

# STATE OF NEW YORK

839--A

2025-2026 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. McMAHON, BUTTENSCHON, LUPARDO, JACKSON, JONES, ROSENTHAL, GONZALEZ-ROJAS, STIRPE, MAGNARELLI, WOERNER, BRONSON, CLARK, BENDETT, ANGELINO, BARRETT, RAMOS, MANKTELOW, MILLER, KELLES, BERGER, SLATER, BORES, CUNNINGHAM, ANDERSON, REYES, DeSTEFANO, GIGLIO -- read once and referred to the Committee on Education -- 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, subdivision b as amended by  
4 section 32-a of part A of chapter 56 of the laws of 2024 and subdivision  
5 c as amended by section 22-b of part A of chapter 56 of the laws of  
6 2022, are amended to read as follows:  
7 b. Notwithstanding any monetary limitations with respect to school  
8 lunch programs contained in any law or regulation, for school lunch  
9 meals served in the school year commencing July 1, 2022 and each July 1  
10 thereafter, a school food authority shall be eligible for a State subsi-  
11 dy equal to \$0.1901 per free and paid school lunch meal, and \$0.0519 per  
12 reduced-price lunch meal, for any school lunch meal served by such  
13 school food authority; provided that the school food authority certifies  
14 to the Department of Agriculture and Markets through the application  
15 submitted pursuant to subdivision c of this section that such food  
16 authority has purchased at least thirty percent of its total cost of  
17 food products for its school lunch service program from New York state

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

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1 farmers, growers, producers or processors in the preceding school year.  
2 Commencing July 1, 2025, and each July 1 thereafter, a school food  
3 authority shall be allowed to attribute moneys spent on purchases of  
4 food products from New York state farmers, growers, producers or proces-  
5 sors made for its school breakfast or snack programs to the thirty  
6 percent of costs for school breakfast and lunch service programs.

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

31 § 2. This act shall take effect immediately.