

STATE OF NEW YORK

1339--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 9, 2025

Introduced by M. of A. SIMON, DAVILA, TAYLOR, GIBBS, COOK -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to establishing the sanitary retail food store grant program

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 501 to read as follows:

3 § 501. Sanitary retail food store grant program. 1. Legislative
4 intent. The legislature hereby finds, determines, and declares that
5 retail food stores located in New York should maintain proper sanitary
6 conditions to ensure the health and safety of all patrons. Preserving
7 stores that are unable to meet proper sanitary conditions, and are
8 located in areas where low-income people have limited access to afford-
9 able and nutritious food, is in the best interest of those communities
10 and the state. The legislature hereby declares that in order to ensure
11 the health and safety of its citizens, and preserve retail food stores
12 located in food deserts, the department shall, in cooperation with the
13 empire state development corporation, create a sanitary retail food
14 store grant program.

15 2. Definitions. For the purposes of this section, the following terms
16 shall have the following meanings:

17 (a) "Potentially hazardous foods" means any foods that can support the
18 rapid growth of disease-causing bacteria, including but not limited to
19 the following: meat, poultry, seafood, eggs, pre-sliced or cooked vege-
20 tables, dairy, sliced fruit and cooked rice;

21 (b) "Critical deficiencies" means factors that are leading causes of
22 foodborne illnesses, including but not limited to the following:

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

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1 (i) insect, rodent, bird, or vermin activity likely to result in prod-
2 uct contamination;

3 (ii) contact surfaces are unclean or not properly sanitized, such as
4 food contact equipment, utensils, or conveyances for handling potential-
5 ly hazardous foods;

6 (iii) inadequate employee handwashing facilities;

7 (iv) lack of proper equipment for cleaning and sanitizing surfaces
8 where any potentially hazardous foods are prepared, stored and sold; and

9 (v) potentially hazardous foods that are not stored at safe temper-
10 atures.

11 (c) "Food desert" shall have the same meaning as section two hundred
12 sixty of this chapter.

13 3. Sanitary retail food store grant program. Subject to appropriation,
14 the commissioner, in conjunction with the commissioner of the empire
15 state development corporation, shall establish a sanitary retail food
16 store grant program to ensure that retail food stores that are unable to
17 sustain the costs to immediately correct critical deficiencies, are
18 located in food deserts, and would otherwise be unable to stay in opera-
19 tion due to their inability to meet and maintain sanitary standards, may
20 be awarded funds to correct such critical deficiencies to ensure commu-
21 nities with limited food sources are held harmless and have access to
22 retail food stores with proper sanitary conditions.

23 4. Eligibility. To be eligible to receive sanitary retail food store
24 grant program funding, retail food stores shall meet the following
25 criteria:

26 (a) found to have critical deficiencies that were not or could not be
27 corrected at the time of inspection creating a need for immediate
28 corrective action or fails for two consecutive inspections;

29 (b) located in a food desert whereby closing the retail food store
30 would have a substantial impact on food access to the community it
31 serves;

32 (c) the retail food store is able to establish that it does not have
33 adequate funding or resources to correct the critical deficiencies, nor
34 would it be able to attain such funding within a reasonable amount of
35 time to prevent a negative impact to the community;

36 (d) the retail food store is able to establish that it is unable to
37 attain credit or loan for all or part of the costs needed to correct the
38 critical deficiencies; and

39 (e) the retail food store supplies the community with affordable and
40 nutritious food, such as fresh produce, canned goods, and refrigerated
41 foods.

42 5. Grants. The commissioner shall make grants to retail food stores
43 located in food deserts and meet all eligibility criteria that submit a
44 plan to correct the critical deficiencies and maintain proper sanitation
45 for at least five years. The grant shall be based on the scope and
46 nature of the resources associated with correcting the critical defi-
47 ciencies and the long-term maintenance of the correction of critical
48 deficiencies. Grants shall be approved and released every six months in
49 order to provide retail food stores with certainty on when they will be
50 able to attain funding and resources to correct the critical deficien-
51 cies and failed inspections.

52 § 2. Subdivision 4 of section 500 of the agriculture and markets law,
53 as amended by section 8 of part 11 of chapter 62 of the laws of 2003, is
54 amended to read as follows:

55 4. (a) The department shall inspect each retail food store at least
56 once in every twelve month period. Any store that fails two consecutive

1 inspections shall be inspected at least once in every six month period
2 until ~~[it has passed]~~ no critical deficiencies were found or critical
3 deficiencies were found but remedied at the time of the inspection for
4 two consecutive inspections. In the event that a retail food store was
5 found to have critical deficiencies that were not or could not be
6 corrected creating a need for immediate corrective action or fails for
7 three consecutive inspections, the department ~~[may, in its discretion,]~~
8 shall order such establishment to cease all retail operation until it
9 passes inspection or suspend or revoke any license issued to such estab-
10 lishment pursuant to article twenty-C of this chapter. However, the
11 department may, in its discretion allow such establishments to maintain
12 operation even if they would otherwise need to cease operation if they
13 are able to establish that they qualified for the sanitary retail food
14 store grant program, described in section five hundred one of this arti-
15 cle, and would otherwise be able to remedy their critical deficiencies
16 but were not awarded a grant in that calendar year due to exhaustion of
17 funds for the grant program.

18 (b) For the purposes of this subdivision, "critical deficiencies"
19 means the same as such term is defined in section five hundred one of
20 this article.

21 § 3. This act shall take effect on the one hundred twentieth day after
22 it shall have become a law.