STATE OF NEW YORK

5057--B

2025-2026 Regular Sessions

IN SENATE

February 18, 2025

Introduced by Sens. HINCHEY, BORRELLO, WEBER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 increasing the state subsidy for school lunch meals

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

Section 1. This act shall be known and may be cited as the "healthy schools, healthy students act".

§ 2. Subdivisions b and c of section 5 of chapter 537 of the laws of 1976 relating to paid, free and reduced price breakfast for eligible pupils in certain school districts, subdivision b as amended by section 32-a of part A of chapter 56 of the laws of 2024 and subdivision c as amended by section 22-b of part A of chapter 56 of the laws of 2022, are amended and a new subdivision b-1 is added to read as follows:

b. Notwithstanding any monetary limitations with respect to school lunch programs contained in any law or regulation, for school lunch meals served in the school year commencing July 1, [~~2022~~] **2028** and each July 1 thereafter, a school food authority shall be eligible for a State subsidy equal to [~~$0.1901~~] **$0.30** per [~~free and paid school lunch meal, and $0.0510 per reduced price~~] lunch meal, for any school lunch meal served by such school food authority; provided that the school food authority certifies to the Department of Agriculture and Markets through the application submitted pursuant to subdivision c of this section that such food authority has purchased at least thirty percent of its total

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

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cost of food products for its school **breakfast service,** lunch service**, and reimbursable snack** program from New York state farmers, growers, producers or processors in the preceding school year. **Payments pursuant to this subdivision shall be separate from and shall not supplant or offset any other state or federal reimbursement, aid, grant, or payment for school meals or child nutrition programs, including but not limited to the state reimbursement amount for school lunch meals.**

b-1. The per school lunch meal subsidy amount set forth in subdivision b of this section shall be increased annually by one and one-half percent over the prior school year's applicable amount. The commissioner of agriculture and markets shall publish the adjusted per-meal amount on or before July first of each such school year.

c. The Department of Agriculture and Markets in cooperation with the State Education Department, shall develop an application for school food authorities to seek an additional State subsidy pursuant to this section in a timeline and format prescribed by the commissioner of agriculture and markets. Such application shall include, but not be limited to, documentation demonstrating the school food authority's total food purchases for its school **breakfast service,** lunch service**, and reimbursable snack** program, and documentation demonstrating its total food purchases and percentages for such [~~program~~] **programs permitted to be counted under this section** from New York State farmers, growers, producers or processors in the preceding school year. The application shall also include an attestation from the school food authority's chief operating officer that it purchased at least thirty percent of its total cost of food products **permitted to be counted under this section** for its school **breakfast service,** lunch service**, and reimbursable snack** program from New York State farmers, growers, producers or processors in the preceding school year in order to meet the requirements for this additional State subsidy. School food authorities shall be required to annually apply for this subsidy. After reviewing school food authorities' completed applications for an additional State subsidy pursuant to this section, the Department of Agriculture and Markets shall certify to the State Education Department the school food authorities approved for such additional State subsidy and the State Education Department shall pay such additional State subsidy to such school food authorities.

§ 3. This act shall take effect July 1, 2028.