STATE OF NEW YORK

4315

2021-2022 Regular Sessions

IN SENATE

February 3, 2021

Introduced by Sens. HINCHEY, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, in relation to purchases of food products from New York state farmers, growers, producers or processors

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

Section 1. Section 5 of chapter 537 of the laws of 1976, relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, as added by section 2 of part B of chapter 56 of the laws of 2018, is amended to read as follows:

§ 5. a. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, 2019 and each July 1 thereafter, a school food authority shall be eligible for a lunch meal State subsidy of twenty-five cents, which shall include any annual State subsidy received by such school food authority under any other provision of State law, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the State Education Department through the application submitted pursuant to subdivision b of this section that such food authority has purchased at least thirty percent of its total cost of food products for its school lunch service program from New York state farmers, growers, producers or processors in the preceding school year. **Commencing July 1, 2021, and each July 1 thereafter, a school food authority shall be allowed to attribute moneys spent on purchases of food products from New York state farmers, growers, producers or processors made for its school breakfast program to the thirty percent of costs for school lunch service programs.**

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

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b. The State Education Department, in cooperation with the Department of Agriculture and Markets, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of education. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school lunch service program, and documentation demonstrating its total food purchases and percentages for such program**, permitted to be counted under this section,** from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products **permitted to be counted under this section** for its school lunch service program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy.

c. The State Education Department shall annually publish information on its website commencing on September 1, 2019 and each September 1 thereafter, relating to each school food authority that applied for and received this additional State subsidy, including but not limited to: the school food authority name, student enrollment, average daily lunch participation, total food costs for its school lunch service program, total cost of food products for its school lunch service program purchased from New York State farmers, growers, producers or processors, and the percent of total food costs that were purchased from New York State farmers, growers, producers or processors for its school lunch service program.

§ 2. This act shall take effect immediately.