

# STATE OF NEW YORK

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423--A

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

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Introduced by Sens. HINCHEY, ADDABBO, BORRELLO, BROUK, CLEARE, JACKSON, ROLISON, SKOUFIS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education 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 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,

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

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1 2024, and each July 1 thereafter, a school food authority shall be  
2 allowed to attribute moneys spent on purchases of food products from New  
3 York state farmers, growers, producers or processors made for its school  
4 breakfast program to the thirty percent of costs for school breakfast  
5 and lunch service programs.

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

29 § 2. This act shall take effect immediately.