

STATE OF NEW YORK

549--B

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. SANDERS, BAILEY, BIAGGI, BROUK, GAUGHRAN, HINCHEY, MANNION, MAY, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the economic development law, in relation to procurement of locally grown farm and food products and codifying the New York state council on food policy

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "local food, farms, and jobs act".

3 § 2. Section 16 of the agriculture and markets law is amended by
4 adding a new subdivision 6-a to read as follows:

5 6-a. Establish a New York state council on food policy. The purpose
6 of the council shall be to develop comprehensive, coordinated state food
7 policies with the goal of: ensuring that all citizens of the state are
8 able to eat a healthy diet and avoid food insecurity while consuming New
9 York grown and produced foods as much as possible. The council shall
10 work to: support and facilitate the growth of a New York-based local
11 farm and food product economy that revitalizes rural, suburban and urban
12 communities, creates jobs, and supports economic growth through promot-
13 ing and developing local farm and food businesses and their products and
14 helps to make them more available to New York residents; and promote
15 healthy eating through a plentiful, accessible, affordable, safe and

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

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1 nutritious food supply with access to fresh and minimally processed
2 foods including a readily available supply of such food during emergen-
3 cies.

4 (a) The responsibilities of the council shall include, but are not
5 limited to, developing and recommending policies and plans to achieve
6 the following:

7 (i) a food policy for the state which recognizes that it is in the
8 best interests of the state to ensure the availability of an adequate
9 supply of affordable, fresh and nutritious food to its residents;

10 (ii) state policies to expand agricultural production and processing,
11 including locally-grown and organically-grown food;

12 (iii) a strategic plan for implementation of the state food policy,
13 including benchmarks and criteria for measuring progress in achieving
14 state food policy objectives;

15 (iv) offer comments on state regulations, legislation and budget
16 proposals in the area of food policy, to ensure a coordinated and
17 comprehensive inter-agency approach to food policy issues;

18 (v) assist state agencies, state-owned facilities, and other entities
19 with the purchase of local farm or food products and with tracking and
20 reporting of such purchases in order to meet the goals established in
21 this section;

22 (vi) assist local farm and food businesses to succeed and grow, espe-
23 cially beginning and new owners and those historically underrepresented
24 or marginalized in agriculture or the food industry, to identify and
25 secure necessary resources and equipment to begin, maintain, and expand
26 projects and networks necessary for the development of local farm or
27 food products;

28 (vii) facilitate the building of infrastructure, including, but not
29 limited to, aggregation, processing, storage, packaging, distribution,
30 and marketing facilities necessary to move local farm or food products
31 to local and other markets;

32 (viii) support and expand programs that recruit, train, and provide
33 technical assistance to New York farmers, food producers, food process-
34 ors and residents in order to encourage the production and processing of
35 local farm or food products;

36 (ix) coordinate interagency policies, initiatives, and procedures
37 promoting local farm and food products in New York communities, by work-
38 ing with and involving state, federal, and local agencies, as well as
39 community based organizations, educational institutions, and trade
40 organizations in executing the purposes of this section;

41 (x) eliminate statutory and legal barriers hindering the development
42 of a local farm and food economy by working with federal, state, and
43 local agencies, other agencies and applicable entities, to create
44 consistent and compatible regulations for the production, processing,
45 storage, distribution, and marketing of local farm or food products;

46 (xi) facilitate the use of public lands for growing local farm or food
47 products by working with governmental entities at the local, state, and
48 federal levels;

49 (xii) set annual goals for all purchases of local farm or food
50 products by New York residents and to monitor the development and expan-
51 sion of a local farm and food economy through data collection, tracking,
52 measurement, analysis, and reporting on progress made in an annual
53 report to the legislature; and

54 (xiii) initiate and facilitate public awareness campaigns about the
55 economic benefits of a local farm and food economy.

1 (b) (i) The council shall consist of thirteen voting members as
2 follows: six members with experience and expertise related to agricul-
3 ture, nutrition, food insecurity or food policy appointed on the recom-
4 mendation of the legislative leaders, two each by the temporary presi-
5 dent of the senate and the speaker of the assembly, and one each by the
6 minority leader of the senate, and the minority leader of the assembly;
7 the dean of the New York state college of agriculture and life sciences;
8 and six members shall be appointed by the governor.

9 (ii) The council shall consult on a regular basis with an advisory
10 board consisting of: the commissioner, the commissioner of health, the
11 commissioner of the office of temporary and disability assistance, the
12 commissioner of the office of children and family services, the commis-
13 sioner of education, the commissioner of the department of economic
14 development, the commissioner of the department of environmental conser-
15 vation, the director of the office for the aging, the director of the
16 office of general services, and eight members appointed by the governor.

17 (c) (i) The six council members selected by the legislative leaders
18 shall be appointed to three-year staggered terms as determined by the
19 legislature. Such persons may be nominated by organizations representing
20 the sectors outlined in paragraph (b) of this subdivision. Vacancies
21 shall be filled by the legislative leaders.

22 (ii) The six council members selected by the governor and the dean of
23 the New York state college of agriculture and life sciences shall be
24 appointed to three-year staggered terms as determined by the governor.

25 (iii) The members of the advisory board shall be appointed to three-
26 year staggered terms as determined by the governor. Such persons shall
27 be nominated by organizations representing the sectors outlined in para-
28 graph (b) of this subdivision. Vacancies shall be filled by the gover-
29 nor.

30 (d) The board of directors shall elect its presiding officers from
31 among its members and may elect or appoint an executive committee, other
32 committees, and subcommittees to conduct the business of the organiza-
33 tion.

34 (e) The council shall issue a written report on the first day of
35 December each year on: (i) the activities of the council during the
36 preceding year; (ii) recommended food policies for the state; (iii)
37 recommended changes to the strategic plan; (iv) an account of the
38 progress made in achieving the goals of the council; and (v) actions
39 which are necessary to implement the recommendations of the council and
40 effectuate its purposes.

41 (f) The state governmental agencies represented on the board of direc-
42 tors may re-direct existing staff, as appropriations permit; assist in
43 executing the purposes of this subdivision; and provide office space,
44 meeting space, and other research and communication services as appro-
45 priate.

46 (g) No member of the council shall be disqualified from holding any
47 public office or employment, nor shall he or she forfeit any such office
48 or employment by virtue of his or her appointment hereunder. Members of
49 the council shall receive no compensation for their services but shall
50 be allowed their actual and necessary expenses incurred in the perform-
51 ance of their functions hereunder. All members of the council shall
52 serve at the pleasure of the governor and vacancies shall be filled in
53 the same manner as original appointments.

54 § 3. Subdivision 52 of section 16 of the agriculture and markets law,
55 as added by chapter 751 of the laws of 2021, is amended to read as
56 follows:

1 52. Develop and maintain, in cooperation with the department of
2 economic development and urban development corporation, a publicly
3 available searchable database of New York state farms and farm products.
4 The database shall include all farms located within the state and shall
5 list the products available for purchase and contact information for
6 each farm, unless a farm opts out of being included in the database by
7 notifying the department of such option. The department shall provide
8 farms with the ability to signify that they are interested in supplying
9 schools on the directory. The department shall provide easily accessible
10 electronic access to the database on the department's website and shall
11 update the database at least every two years. The department shall seek
12 cooperation and coordination of the directory with the New York state
13 council on food policy and the New York state land grant university,
14 where necessary information overlaps. The department may utilize any
15 directories that exist or are in progress.

16 § 4. Subdivisions 8 and 9 of section 180-a of the economic development
17 law, as added by chapter 550 of the laws of 1999, are amended to read as
18 follows:

19 8. geographically balanced public input and advice from individuals
20 and agencies directly involved with the production, processing, manufac-
21 turing and storage of agricultural products; and such other individuals
22 and agencies as may be engaged in state and local activities in support
23 of economic development in the agriculture resource industry; ~~and~~

24 9. the establishment and purposes of the New York state council on
25 food policy established pursuant to subdivision six-a of section sixteen
26 of the agriculture and markets law; and

27 10. all things necessary or convenient to carry out the functions,
28 powers and duties expressly set forth in this article.

29 § 5. This act shall take effect immediately; provided that if chapter
30 751 of the laws of 2021 shall not have taken effect on or before such
31 date then section three of this act shall take effect on the same date
32 and in the same manner as such chapter of the laws of 2021 takes effect.