

# STATE OF NEW YORK

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3954--B

2021-2022 Regular Sessions

## IN ASSEMBLY

January 29, 2021

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Introduced by M. of A. THIELE, LUPARDO -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the economic development law, in relation to locally grown farm and food products and codifying the New York state council on food policy

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

1     Section 1. Short title. This act shall be known and may be cited as  
2 the "local food, farms, and jobs act".

3     § 2. Section 16 of the agriculture and markets law is amended by  
4 adding a new subdivision 6-a to read as follows:

5         6-a. Establish a New York state council on food policy. The purpose  
6 of the council shall be to develop comprehensive, coordinated state food  
7 policies with the goal of: ensuring that all citizens of the state are  
8 able to eat a healthy diet and avoid food insecurity while consuming New  
9 York grown and produced foods as much as possible. The council shall  
10 work to: support and facilitate the growth of a New York-based local  
11 farm and food product economy that revitalizes rural, suburban and urban  
12 communities, creates jobs, and supports economic growth through promot-  
13 ing and developing local farm and food businesses and their products and  
14 helps to make them more available to New York residents; and promote  
15 healthy eating through a plentiful, accessible, affordable, safe and  
16 nutritious food supply with access to fresh and minimally processed  
17 foods including a readily available supply of such food during emergen-  
18 cies.

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

LBD04684-06-2

1       (a) The responsibilities of the council shall include, but are not  
2 limited to, developing and recommending policies and plans to achieve  
3 the following:

4           (i) a food policy for the state which recognizes that it is in the  
5 best interests of the state to ensure the availability of an adequate  
6 supply of affordable, fresh and nutritious food to its residents;

7           (ii) state policies to expand agricultural production and processing,  
8 including locally-grown and organically-grown food;

9           (iii) a strategic plan for implementation of the state food policy,  
10 including benchmarks and criteria for measuring progress in achieving  
11 state food policy objectives;

12           (iv) offer comments on state regulations, legislation and budget  
13 proposals in the area of food policy, to ensure a coordinated and  
14 comprehensive inter-agency approach to food policy issues;

15           (v) assist state agencies, state-owned facilities, and other entities  
16 with the purchase of local farm or food products and with tracking and  
17 reporting of such purchases in order to meet the goals established in  
18 this section;

19           (vi) assist local farm and food businesses to succeed and grow, espe-  
20 cially beginning and new owners and those historically underrepresented  
21 or marginalized in agriculture or the food industry, to identify and  
22 secure necessary resources and equipment to begin, maintain, and expand  
23 projects and networks necessary for the development of local farm or  
24 food products;

25           (vii) facilitate the building of infrastructure, including, but not  
26 limited to, aggregation, processing, storage, packaging, distribution,  
27 and marketing facilities necessary to move local farm or food products  
28 to local and other markets;

29           (viii) support and expand programs that recruit, train, and provide  
30 technical assistance to New York farmers, food producers, food process-  
31 ors and residents in order to encourage the production and processing of  
32 local farm or food products;

33           (ix) coordinate interagency policies, initiatives, and procedures  
34 promoting local farm and food products in New York communities, by work-  
35 ing with and involving state, federal, and local agencies, as well as  
36 community based organizations, educational institutions, and trade  
37 organizations in executing the purposes of this section;

38           (x) eliminate statutory and legal barriers hindering the development  
39 of a local farm and food economy by working with federal, state, and  
40 local agencies, other agencies and applicable entities, to create  
41 consistent and compatible regulations for the production, processing,  
42 storage, distribution, and marketing of local farm or food products;

43           (xi) facilitate the use of public lands for growing local farm or food  
44 products by working with governmental entities at the local, state, and  
45 federal levels;

46           (xii) set annual goals for all purchases of local farm or food  
47 products by New York residents and to monitor the development and expan-  
48 sion of a local farm and food economy through data collection, tracking,  
49 measurement, analysis, and reporting on progress made in an annual  
50 report to the legislature; and

51           (xiii) initiate and facilitate public awareness campaigns about the  
52 economic benefits of a local farm and food economy.

53       (b) (i) The council shall consist of thirteen voting members as  
54 follows: six members with experience and expertise related to agricul-  
55 ture, nutrition, food insecurity or food policy appointed on the recom-  
56 mendment of the legislative leaders, two each by the temporary presi-

1 dent of the senate and the speaker of the assembly, and one each by the  
2 minority leader of the senate, and the minority leader of the assembly;  
3 the dean of the New York state college of agriculture and life sciences;  
4 and six members shall be appointed by the governor.

5 (ii) The council shall consult on a regular basis with an advisory  
6 board consisting of: the commissioner, the commissioner of health, the  
7 commissioner of the office of temporary and disability assistance, the  
8 commissioner of the office of children and family services, the commis-  
9 sioner of education, the commissioner of the department of economic  
10 development, the commissioner of the department of environmental conser-  
11 vation, the director of the office for the aging, the director of the  
12 office of general services, and eight members appointed by the governor.

13 (c) (i) The six council members selected by the legislative leaders  
14 shall be appointed to three-year staggered terms as determined by the  
15 legislature. Such persons may be nominated by organizations representing  
16 the sectors outlined in paragraph (b) of this subdivision. Vacancies  
17 shall be filled by the legislative leaders.

18 (ii) The six council members selected by the governor and the dean of  
19 the New York state college of agriculture and life sciences shall be  
20 appointed to three-year staggered terms as determined by the governor.

21 (iii) The members of the advisory board shall be appointed to three-  
22 year staggered terms as determined by the governor. Such persons shall  
23 be nominated by organizations representing the sectors outlined in para-  
24 graph (b) of this subdivision. Vacancies shall be filled by the gover-  
25 nor.

26 (d) The board of directors shall elect its presiding officers from  
27 among its members and may elect or appoint an executive committee, other  
28 committees, and subcommittees to conduct the business of the organiza-  
29 tion.

30 (e) The council shall issue a written report on the first day of  
31 December each year on: (i) the activities of the council during the  
32 preceding year; (ii) recommended food policies for the state; (iii)  
33 recommended changes to the strategic plan; (iv) an account of the  
34 progress made in achieving the goals of the council; and (v) actions  
35 which are necessary to implement the recommendations of the council and  
36 effectuate its purposes.

37 (f) The state governmental agencies represented on the board of direc-  
38 tors may re-direct existing staff, as appropriations permit; assist in  
39 executing the purposes of this subdivision; and provide office space,  
40 meeting space, and other research and communication services as appro-  
41 priate.

42 (g) No member of the council shall be disqualified from holding any  
43 public office or employment, nor shall he or she forfeit any such office  
44 or employment by virtue of his or her appointment hereunder. Members of  
45 the council shall receive no compensation for their services but shall  
46 be allowed their actual and necessary expenses incurred in the perform-  
47 ance of their functions hereunder. All members of the council shall  
48 serve at the pleasure of the governor and vacancies shall be filled in  
49 the same manner as original appointments.

50 § 3. Subdivision 52 of section 16 of the agriculture and markets law,  
51 as added by chapter 751 of the laws of 2021, is amended to read as  
52 follows:

53 52. Develop and maintain, in cooperation with the department of  
54 economic development and urban development corporation, a publicly  
55 available searchable database of New York state farms and farm products.  
56 The database shall include all farms located within the state and shall

1 list the products available for purchase and contact information for  
2 each farm, unless a farm opts out of being included in the database by  
3 notifying the department of such option. The department shall provide  
farms with the ability to signify that they are interested in supplying  
schools on the directory. The department shall provide easily accessible  
6 electronic access to the database on the department's website and shall  
7 update the database at least every two years. The department shall seek  
cooperation and coordination of the directory with the New York state  
council on food policy and the New York state land grant university,  
10 where necessary information overlaps. The department may utilize any  
11 directories that exist or are in progress.

12 § 4. Subdivisions 8 and 9 of section 180-a of the economic development  
13 law, as added by chapter 550 of the laws of 1999, are amended to read as  
14 follows:

15 8. geographically balanced public input and advice from individuals  
16 and agencies directly involved with the production, processing, manufac-  
17 turing and storage of agricultural products; and such other individuals  
18 and agencies as may be engaged in state and local activities in support  
19 of economic development in the agriculture resource industry; [and]

20 9. the establishment and purposes of the New York state council on  
food policy established pursuant to subdivision six-a of section sixteen  
22 of the agriculture and markets law; and

23 10. all things necessary or convenient to carry out the functions,  
24 powers and duties expressly set forth in this article.

25 § 5. This act shall take effect immediately; provided that if chapter  
26 751 of the laws of 2021 shall not have taken effect on or before such  
27 date then section three of this act shall take effect on the same date  
28 and in the same manner as such chapter of the laws of 2021 takes effect.