

# STATE OF NEW YORK

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870

2023-2024 Regular Sessions

## IN ASSEMBLY

January 11, 2023

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Introduced by M. of A. McMAHON, BUTTENSCHON, LUPARDO, JACKSON, SILLITTI, JONES, L. ROSENTHAL, FAHY, GONZALEZ-ROJAS, STIRPE, WALLACE, MAGNARELLI, WOERNER, BRONSON, CLARK -- read once and referred 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:

1 Section 1. Subdivisions b and c of section 5 of chapter 537 of the  
2 laws of 1976, relating to paid, free and reduced price breakfast for  
3 eligible pupils in certain school districts, as amended by section 22-b  
4 of part A of chapter 56 of the laws of 2022, are amended to read as  
5 follows:

6 b. Notwithstanding any monetary limitations with respect to school  
7 lunch programs contained in any law or regulation, for school lunch  
8 meals served in the school year commencing July 1, 2022 and each July 1  
9 thereafter, a school food authority shall be eligible for a lunch meal  
10 State subsidy of twenty-five cents, which shall include any annual State  
11 subsidy received by such school food authority under any other provision  
12 of State law, for any school lunch meal served by such school food  
13 authority; provided that the school food authority certifies to the  
14 Department of Agriculture and Markets through the application submitted  
15 pursuant to subdivision c of this section that such food authority has  
16 purchased at least thirty percent of its total cost of food products for  
17 its school lunch service program from New York state farmers, growers,  
18 producers or processors in the preceding school year. Commencing July 1,  
19 2023, and each July 1 thereafter, a school food authority shall be  
20 allowed to attribute moneys spent on purchases of food products from New  
21 York state farmers, growers, producers or processors made for its school

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

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1 breakfast program to the thirty percent of costs for school lunch  
2 service programs.

3 c. The Department of Agriculture and Markets in cooperation with the  
4 State Education Department, shall develop an application for school food  
5 authorities to seek an additional State subsidy pursuant to this section  
6 in a timeline and format prescribed by the commissioner of agriculture  
7 and markets. Such application shall include, but not be limited to,  
8 documentation demonstrating the school food authority's total food  
9 purchases for its school lunch service program, and documentation demon-  
10 strating its total food purchases and percentages for such program,  
11 permitted to be counted under this section, from New York State farmers,  
12 growers, producers or processors in the preceding school year. The  
13 application shall also include an attestation from the school food  
14 authority's chief operating officer that it purchased at least thirty  
15 percent of its total cost of food products, permitted to be counted  
16 under this section, for its school lunch service program from New York  
17 State farmers, growers, producers or processors in the preceding school  
18 year in order to meet the requirements for this additional State subsi-  
19 dy. School food authorities shall be required to annually apply for this  
20 subsidy. After reviewing school food authorities' completed applications  
21 for an additional State subsidy pursuant to this section, the Department  
22 of Agriculture and Markets shall certify to the State Education Depart-  
23 ment the school food authorities approved for such additional State  
24 subsidy and the State Education Department shall pay such additional  
25 State subsidy to such school food authorities.

26 § 2. This act shall take effect immediately.