

STATE OF NEW YORK

2942

2021-2022 Regular Sessions

IN SENATE

January 26, 2021

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

AN ACT to amend the agriculture and markets law, in relation to non-dairy frozen novelties and in relation to establishing a non-dairy frozen novelties micro-business grant 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 section 71-j-1 to read as follows:

3 § 71-j-1. Non-dairy frozen novelties. 1. For purposes of this section,
4 the following terms shall have the following meanings:

5 a. "non-dairy frozen novelties" shall mean separately packaged frozen
6 desserts containing no milk or milk products; and

7 b. "shared-use kitchen" shall mean a commercial kitchen, incubator
8 kitchen, community kitchen or other food preparation facility that
9 provides individuals and businesses with kitchen space and access to
10 commercial kitchen equipment in order to prepare food products and meals
11 on a lease or rental basis.

12 2. Any manufacturer of non-dairy frozen novelties doing business in
13 this state shall be exempt from any licensing requirements set forth in
14 section seventy-one-b, seventy-one-c and seventy-one-d of this article
15 to the extent that such sections apply exclusively to the wholesale
16 manufacture of frozen desserts that contain milk or milk products.
17 Manufacturers of non-dairy frozen novelties doing business in this state
18 shall be required to comply with any licensing requirements set forth in
19 section seventy-one-b, seventy-one-c and seventy-one-d of this article
20 to the extent that such sections apply generally to the manufacture of
21 frozen desserts.

22 3. Any manufacturer of non-dairy frozen novelties is permitted to
23 manufacture non-dairy frozen novelties by utilizing a shared-use kitch-
24 en, provided that such shared-use kitchen is properly licensed pursuant

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

LBD07589-01-1

1 to section two hundred fifty-one-z-three of this chapter and is in
2 compliance with article twenty-c of this chapter and related rules and
3 regulations of the commissioner.

4 § 2. The agriculture and markets law is amended by adding a new
5 section 71-j-2 to read as follows:

6 § 71-j-2. Non-dairy frozen novelties micro-business grant program. 1.
7 For purposes of this section, the following terms shall have the follow-
8 ing meanings:

9 a. "non-dairy frozen novelties" shall have the same meaning set forth
10 in paragraph a of subdivision one of section seventy-one-j-1 of this
11 article;

12 b. "micro-business" shall mean a business located in this state that
13 manufacturers non-dairy frozen novelties and has twenty-five or fewer
14 employees; and

15 c. "start-up costs and expenses" shall mean non-recurring costs and
16 expenses associated with setting up a business, including, but not
17 limited to, accountant's fees, legal fees, registration fees, licensing
18 fees, advertising, promotional activities, employee training and related
19 pre-opening or preliminary expenses.

20 2. There is hereby established a non-dairy frozen novelties micro-bu-
21 siness grant program to be administered by the department, in conjunc-
22 tion with the empire state development corporation.

23 3. The purpose of the program is to provide financial assistance for
24 start-up costs and expenses needed by micro-businesses that exclusively
25 manufacture non-dairy frozen novelties.

26 4. Any owner of a non-dairy frozen novelties micro-business may submit
27 an application for a grant pursuant to this section to the department.
28 Grants awarded pursuant to this section shall be used solely for start-
29 up costs and expenses incurred or anticipated to be incurred by such
30 micro-business. Application for such grants shall be in a manner and
31 form to be determined by the commissioner.

32 5. The commissioner, upon review of an application from a non-dairy
33 frozen novelties micro-business, shall determine if such micro-business
34 is eligible for a grant pursuant to this section. If eligible, the
35 commissioner shall make the determination as to the amount of the grant
36 needed by such micro-business for start-up costs and expenses, provided
37 that such amount shall in no event exceed ten thousand dollars.

38 6. This program shall be funded through annual appropriations of the
39 legislature or any other funds received by the state for the purposes of
40 this section. Grants shall only be awarded based upon the availability
41 of funds.

42 § 2. This act shall take effect immediately; provided that section two
43 of this act shall take effect on the one hundred twentieth day after it
44 shall have become a law. Effective immediately, the addition, amendment
45 and/or repeal of any rule or regulation necessary for the implementation
46 of this act on its effective date are authorized to be made and
47 completed on or before such effective date.