

STATE OF NEW YORK

6576

2025-2026 Regular Sessions

IN SENATE

March 17, 2025

Introduced by Sens. HINCHEY, HELMING, MAY, MURRAY, ROLISON, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts

AN ACT to amend the state finance law, in relation to establishing procurement goals for the purchase of New York state food products by state agencies

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

1 Section 1. The state finance law is amended by adding a new section
2 163-e to read as follows:

3 § 163-e. Procurement goals for New York state food products. 1. For
4 the purposes of this section, the following terms shall have the follow-
5 ing meanings:

6 (a) "New York state food product" shall mean a food item that is:

7 (i) grown, harvested, or produced in this state; or

8 (ii) processed inside or outside this state comprising over fifty-one
9 percent agricultural raw materials grown, harvested, or produced in this
10 state, by weight or volume.

11 (b) "State agency" shall mean any agency or department over which the
12 governor has executive authority, including all offices and divisions
13 thereof, as well as all public authorities for which the governor
14 appoints the chair, the chief executive, or the majority of board
15 members, including all offices and divisions thereof, except for the
16 Port Authority of New York and New Jersey. State agency shall include
17 the state university of New York and the city university of New York.

18 2. (a) In order to create, strengthen, and expand local farm and food
19 economies throughout New York, all state agencies annually spending an
20 amount exceeding fifty thousand dollars on food or food products shall
21 set percentage goals for New York state food products purchased yearly
22 and if a state agency spends an amount greater than or equal to two
23 million dollars annually on food or food products then:

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

LBD10834-01-5

1 (i) on or before December thirty-first, two thousand twenty-six, at
2 least fifteen percent of all food and food products purchased by such
3 state agency shall be New York state food products;

4 (ii) on or before December thirty-first, two thousand twenty-seven, at
5 least twenty percent of all food and food products purchased by such
6 state agency shall be New York state food products;

7 (iii) on or before December thirty-first, two thousand twenty-eight,
8 at least twenty-five percent of all food and food products purchased by
9 such state agency shall be New York state food products; and

10 (iv) on or before December thirty-first, two thousand twenty-nine and
11 thereafter, at least thirty percent of all food and food products
12 purchased by such state agency shall be New York state food products.

13 (b) To meet the goal set forth in this subdivision, when a state agen-
14 cy's contract for the purchase of food or food products is to be awarded
15 to the lowest responsible bidder, an otherwise qualified bidder who will
16 fulfill the contract through the use of New York state food products may
17 be given preference over other bidders, provided that the cost included
18 in the bid of New York state food products is not more than ten percent
19 greater than the cost included in a bid that is not for New York state
20 food products.

21 3. The provisions of this section shall not apply if the head of the
22 contracting state agency purchasing food or food products, in their sole
23 discretion, determines that: (a) purchasing New York state food or food
24 products pursuant to the provisions in subdivision one of this section
25 would be against the public interest; (b) purchasing New York state food
26 or food products would increase the cost of the contract by an unreason-
27 able amount; (c) New York state food products cannot be obtained in
28 sufficient and reasonable available quantities and of satisfactory qual-
29 ity to meet the contracting state agency's requirements; or (d) purchas-
30 ing food or food products grown, harvested, or produced outside of this
31 state, or food processed in facilities inside or outside of this state
32 comprising less than fifty-one percent agricultural raw materials
33 grown, harvested, or produced in this state, by weight or volume, is
34 necessary to avoid a delay in the delivery of food or food products.

35 4. Nothing in this section shall be construed to conflict with or
36 otherwise limit the goals and requirements set forth by section one
37 hundred sixty-two of the this article and articles fifteen-A and seven-
38 teen-B of the executive law. Any contracts meeting the goals and
39 requirements set forth by this section, in addition to requirements set
40 forth by section one hundred sixty-two of this article and/or articles
41 fifteen-A and seventeen-B of the executive law, shall be counted toward
42 all applicable goals and requirements it may satisfy.

43 5. The commissioner, in conjunction with the commissioner of agricul-
44 ture and markets shall periodically, but no later than every three
45 years, review the New York state food and food product goals and
46 requirements set forth by subdivision two of this section, and shall
47 issue a joint recommendation suggesting any changes in such goals and
48 requirements deemed necessary. Such recommendation shall be submitted to
49 the governor, the temporary president of the senate, and the speaker of
50 the assembly.

51 § 2. Paragraph g of subdivision 4 of section 165 of the state finance
52 law, as amended by chapter 533 of the laws of 2013, is amended to read
53 as follows:

54 g. No later than December first of each year the commissioner shall
55 annually report to the governor and legislature on the implementation of
56 this subdivision. Such report shall include, at minimum:

1 (i) a description of the office's efforts to improve and increase the
2 tracking of information relating to New York state food procured by
3 agencies; ~~and~~

4 (ii) the information collected pursuant to paragraph f of this subdi-
5 vision, compiled to provide the following, disaggregated by food product
6 and processed food:

7 (a) the total dollar value of New York state food products procured by
8 agencies;

9 (b) the total dollar value of food products from outside of New York
10 state procured by agencies during their listed New York state availabil-
11 ity periods; and

12 (c) the total dollar value of all other food products from outside of
13 New York state and processed food from facilities outside of New York
14 state; ~~and~~

15 (iii) an annual summary detailing each state agency contract made
16 which satisfies the New York state food product procurement goals and
17 requirements as set forth by section one hundred sixty-three-c of this
18 article, disaggregated by contracting agency, to include the following
19 information:

20 (a) the total dollar value of all food or food products purchased in
21 each contract;

22 (b) the total dollar value of New York state food or food products
23 purchased in each contract;

24 (c) the total dollar value of food or food products from outside of
25 New York state and food processed from facilities inside or outside of
26 New York state comprising less than fifty-one percent of agricultural
27 raw materials grown, harvested, or produced in this state, by weight or
28 volume purchased in each contract;

29 (d) the agency's annual aggregate percentage of food or food products
30 purchased; and

31 (e) an enumeration of all contracts entered into in which the head of
32 the contracting state agency applied one of the exceptions pursuant to
33 subdivision three of section one hundred sixty-three-a of this article
34 in the awarding of a bid; and the total dollar amount of food or food
35 products from outside of New York state and food processed from facili-
36 ties inside or outside of New York state comprising less than fifty-one
37 percent of agricultural raw materials grown, harvested, or produced in
38 this state, purchased in such contracts.

39 § 3. This act shall take effect one year after it shall have become a
40 law; provided, however, that section two of this act shall take effect
41 two years after it shall have become a law.