

# STATE OF NEW YORK

4041

2025-2026 Regular Sessions

## IN SENATE

January 31, 2025

Introduced by Sens. PERSAUD, BORRELLO, MAY, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

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:

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

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

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

4 (iii) inadequate employee handwashing facilities;

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

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

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

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

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

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

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

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

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

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

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

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

53 4. (a) The department shall inspect each retail food store at least  
54 once in every twelve month period. Any store that fails two consecutive  
55 inspections shall be inspected at least once in every six month period  
56 until [~~it has passed~~] no critical deficiencies were found or critical

1 deficiencies were found but remedied at the time of the inspection for  
2 two consecutive inspections. In the event that a retail food store was  
3 found to have critical deficiencies that were not or could not be  
4 corrected creating a need for immediate corrective action or fails for  
5 three consecutive inspections, the department [~~may, in its discretion,~~  
6 shall order such establishment to cease all retail operation until it  
7 passes inspection or suspend or revoke any license issued to such estab-  
8 lishment pursuant to article twenty-C of this chapter. However, the  
9 department may, in its discretion allow such establishments to maintain  
10 operation even if they would otherwise need to cease operation if they  
11 are able to establish that they qualified for the sanitary retail food  
12 store grant program, described in section five hundred one of this arti-  
13 cle, and would otherwise be able to remedy their critical deficiencies  
14 but were not awarded a grant in that calendar year due to exhaustion of  
15 funds for the grant program.

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

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