

STATE OF NEW YORK

442

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the agriculture and markets law, in relation to establishing a native plant and seed supply, development and enhancement program

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

1 Section 1. Section 142-b of the agriculture and markets law, as added
2 by a chapter of the laws of 2024 amending the agriculture and markets
3 law relating to establishing a native plant seed supply, development and
4 enhancement program, as proposed in legislative bills numbers S. 7849
5 and A. 9043, is amended to read as follows:

6 § 142-b. The New York native plant seed supply, development and
7 enhancement program. 1. The commissioners of the department, the depart-
8 ment of environmental conservation, and the department of economic
9 development shall establish a New York native plant seed supply, devel-
10 opment and enhancement program.

11 2. The purpose of such program shall be to:

12 (a) increase the production of native plant seeds, as provided for in
13 subdivision three of this section, at plant nurseries in the state; and

14 (b) increase the use of native plant seeds, as provided for in subdi-
15 vision three of this section, in public land management, roadside land-
16 scaping, reforestation, pollinator promotion, habitat restoration, regu-
17 lar groundskeeping and maintenance on state lands, and other projects as
18 determined by the commissioners of the department, the department of
19 environmental conservation, and economic development~~[, and~~

20 ~~(c) ensure that native plant seeds are commercially available in the~~
21 ~~state at a reasonable cost and in adequate supply].~~

22 3. No later than one year after the effective date of this section,
23 the commissioners shall [~~promulgate rules and regulations for the estab-~~

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

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1 ~~ishment of the program, including an initial~~ develop a list of [~~plants~~
2 ~~whose~~ plant seeds [~~are~~] eligible for consideration to participate in
3 such program and/or for use in connection with the requirement of subdi-
4 vision six of this section. The list shall be updated by the commission-
5 ers at least once every three years or if determined necessary by the
6 commissioners.

7 4. Funds for the program shall be subject to appropriation and may be
8 used to establish growing operations managed by the state or to support
9 private entities that can increase the state's native plant seed supply.

10 5. As used in this section, "native plant seed" means [~~a germinating~~
11 ~~seed, or other plant part, used to propagate a plant, that originates~~
12 ~~from a plant species that is indigenous to New York state~~]:

13 (a) non-invasive herbaceous and woody plant species that are indigene-
14 ous to New York state and are likely to maintain their range or success-
15 fully adapt to anticipated climate changes in New York state and the
16 northeastern United States, or native, non-invasive plants found else-
17 where in the United States that are likely to shift or expand their
18 range into New York state and the northeastern United States in response
19 to the anticipated climate change; and

20 (b) germinating seeds, or other plant parts, used to propagate desir-
21 able native plants representing a wide variety of species and genotypes
22 of plants.

23 6. Whenever possible and practicable, the state shall make use of
24 native plant seeds when engaging in public land management, roadside
25 landscaping, reforestation, pollinator promotion, habitat restoration,
26 regular groundskeeping and maintenance on state lands, and other
27 projects as determined by the commissioners of the department, the
28 department of environmental conservation, and the department of economic
29 development.

30 § 2. This act shall take effect on the same date and in the same
31 manner as a chapter of the laws of 2024 amending the agriculture and
32 markets law relating to establishing a native plant seed supply, devel-
33 opment and enhancement program, as proposed in legislative bills numbers
34 S. 7849 and A. 9043, takes effect.