

# STATE OF NEW YORK

330

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. JACKSON, MANNION -- 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 providing fresh produce to food deserts in the state

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

1 Section 1. Section 16 of the agriculture and markets law is amended by  
2 adding a new subdivision 53 to read as follows:

3 53. (a) Establish a program in the state to purchase fresh produce  
4 from farms located in the state utilizing all monies appropriated to  
5 such program and distribute such fresh produce in areas of the state  
6 determined by the commissioner to be food deserts. The commissioner  
7 shall promulgate for such program:

8 (i) eligibility and application criteria for individuals in areas in  
9 the state designated as food deserts to receive fresh produce pursuant  
10 to the program;

11 (ii) eligibility and application criteria for farms in the state to  
12 register as vendors to expedite the acquisition and distribution of  
13 fresh produce from such farms;

14 (iii) criteria that promotes opportunities for market participation by  
15 farmers from under-represented communities, including but not limited to  
16 farmers who are black, indigenous, or from communities of color. The  
17 program shall promote a consistent demand of products and services from  
18 under-represented farmers, including opportunities for farmers who are  
19 black, indigenous, or from communities of color to re-establish farm  
20 ownership.

21 (b) As used in this subdivision "food desert" shall have the same  
22 meaning as defined by the United States department of agriculture. For  
23 the purposes of the program established pursuant to paragraph (a) of  
24 this subdivision, the commissioner shall additionally consider readily

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

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1 available access to fresh foods, the socio-economics of an area, and the  
2 distance to food establishments that provide healthy and/or organic  
3 foods when determining what areas of the state are considered to be a  
4 food desert for the purposes of the program.

5 (c) The commissioner shall promulgate any rules or regulations neces-  
6 sary to effectuate the provisions of this subdivision.

7 § 2. This act shall take effect on the ninetieth day after it shall  
8 have become a law. Effective immediately, the addition, amendment  
9 and/or repeal of any rule or regulation necessary for the implementation  
10 of this act on its effective date are authorized to be made and  
11 completed on or before such effective date.