

# STATE OF NEW YORK

2942--A

2021-2022 Regular Sessions

## IN SENATE

January 26, 2021

Introduced by Sens. COMRIE, BRISPORT -- read twice and ordered printed, and when printed to be committed 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 frozen desserts micro-business and in relation to establishing frozen desserts micro-business grant program

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

1 Section 1. Paragraph b of subdivision 3 of section 71-a of the agri-  
2 culture and markets law, as added by chapter 796 of the laws of 1974, is  
3 amended and two new paragraphs c and d are added to read as follows:

4 b. "Plant" means any single location or mobile manufacturing unit  
5 which manufactures frozen desserts, or for a micro-business "plant" may  
6 include a shared-use kitchen where frozen desserts are manufactured.

7 c. "Micro-business" shall mean a business located in this state that  
8 manufacturers frozen desserts and has twenty-five or fewer employees.

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

14 § 2. Section 71-a of the agriculture and markets law is amended by  
15 adding a new subdivision 5 to read as follows:

16 5. Frozen dessert micro-businesses shall be permitted to manufacture  
17 frozen desserts by utilizing a shared-use kitchen, provided that such  
18 shared-use kitchen is properly licensed pursuant to section two hundred  
19 fifty-one-z-three of this chapter and is in compliance with article  
20 twenty-C of this chapter and related rules and regulations of the  
21 commissioner.

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

LBD07589-02-1

1 § 3. The agriculture and markets law is amended by adding a new  
2 section 71-k-1 to read as follows:

3 § 71-k-1. Frozen desserts micro-business grant program. 1. For  
4 purposes of this section, the following terms shall have the following  
5 meanings:

6 a. "micro-business" shall mean a business located in this state that  
7 manufacturers frozen desserts and has twenty-five or fewer employees;  
8 and

9 b. "start-up costs and expenses" shall mean non-recurring costs and  
10 expenses associated with setting up a business, including, but not  
11 limited to, accountant's fees, legal fees, registration fees, licensing  
12 fees, advertising, promotional activities, employee training, and  
13 related pre-opening or preliminary expenses.

14 2. There is hereby established a frozen desserts micro-business grant  
15 program to be administered by the department, in conjunction with the  
16 empire state development corporation.

17 3. The purpose of the program is to provide financial assistance for  
18 start-up costs and expenses needed by micro-businesses that exclusively  
19 manufacture frozen desserts.

20 4. Any owner of a frozen desserts micro-business may submit an appli-  
21 cation for a grant pursuant to this section to the department. Grants  
22 awarded pursuant to this section shall be used solely for start-up costs  
23 and expenses incurred or anticipated to be incurred by such micro-busi-  
24 ness. Application for such grants shall be in a manner and form to be  
25 determined by the commissioner.

26 5. The commissioner, upon review of an application from a frozen  
27 desserts micro-business, shall determine if such micro-business is  
28 eligible for a grant pursuant to this section. If eligible, the commis-  
29 sioner shall make the determination as to the amount of the grant needed  
30 by such micro-business for start-up costs and expenses, provided that  
31 such amount shall in no event exceed ten thousand dollars.

32 6. This program shall be funded through annual appropriations of the  
33 legislature or any other funds received by the state for the purposes of  
34 this section. Grants shall only be awarded based upon the availability  
35 of funds.

36 § 4. This act shall take effect immediately; provided that section two  
37 of this act shall take effect on the one hundred twentieth day after it  
38 shall have become a law. Effective immediately, the addition, amendment  
39 and/or repeal of any rule or regulation necessary for the implementation  
40 of this act on its effective date are authorized to be made and  
41 completed on or before such effective date.