STATE OF NEW YORK

5836

2025-2026 Regular Sessions

IN ASSEMBLY

February 24, 2025

Introduced by M. of A. GRAY -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing the "homegrown foods act" to permit the sale of certain foods and food products without a license under certain conditions

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

Section 1. The agriculture and markets law is amended by adding a new article 20-A to read as follows:

ARTICLE 20-A
HOMEGROWN FOODS ACT

Section 251-a. Short title.
251-b. Definitions.
251-c. Exemption from licensing for home-based food operations.
251-d. Permissible foods for sale.
251-e. Limitations.
251-f. Food safety standards and oversight.

§ 251-a. Short title. This article shall be known and may be cited as the "homegrown foods act".

§ 251-b. Definitions. For the purposes of this article:

1. "Homegrown food products" shall refer to any food product grown or processed in an individual's private residence or on their personal property, and may include, but is not limited to, fruits, vegetables, jams, jellies, baked goods, dried fruits, pickles, honey, and similar non-potentially hazardous foods.

2. "Home-based food operation" refers to an individual who grows and processes food products in their own residence for direct sale to consumers, without the use of a commercial kitchen or food processing facility.

§ 251-c. Exemption from licensing for home-based food operations. Notwithstanding any provisions of law to the contrary, individuals who

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

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grow and process food at their private residence or property for direct sale to consumers shall be exempt from any licensure requirements under article twenty-C of this chapter if:

1. The total annual income from the sale of such homegrown food products does not exceed twelve thousand five hundred dollars;

2. The sales occur directly to consumers at local farmers markets, or through direct-to-consumer sales at such residence or residential property or other locations authorized by the commissioner in regulation; and

3. The food products are not potentially hazardous and are produced in compliance with food safety standards as established by the department.

§ 251-d. Permissible foods for sale. Home-based food operations may sell the following food products:

1. Jams, jellies, and preserves.

2. Baked goods, such as bread, cakes, cookies, and pastries.

3. Dried fruits, vegetables, herbs, and spices.

4. Honey and other similar bee products.

5. Pickles, sauerkraut, and other fermented foods.

6. Granola, trail mixes, and dry mixes.

7. Vinegar, mustard, and condiments that are not potentially hazardous.

8. Other low-risk, non-potentially hazardous food products as determined by the commissioner.

§ 251-e. Limitations. Home-based food operations may sell products only within New York state.

§ 251-f. Food safety standards and oversight. 1. Individuals selling homegrown food products must follow basic food safety standards as outlined by the department, which may include guidelines on sanitation, packaging, labeling, and traceability.

2. The department may inspect food products and practices when necessary to ensure compliance with food safety regulations.

3. Food products sold under this article shall include a label that provides the name of the producer, the location of production, a list of ingredients, and a statement indicating that the food was prepared in a residential kitchen.

§ 2. Subdivision 3 of section 251-z-2 of the agriculture and markets law, as amended by chapter 507 of the laws of 1973, is amended to read as follows:

3. The term "food processing establishment" means any place which receives food or food products for the purpose of processing or otherwise adding to the value of the product for commercial sale. It includes, but is not limited to, bakeries, processing plants, beverage plants and food manufactories. However, the term does not include: those establishments that process and manufacture food or food products that are sold exclusively at retail for consumption on the premises; those operations which cut meat and sell such meat at retail on the premises; bottled and bulk water facilities; those food processing establishments which are covered by articles four, [~~four-a, five-a, five-b, five-c, five-d, seventeen-b~~] four-A, five-A, five-B, five-C, five-D, seventeen-B, nineteen, [~~twenty-b,~~] and twenty-one of this chapter; home-based food operations under article twenty-A of this chapter; service food establishments, including vending machine commissaries, under permit and inspection by the state department of health or by a local health agency which maintains a program certified and approved by the state commissioner of health; establishments under federal meat, poultry or egg product inspection; or establishments engaged solely in the

harvesting, storage, or distribution of one or more raw agricultural commodities which are ordinarily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public.

§ 3. This act shall take effect immediately.