# STATE OF NEW YORK

4644--C

Cal. No. 826

2021-2022 Regular Sessions

# IN SENATE

February 8, 2021

Introduced by Sens. BIAGGI, CLEARE, HINCHEY, JACKSON, MYRIE, RAMOS, RIVERA, SALAZAR, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- recommitted to the Committee on Procurement and Contracts in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to guidelines for food and beverages purchased or sold by state agencies

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

Section 1. Article 2 of the public health law is amended by adding a new title 4-A to read as follows:

**TITLE IV-A**

**STATE FOOD GUIDELINES**

**Section 252. Development of state food guidelines.**
**253. Applicability of state food guidelines.**
**254. Implementation of state food guidelines.**

**§ 252. Development of state food guidelines. 1. Within six months following the effective date of this section, the department, in consultation with the office of general services, shall begin an assessment of the food and beverage purchasing, service, and sales of each state agency. The department shall develop and finalize state food guidelines considering the findings of such assessment no later than eighteen months following the effective date of this section, for foods purchased, served, and sold by state agencies, programs, and insti-**

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

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tutions and on state property. The department shall report such guidelines to the governor, temporary president of the senate, and speaker of the assembly, and disseminate them to the heads of all state agencies that purchase, prepare, or serve food and beverages.

2. The state food guidelines developed under this section shall:

(a) be consistent with or exceed the recommendations in the most recent edition of the federal Dietary Guidelines for Americans, including as to sodium, whole grains, added sugars, saturated fat, cholesterol, and fiber;

(b) include recommendations for the use of sustainably and locally grown New York state food products to the greatest extent possible;

(c) ensure the availability of safe, clean tap water when feasible whenever foods and beverages are sold or served; and

(d) encourage state agencies to offer foods and beverages that reflect the health risks, allergens, traditions, and preferences of the demographics served.

3. The state food guidelines shall be reviewed and updated by the department as necessary, but no less often than every five years, to ensure that the guidelines remain current and science-based.

4. In developing the state food guidelines, the department shall consider the following:

(a) recommendations for nutrition standards for foods, beverages, or meals made by authoritative scientific organizations, including but not limited to, the guidelines for purchased food recommended by the New York State Food Policy Council, the American Heart Association Workplace Food and Beverage Toolkit, the Food Service Guidelines for Federal Facilities, the USDA National School Lunch Program and School Breakfast Program standards, the USDA Child and Adult Care Food Program guidelines, the American Cancer Society Guideline for Diet and Physical Activity, and the American Diabetes Association Diabetes Plate Method;

(b) both positive and negative contributions of nutrients, ingredients, and foods to the diets of adults and children, including calories or portion size, saturated fat, sodium, added sugars, and the presence of fruits, vegetables, and whole grains; and

(c) adaptations of the guidelines for different venues, such as childcare, correctional facilities, government meetings, or other settings and programs with unique populations or circumstances.

§ 253. Applicability of state food guidelines. 1. The state food guidelines developed under section two hundred fifty-two of this title shall include recommendations for all foods and beverages purchased, prepared, served, and sold by all state agencies, programs, and institutions, including but not limited to:

(a) All state government office buildings.

(b) Meetings and conferences funded by state agencies.

(c) Road-side rest areas and welcome centers managed or owned by the state.

(d) State parks and historic sites.

(e) Emergency food relief organizations receiving hunger prevention and nutrition assistance program funds.

(f) State child and adult care food programs.

(g) State-supported hospitals.

(h) City University of New York and State University of New York, and each of the institutions in these university systems.

(i) Office for the aging congregate and home-delivered meal services.

(j) Department of corrections and community supervision facilities.

(k) Office of mental health inpatient and residential services.

(l) Bureau of adult care homes.

(m) Division of juvenile justice and opportunities for youth facilities.

(n) Office for people with developmental disabilities services.

(o) Office of addiction services and supports treatment centers.

2. All purchases made by any department, division, or agency listed in subdivision one of this section, or by any officer on behalf of a department, division, or agency listed in subdivision one of this section, shall, to the greatest extent possible, be made in accordance with the state food guidelines.

3. All contracts made by any department, division, or agency listed in subdivision one of this section, or by any officer on behalf of a department, division, or agency listed in subdivision one of this section, for the purchase, service, catering, or vending, of food or beverage will, to the greatest extent possible, ensure the food or beverage supplied, served, and sold shall be in accordance with the state food guidelines.

4. The state food guidelines shall not apply to food distributed or served by agencies during an emergency or disaster.

5. Under any contract for the purchase, service, catering or vending of food or beverages that is subject to renewal, where such renewal occurs after the state food guidelines have become effective, the state agency shall provide such contractor notice of the state food guidelines and shall include such guidelines in the terms of the renewal contract.

§ 254. Implementation of state food guidelines. Within twenty-one months of the effective date of this section, the department shall adopt a plan for providing technical and supervisory assistance to state agencies implementing the state food guidelines made under section two hundred fifty-two of this title. At minimum, such plan shall establish:

1. A timeline for state agencies to receive initial training and implement the state food guidelines.

2. A process by which the department shall monitor the extent to which state agencies follow the state food guidelines on a routine basis and follow up with additional technical assistance as needed.

3. Guidance for applicable state agencies to adopt internal policies on the contracting and purchasing of food in accordance with the state food guidelines.

§ 2. This act shall take effect immediately.