

# STATE OF NEW YORK

839

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 -- read once and referred to the Committee on Education

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  
18 farmers, growers, producers or processors in the preceding school year.  
19 Commencing July 1, 2025, and each July 1 thereafter, a school food

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

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1 authority shall be allowed to attribute moneys spent on purchases of  
2 food products from New York state farmers, growers, producers or proces-  
3 sors made for its school breakfast program to the thirty percent of  
4 costs for school breakfast and lunch service programs.

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

28 § 2. This act shall take effect immediately.