55 sion 55 to read as follows:

1 55. Credit for convenience stores and small grocers participating in
2 the healthy options and community outreach program. (a) Allowance of
3 credit. A taxpayer that is a convenience store or small grocer partic-
4 ipating in the healthy options and community outreach program pursuant
5 to section five hundred thirty of the agriculture and markets law shall
6 be allowed a credit against the tax imposed by this article for the
7 purchase, installation or upgrade of any refrigeration, storage or
8 display units necessary for participation in the program. The amount of
9 the credit shall be equal to one hundred percent of the expenditure
10 incurred in purchasing, installing or upgrading any refrigeration, stor-
11 age or display equipment.

12 (b) When credit allowed. The credit provided for herein shall be
13 allowed with respect to the taxable year commencing in which the equip-
14 ment is installed, upgraded or purchased.

15 (c) Proof of claim. The commissioner may require a qualified taxpayer
16 to furnish proof of participation in the healthy options and community
17 outreach program and of the cost of any purchase, upgrade, or installa-
18 tion in support of his or her claim for credit under this subdivision.

19 (d) Carryover of credit. If the amount of the credit, and carryovers
20 of such credit, allowable under this subdivision for any taxable year
21 shall exceed the taxpayer's tax for such year, such excess amount may be
22 carried over to the five taxable years next following the taxable year
23 with respect to which the credit is allowed and may be deducted from the
24 taxpayer's tax for such year or years.

25 § 3. Section 606 of the tax law is amended by adding a new subsection
26 (kkk) to read as follows:

27 (kkk) Credit for convenience stores and small grocers participating in
28 the healthy options and community outreach program. (1) Allowance of
29 credit. A taxpayer that is a convenience store or a small grocer partic-
30 ipating in the healthy options and community outreach program pursuant
31 to section five hundred thirty of the agriculture and markets law shall
32 be allowed a credit against the tax imposed by this article for the
33 purchase, installation or upgrade of any refrigeration, storage or
34 display units necessary for participation in the program. The amount of
35 the credit shall be equal to one hundred percent of the expenditure
36 incurred in purchasing, installing or upgrading any refrigeration, stor-
37 age or display equipment.

38 (2) When credit allowed. The credit provided for herein shall be
39 allowed with respect to the taxable year commencing in which the equip-
40 ment is installed, upgraded or purchased.

41 (3) Proof of claim. The commissioner may require a qualified taxpayer
42 to furnish proof of participation in the healthy options and community
43 outreach program and of the cost of any purchase, upgrade, or installa-
44 tion in support of his or her claim for credit under this subsection.

45 (4) Carryover of credit. If the amount of the credit, and carryovers
46 of such credit, allowable under this subsection for any taxable year
47 shall exceed the taxpayer's tax for such year, such excess amount may be
48 carried over to the five taxable years next following the taxable year
49 with respect to which the credit is allowed and may be deducted from the
50 taxpayer's tax for such year or years.

51 § 4. The empire state development corporation shall develop, establish
52 and implement a public awareness campaign regarding the healthy options
53 and community outreach program established pursuant to section 530 of
54 the agriculture and markets law. The campaign shall include information
55 on the benefits of healthy eating and on the availability of healthy
56 foods and beverages in the local community. Such public awareness

1 campaign shall be made available to the public by any means deemed
2 appropriate by the corporation including, but not limited to, internet,
3 radio, and print advertising such as billboards and posters. The
4 campaign may also identify and recruit individuals to serve as visible,
5 public ambassadors to promote this message. The campaign may include an
6 internet website providing information on the benefits of healthy foods
7 and beverages and on the availability of such foods and beverages at
8 local convenience stores and small grocers. The campaign shall begin no
9 later than January 1, 2022.

10 § 5. This act shall take effect immediately; provided that sections
11 two and three of this act shall apply to taxable years beginning on and
12 after January 1, 2022.