STATE OF NEW YORK

9565

IN SENATE

March 25, 2026

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on New York City Education

AN ACT to amend the education law, the state finance law and the tax law, in relation to establishing school-based food pantries in high-need schools in the city school district of the city of New York

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

Section 1. Short title. This act shall be known and may be cited as the "New York city school-based food pantry act".

§ 2. Legislative intent. The legislature hereby finds and declares that a growing number of children in New York city are living in poverty and are experiencing hunger and food insecurity. These conditions are associated with higher rates of chronic absenteeism, difficulty concentrating in class, behavioral challenges, and lower academic performance. Research further demonstrates that children who are hungry or food insecure are less likely to be ready to learn, more likely to experience adverse physical and mental health outcomes, and more likely to fall behind their peers academically.

The legislature therefore finds that it is a matter of overriding state concern to ensure that children in the city school district of the city of New York have reliable access to nutritious food in and around the school day, particularly in schools serving communities with the greatest economic need. School-based food pantries, operated in partnership with educators, parents, guardians, and community organizations, are a proven means of reducing food insecurity, stabilizing family nutrition, and supporting student learning and well-being.

The legislature further finds that a modest redirection of a portion of existing state revenue derived from the four percent state sales and use tax on hot and prepared supermarket foods is an appropriate and sustainable source of funding for this initiative, as such revenues are directly linked to the food system that should help ensure no child goes hungry. It is therefore the intent of the legislature to require the chancellor of the city school district of the city of New York to establish and maintain school-based food pantries in high-need schools, to

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

LBD14243-01-5

operate such pantries on a regular schedule during the school week, to rely primarily on volunteers including school staff and parents or guardians, and to provide for state funding in support of these efforts.

§ 3. The education law is amended by adding a new section 2590-w to read as follows:

§ 2590-w. School-based food pantries in high-need schools. 1. Definitions. For purposes of this section:

(a) "High-need school" shall mean a public school of the city district that the chancellor determines has among the highest levels of student economic need, using indicators that may include, but need not be limited to, the percentage of students eligible for free or reduced-price school meals, the percentage of students who are homeless or in temporary housing, and other measures of concentrated poverty or food insecurity.

(b) "School-based food pantry" shall mean a program located on the premises of a city district school that stores and distributes nutritious food, without charge, to students enrolled in such school and to their parents or guardians, for consumption outside of regular school meals.

2. Establishment of program. (a) The chancellor shall establish and maintain a school-based food pantry program in the city district.

(b) Subject to the availability of funds appropriated for this purpose, the chancellor shall, on and after the effective date of this section, authorize and cause the establishment of school-based food pantries in high-need schools throughout the city district. In determining the sequence and number of schools in which such pantries shall be established, the chancellor shall prioritize schools serving communities with the highest levels of poverty and food insecurity.

3. Operation and schedule. (a) Each school-based food pantry established pursuant to this section shall operate on the premises of the school during designated times during the regular school week, on days when school is in session.

(b) The chancellor shall ensure that each such pantry is open and available to students and their parents or guardians not less than two days per week during the regular school week. The designated hours of operation shall be scheduled at times reasonably accessible to families, which may include before-school, after-school, or early evening hours, and shall not interfere with required instructional time.

4. Volunteers and staffing. (a) School-based food pantries established pursuant to this section shall be organized and operated primarily by volunteers. Volunteers may include, but need not be limited to, teachers, school administrators, other school employees, parents or guardians of children attending the school, and community volunteers.

(b) Nothing in this section shall be construed to require any employee of the city district to perform uncompensated work or to conflict with or diminish any right, benefit, or protection provided to employees under any applicable collective bargaining agreement, the civil service law, or other provision of law. The chancellor may designate staff to coordinate volunteers and to ensure compliance with applicable laws, regulations and policies, including those related to student safety and privacy.

5. Community partnerships; training and technical assistance. (a) The chancellor shall encourage and facilitate cooperation between high-need schools operating school-based food pantries and local food pantries, food banks, and other community-based organizations with expertise in food distribution and hunger relief.

(b) Schools selected by the chancellor may enter into written agreements with such local organizations to receive training for school volunteers and to obtain technical assistance related to food safety, inventory management, volunteer management, outreach to families, and related matters.

(c) The chancellor may enter into citywide or borough-wide agreements with local or regional food pantries, food banks, or similar organizations to support the establishment and operation of school-based food pantries and to coordinate the donation, purchase, or delivery of food and related supplies.

6. Guidance and safeguards. The chancellor shall issue guidance to schools operating food pantries pursuant to this section, which shall include at a minimum:

(a) procedures to ensure that participation is voluntary and that students and families are treated with dignity and confidentiality;

(b) standards for food safety, storage, and handling, consistent with applicable state and local health and safety requirements;

(c) procedures to ensure that school-based food pantry operations do not interfere with instructional time or the safe operation of the school building; and

(d) encouragement of culturally appropriate and nutritious food options to the extent practicable.

7. Reporting. Commencing with the second school year following the effective date of this section, the chancellor shall annually prepare and submit to the governor, the temporary president of the senate, the speaker of the assembly, and the mayor and council of the city of New York, on or before January first, a report that shall include:

(a) the number of high-need schools in which school-based food pantries have been established and are operating;

(b) the borough and community school district in which each such school is located;

(c) the approximate number of students and families served by such pantries during the preceding school year; and

(d) a description of any partnerships with local food pantries, food banks, or other community-based organizations that support the operation of school-based food pantries.

§ 4. The state finance law is amended by adding a new section 97-wwww to read as follows:

§ 97-wwww. New York city school-based food pantry fund. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of taxation and finance a special fund to be known as the "New York city school-based food pantry fund".

2. The fund shall consist of:

(a) moneys transferred to such fund pursuant to subdivision three of this section;

(b) any moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law;

(c) any grants, gifts or bequests received by the state for the purposes of this fund; and

(d) any interest or other income earned on moneys in the fund.

3. (a) Notwithstanding any other provision of law to the contrary, the commissioner of taxation and finance shall, on or before the first day of each July, certify to the state comptroller the amount of revenue collected during the preceding state fiscal year from the four percent state sales and compensating use taxes imposed pursuant to article twen-

ty-eight of the tax law on receipts from the retail sale of hot and prepared food sold by supermarkets and grocery stores within the state.

(b) Upon receipt of such certification, the state comptroller shall, after reserving such amounts as they may deem necessary for refunds or credits, transfer from the general fund to the New York city school-based food pantry fund an amount equal to twenty-five percent of such certified revenue.

4. Moneys of the fund shall, following appropriation by the legislature, be made available to the department of education of the city school district of the city of New York, or to the state education department for distribution to the city school district of the city of New York, to support the establishment, operation, and expansion of school-based food pantries in high-need schools in the city school district of the city of New York pursuant to section twenty-five hundred ninety-w of the education law. Eligible uses shall include, but not be limited to, the purchase of food, equipment and supplies, training and technical assistance, and the costs of coordinating and administering the school-based food pantry program.

5. The moneys in such fund shall be kept separate from and shall not be commingled with any other moneys in the custody of the state comptroller. The state comptroller may invest any moneys in such fund not expended for the purposes of this section in the manner provided by law. Any interest and income earned on such investments shall be credited to the fund.

§ 5. Subdivision (b) of section 1148 of the tax law, as amended by section 6-a of part G of chapter 59 of the laws of 2019, is amended to read as follows:

(b) Provided however, before the funds may be distributed pursuant to subdivision (a) of this section, such funds shall be distributed as otherwise provided in sections ninety-two-d, ninety-two-h, [~~and~~] ninety-two-r and ninety-seven-wwww of the state finance law and sections eleven hundred two, eleven hundred four and eleven hundred nine of this article.

§ 6. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.