

STATE OF NEW YORK

2567

2025-2026 Regular Sessions

IN ASSEMBLY

January 17, 2025

Introduced by M. of A. DAVILA -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to establishing the New York healthy incentive program (Part A); to amend the social services law, in relation to automating SNAP and the New York healthy incentive program (Part B); and to amend the social services law, in relation to establishing the New York healthy incentive program outreach program (Part C)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the New York healthy incentive program.
3 Each component is wholly contained within a Part identified as Parts A
4 through C. The effective date for each particular provision contained
5 within such Part is set forth in the last section of such Part. Any
6 provision in any section contained within a Part, including the effective
7 date of the Part, which makes a reference to a section "of this
8 act", when used in connection with that particular component, shall be
9 deemed to mean and refer to the corresponding section of the Part in
10 which it is found. Section three of this act sets forth the general
11 effective date of this act.

12 PART A

13 Section 1. The social services law is amended by adding a new section
14 95-b to read as follows:

15 § 95-b. New York healthy incentive program (NYHIP). 1. Legislative
16 findings. The legislature hereby finds and declares that healthy food
17 incentive programs provide significant health, educational, social, and
18 economic benefits to the general public, especially for those individ-
19 uals who have historically been excluded from access to fresh produce;

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

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1 in food deserts where access to healthy and affordable food is limited
2 or where there are no grocery stores; and local farmers who struggle to
3 compete with imported goods and produce. Furthermore, it is the artic-
4 ulated public policy of this state to promote and foster growth in the
5 number of farm to consumer entities accepting supplemental nutrition
6 assistance benefits and participate in the healthy food incentive
7 program. The healthy food incentive program provides earned dollars for
8 supplemental nutrition assistance program recipients to spend on local
9 healthy food that is fresh and nutritious for those who may be unable to
10 readily afford or have easy access to fresh fruits and vegetables for
11 themselves or their families; promotes healthier individual lifestyles
12 by incentivizing better eating habits; fosters the retention and expan-
13 sion of farm to consumer entities, particularly in food insecure envi-
14 ronments; engenders a closer relationship between communities and local
15 farmers; increases capacity for local farms; and stimulates local econo-
16 mies. It is therefore the intent of the legislature and the purpose of
17 this section to create a state operated healthy food incentive program,
18 known as the New York healthy incentive program (NYHIP), for all SNAP
19 recipients and local economies across the state.

20 2. Definitions. For the purposes of this section and section ninety-
21 five-c of this title:

22 a. "Office" shall mean the office of temporary and disability assist-
23 ance.

24 b. "Commissioner" shall mean the commissioner of the office of tempo-
25 rary and disability assistance.

26 c. "Farm to consumer entities" shall mean any sort of enterprise that
27 allows local farmers to sell their produce and other products directly
28 to the consumer, such as farmers markets, co-ops, locally sourced commu-
29 nity owned grocery stores, and community supported agriculture, as
30 determined by the commissioner with input from the commissioner of agri-
31 culture and markets.

32 d. "Local" or "locally" shall mean located within the state of New
33 York, however, if neighboring states create their own healthy incentive
34 programs the office may make agreements of reciprocity to allow SNAP
35 beneficiaries to earn dollar rewards for the purchase of healthy foods
36 from such neighboring state and may place a boundary limitation based on
37 distance from state lines.

38 e. "Local healthy food" shall mean any agricultural product that
39 provides nutritional support to humans such as produce, dairy, meat and
40 processed foods that must consist of ingredients that are grown and
41 cultivated in the state of New York, but may be processed elsewhere. For
42 the purposes of this paragraph, "processed foods" shall mean any raw
43 agricultural commodities that have been milled, cut, chopped, heated,
44 pasteurized, blanched, cooked, canned, frozen, dried, dehydrated, or
45 mixed, and shall consist of at least seventy-five percent of local
46 ingredients.

47 f. "Similarly situated entities" shall mean stores of any size that
48 have agreed to and signed a memorandum of understanding detailing how
49 they will prioritize sourcing produce and other healthy foods locally,
50 agree to goal metrics to increase their ability to locally source, and
51 meet those metrics to maintain their healthy food incentive program
52 participation. For the purposes of this paragraph, "stores" shall mean
53 any not farm to consumer produce retailer that is currently authorized
54 as an electronic benefit transfer retailer, such as grocery stores,
55 corner stores, bodegas, food marts, food stores, convenience stores, or
56 markets.

1 g. "SNAP card" or "SNAP benefit card" shall mean any electronic method
2 in which the supplemental nutrition assistance program is administered
3 to beneficiaries on a credit or debit card, including through the elec-
4 tronic benefit transfer system described in section twenty-one-a of this
5 chapter.

6 3. Office powers and duties to promulgate program. a. The office is
7 directed to apply for any necessary grant or waiver to participate in
8 the Gus Schumacher Nutrition Incentive Program or similar grant adminis-
9 tered by the United States Department of Agriculture and the National
10 Institute of Food and Agriculture for approval, and to act for the state
11 in any negotiations relative to the submission and approval of such
12 plan, waiver, or grant, and shall make such arrangements and take such
13 action, not inconsistent with law, as may be required to obtain and
14 retain such approval, to implement such plan, waiver, or grant and to
15 secure for the state the benefits available.

16 b. The office shall actively search for, find and apply for grants and
17 other streams of funding to promulgate this section and fund this
18 program.

19 c. The office shall promulgate rules and regulations and take all
20 other actions necessary for the effective creation and implementation of
21 NYHIP, providing earned dollars for SNAP beneficiaries to spend on local
22 healthy food that is fresh and nutritious, in accordance with this
23 section. Nothing in this section shall prohibit or limit the commis-
24 sioner's ability to expand access to NYHIP to all New Yorkers, so long
25 as it continues to prioritize the earned dollars used to buy locally
26 grown healthy foods. Nothing in this section shall prohibit or limit the
27 office from including New York grown and certified foods, as created by
28 section one hundred fifty-six-h of the agriculture and markets law, from
29 being included in NYHIP. NYHIP shall include the following:

30 i. A fixed earned dollar amount for the purchase of fresh locally
31 grown healthy foods using SNAP;

32 ii. Automation of earned dollar amounts on SNAP cards;

33 iii. Automation of SNAP benefit cards so SNAP beneficiaries are able
34 to participate in local community supported agriculture subscriptions
35 and earn NYHIP dollars;

36 iv. Ensuring NYHIP is available at all farm to consumer entities and
37 similarly situated entities by encouraging them to participate;

38 v. Connecting farm to consumer entities and similarly situated enti-
39 ties with the necessary resources and technology to participate in
40 NYHIP;

41 vi. Regular updates and maintenance of the mobile application and
42 website; and

43 vii. Creation and maintenance of a NYHIP outreach program to ensure
44 all SNAP beneficiaries are aware of the opportunity to participate in
45 such program.

46 d. The office may contract with outside entities to effect the imple-
47 mentation and promulgation of NYHIP and shall give greater weight to
48 entities that manage healthy incentive programs in the state when deter-
49 mining contract award.

50 e. The office shall establish a grant program, for farmers, farmers
51 markets, and community-supported agriculture partnerships, in attaining
52 any technology needed to take payment from SNAP beneficiaries and
53 participate in NYHIP. The office, in consultation with the department of
54 agriculture and markets, shall establish an outreach program for farm-
55 ers, farmers markets, and community-supported agriculture partnerships

1 to be informed of NYHIP and the availability of the technological grant
2 described above.

3 4. NYHIP mobile application, website and interactive map. a. i. The
4 office shall establish a mobile application and website to promote NYHIP
5 and locations available to SNAP recipients across the state and promote
6 farm to consumer entities that take SNAP. The mobile application and
7 website shall include, but is not limited to:

8 A. Name, location, hours of operation, contact information, and hyper-
9 links, as available, to all farm to consumer entities that sell locally
10 grown healthy food and accept SNAP benefits; and

11 B. Name, location, hours of operation, contact information, and hyper-
12 links, as available, to all farmers markets, mobile markets, community
13 supported agriculture, or similarly situated entities that sell locally
14 grown healthy food that are participants of NYHIP.

15 ii. The mobile application and website should have an interactive map
16 where a user may find farm to consumer entities that take SNAP and are
17 NYHIP participants. This information should also be searchable by
18 town/city, county, region or any other criteria the commissioner deems
19 relevant.

20 iii. The mobile application and website should make clear distinctions
21 between farm to consumer entities that just take SNAP and those that are
22 participants of NYHIP.

23 b. Each commissioner of social services shall provide information
24 regarding NYHIP on their website and hyperlinks to this interactive
25 website and where to download the mobile application on the SNAP pages
26 of all social services websites.

27 c. The office shall establish procedures for farm to consumer entities
28 that accept SNAP benefits and NYHIP to provide the updated information
29 detailed above for the mobile application and website. In developing
30 such procedures, the office shall provide a system in which the informa-
31 tion required in the mobile application and website is updated monthly
32 and continuous maintenance is provided.

33 d. The office shall promulgate rules and regulations and take all
34 other actions necessary for the effective implementation of this
35 section. Nothing in this section shall prohibit or limit the depart-
36 ment's ability to expand access to the NYHIP incentive program map to
37 all New Yorkers.

38 § 2. This act shall take effect immediately.

39 PART B

40 Section 1. Section 95 of the social services law is amended by adding
41 a new subdivision 12 to read as follows:

42 12. (a) The office shall promptly seek any necessary approvals from
43 the United States department of agriculture food and nutrition service
44 (USDA) to automate the use of SNAP benefit cards to streamline the proc-
45 ess for potential and current recipients to participate in locally grown
46 fresh food subscription services, such as community supported agricul-
47 ture partnerships, by conducting an automatic deduction on a weekly
48 basis. The office shall also create an automation process for the New
49 York healthy incentive program (NYHIP) as prescribed in section ninety-
50 five-b of this title, by allowing the state to add the accrued incen-
51 tives directly to a SNAP card. Once the office receives the waiver, the
52 office shall work with the USDA and NYHIP to ensure that any incentives
53 accrued are used by SNAP beneficiaries to purchase local food that is
54 fresh and nutritious for those who may be unable to readily afford or

1 have easy access to fresh fruits and vegetables for themselves or their
2 families. The office shall promptly seek any necessary approvals from
3 the USDA in order to maximize availability of NYHIP purchasing options
4 throughout the state.

5 (b) The office shall ensure SNAP beneficiaries and locally grown fresh
6 food subscription services, such as community supported agriculture
7 partnerships, are held harmless under situations in which SNAP benefi-
8 ciaries lose benefits during their subscription contract. The office shall
9 honor the entirety of the subscription service contract at the expense
10 of the state.

11 (c) Within one hundred eighty days after the effective date of this
12 subdivision, the office shall apply for a waiver or any other necessary
13 measure to the USDA to automate the use of SNAP in the state to stream-
14 line NYHIP and increase access to locally grown CSA subscriptions.

15 (d) For the purposes of this subdivision, "community supported agri-
16 culture partnerships" or "CSA" shall mean a system that connects farmers
17 and consumers by allowing the consumer to invest in farmers by subscrib-
18 ing to a harvest of a certain farm or group of farms, usually done by
19 crop season but may be year round.

20 § 2. This act shall take effect immediately.

21 PART C

22 Section 1. The social services law is amended by adding a new section
23 95-c to read as follows:

24 § 95-c. New York healthy incentive program (NYHIP) outreach program.

25 1. In accordance with federal requirements and to the extent that
26 federal matching funds are available, the office shall develop and
27 implement an outreach plan to inform low-income households potentially
28 eligible to receive food stamps and participate in NYHIP to encourage
29 the participation of eligible households that wish to participate.

30 2. In developing and implementing such a plan the office is authorized
31 and empowered, subject to the approval of the director of the budget and
32 provided that federal aid is available therefor, to enter into contrac-
33 tual agreements with public and/or private organizations to develop and
34 implement local, regional, and statewide outreach programs.

35 3. Each commissioner of social services shall develop and submit to
36 the office on an annual basis for its approval, a local outreach plan
37 governing the use of local social services personnel and services
38 provided by federally funded and other agencies and organizations to
39 inform potentially eligible households of the availability and benefits
40 of NYHIP and to encourage and facilitate the participation of eligible
41 households. The office shall provide commissioners of social services
42 with technical assistance as needed to carry out the provisions of this
43 subdivision.

44 4. As part of each local outreach plan, social services officials
45 shall take all steps necessary to maintain a supply of information leaf-
46 lets in public buildings, including but not limited to local unemploy-
47 ment insurance and employment services offices of the department of
48 labor, institutions and facilities under the supervision or control of
49 the department of health, food stores, union halls, community centers,
50 entities participating in NYHIP, and local agencies providing services
51 to the elderly to help ensure that eligible persons are informed of the
52 supplemental nutrition assistance program and NYHIP. Additionally, as
53 part of the local outreach plan, social services officials shall ensure
54 that every new supplemental nutrition assistance program applicant

1 receives information on NYHIP upon submission of an application and
2 shall provide such information in the home language of the applicant
3 pursuant to any federal and state laws, rules and regulations.

4 5. The office shall periodically distribute to all newspapers, and to
5 television and radio stations throughout the state, public service
6 announcements describing NYHIP, including the NYHIP interactive map and
7 website, and shall promptly inform such media of significant changes in
8 the program affecting eligibility requirements and/or the amount of
9 NYHIP earnings.

10 6. The office shall establish procedures in cooperation with the
11 industrial commissioner of the department of labor to ensure that infor-
12 mational leaflets about NYHIP are sent to each local employment services
13 office for distribution pursuant to section five hundred forty of the
14 labor law. Each leaflet shall include, but not be limited to: the phone
15 number for the New York state food stamp hotline; how to access the
16 NYHIP website and interactive map; how SNAP beneficiaries earn NYHIP
17 benefits buying local healthy foods; estimated maximum income eligibil-
18 ity levels by household size for participation in SNAP; and the avail-
19 ability of local social services departments to provide additional
20 information about NYHIP.

21 7. In accordance with applicable federal and state laws, rules and
22 regulations, the office shall make available appropriate translated
23 materials so that potentially eligible non-English speaking individuals
24 may be informed about NYHIP.

25 8. The office shall promulgate rules and regulations and take all
26 other actions necessary for the effective implementation of this
27 section.

28 § 2. This act shall take effect immediately.

29 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
30 sion, section or part of this act shall be adjudged by any court of
31 competent jurisdiction to be invalid, such judgment shall not affect,
32 impair, or invalidate the remainder thereof, but shall be confined in
33 its operation to the clause, sentence, paragraph, subdivision, section
34 or part thereof directly involved in the controversy in which such judg-
35 ment shall have been rendered. It is hereby declared to be the intent of
36 the legislature that this act would have been enacted even if such
37 invalid provisions had not been included herein.

38 § 3. This act shall take effect immediately; provided, however, that
39 the applicable effective date of Parts A through C of this act shall be
40 as specifically set forth in the last section of such Parts.