

# NEW YORK STATE ASSEMBLY

# ANNUAL REPORT

# 2020



COMMITTEE ON  
AGRICULTURE

CARL E. HEASTIE  
SPEAKER

DONNA A. LUPARDO  
CHAIR



THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY

CHAIR  
Committee on Agriculture

COMMITTEES  
Economic Development, Job Creation,  
Commerce and Industry  
Higher Education  
Rules  
Transportation

DONNA A. LUPARDO  
Member of Assembly  
123<sup>rd</sup> District

December 15, 2020

Honorable Carl Heastie  
Speaker of the Assembly  
State Capitol, Room 349  
Albany, NY 12248

Dear Speaker Heastie,

As Chairperson of the Assembly Standing Committee on Agriculture, I respectfully submit to you the 2020 Annual Report. I have outlined the Committee's significant legislation, as well as the Committee's priorities for the upcoming 2021 Legislative Session.

The agricultural industry is one of the largest in New York State, as documented in a 2015 report by Farm Credit East, which estimated that the total impact on State economic output from agricultural, commercial fishing and forestry production, food processing and off-farm services was approximately \$48 billion and supported 197,745 jobs. The 2017 USDA Census of Agriculture shows that over 6.9 million acres, about 20% of the state's land mass, is used by more than 33,000 farms to produce a diverse array of food products such as dairy, grains, fruits, vegetables and maple syrup. Dairy was still the largest sector by dollar value of farm sales, accounting for 47%. New York has the third-largest number of certified organic farms in the nation, increasing by over 60% since the 2012 census. While New York State is a national leader for many farm products, the typical farm is small, less than 200 acres, and 96% are family-owned earning an average annual net income of \$42,000.

Although New York's agricultural economy is significant it faces many challenges including relatively higher costs for energy, transportation, and other operating costs compared to the states and countries that New York farmers compete with. This year farmers also faced disruption to food supply chains as COVID shut down or drastically reduced retail and restaurant food businesses for months. Over 50% of the food dollars spent by consumers are for food service, and the shutdown of restaurants forced consumers to buy more from supermarkets. The processing capacity in New York and other states is geared for food service and could not quickly pivot to process and package food for other outlets. In addition, COVID exposed the reliance of our national food system on a very small number of food processors for some commodities. For example, the meat industry is concentrated in a few states in the Midwest that had large outbreaks of COVID and had to virtually shut down, threatening supplies and raising prices. New York has a growing meat and poultry farming sector serving the thousands of consumers who seek local food from small farms, but there is a lack of accessible processing capacity in the State. We need to capitalize on opportunities for providing more local food during these challenging times, including improving the supply chain infrastructure.

Throughout the 2020 Legislative Session, the Committee remained dedicated to promoting policies that would help New York's farms, food businesses, consumers and animals. The committee advanced legislation that passed both houses of the Legislature to: provide for better regulation and standards for hemp products and the hemp industry so this agricultural sector can continue to be a national leader; plan for a stronger State food supply that can ensure that New York's farmers and food businesses can meet the demands of a changing marketplace; protect farmers who were negatively impacted by loss of sales from the COVID shutdowns; and, promote the marketing of innovative farm

products. Animal protection laws are an important component of the Committee's work, and the Committee remains committed to animal welfare. There are close to 50 state agriculture laws related to care of animals, including the crimes of abuse, neglect, and animal fighting; protection for companion animals kept outside or left in cars; restrictions on cosmetic veterinary procedures; animal care standards for pet sellers and pet groomers; and, regulation of animal control and the care and disposition of lost, stray, or injured animals by local governments and shelters.

This year, as part of the State budget process, the Legislature restored millions of dollars in funding for research and promotion programs that provide support and services directly to farmers.

While farming continues to face challenges, especially this past year, there are also opportunities for growth as consumers and businesses recognize the importance of having access to local food. The State must be ready and willing to support these opportunities through policies and programs. One of my primary goals as Chair was to make sure the State Legislature continued to support our hardworking farmers who supply us with the best food and drink in the world.

I would like to thank my colleagues on the Agriculture Committee, the rest of my Assembly colleagues, and all the agriculture groups in the state for supporting me in my role as Chair, and for supporting our requests for funding in the budget and advancing legislation that is essential to the agricultural community. On behalf of New York State Assembly's Committee on Agriculture, I thank you for your leadership and continued encouragement and support in addressing these important issues.

Sincerely,

A handwritten signature in cursive script that reads "Donna A. Lupardo".

Donna A. Lupardo  
Chair,  
Committee on Agriculture

**2020 ANNUAL REPORT  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON AGRICULTURE**

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Donna Lupardo  
Chair

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**STAFF**

Giovanni Warren, Assistant Secretary for Program & Policy  
Robert Stern, Principal Analyst  
Sarah Klein, Counsel  
Nicole VanAuken, Executive Secretary  
Amy Abbati, Committee Clerk

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## **I. Committee Jurisdiction**

The Assembly Standing Committee on Agriculture is responsible for legislation that relates to the Agriculture and Markets Law, oversight of the New York State Department of Agriculture and Markets and helping to craft the Department's budget. The Committee collaborates closely with institutions of higher education and other organizations to foster agriculture research and development through programs such as the New York State Veterinary Diagnostic Center at Cornell and the New York Farm Viability Institute. The Committee also works with farmers and their representatives to develop policies and programs to promote the State's agricultural products, support the growth of agricultural, food and beverage businesses, ensure a safe food supply including healthy livestock, preserve our State's farmland resources and protect the welfare of our companion animals.

As part of its legislative and oversight functions, the Committee on Agriculture investigates issues related to Agricultural District enhancements, food inspections and safety, farmland protection, farm product sales and marketing, agribusiness licensing and regulation, the humane treatment of companion animals, kosher laws, consumer protection and animal diseases.

Agricultural-related legislation is often considered by other Assembly Committees, such as the Committees on Ways and Means, Codes, Economic Development, Environmental Conservation, Labor, Consumer Affairs, and Energy, and the Committee provides input and counsel to those committees to make sure that agricultural interests are taken into account.

## **II. 2020 Committee Accomplishments**

### **A. Support for New York's Farms and Food Businesses**

New York State offers many programs and policies that assist farmers and related food businesses, including New York Agricultural Districts, marketing programs, training and research. Our experience during the COVID-19 pandemic highlighted the State's dependence on imported food. As New York's consumer demand for local agricultural products increases, it is important that the State continues to provide the tools and support for our farmers to maximize their productivity. The Committee on Agriculture places great importance on assisting farmers and food producers to better participate, grow and compete in rapidly changing, competitive marketplaces.

#### **1. Farm Products for Holidays (Chapter 224 of the Laws of 2020/A.4153 Gunther)**

New York farmers have a long tradition of agricultural tourism providing seasonal experiences and products for holidays such as Halloween, Thanksgiving and Christmas. Many consumers can't make it to the farms for the experiences but still seek out the products, and cannot find local products to purchase. This law authorizes the Department of Agriculture and Markets, in cooperation with Empire State Development, to promote the sale of New York farm products, such as Christmas trees, pumpkins, flowers and other products used for holiday celebrations to businesses who may sell them in stores or other locations. The Department would work with municipalities, such as New York City, that have street vendors selling these products to provide information or listings of growers and suppliers that wholesale New York-grown products. Some farmers such as our Christmas tree growers have had difficulty selling into the lucrative New York City market.

#### **2. Ice Cream with Spirits (Chapter 132 of the Laws of 2020/A.8732 Lupardo)**

Under current law, ice cream with up to five percent volume of alcohol may be sold using wine, beer and cider. This law authorizes the sale of ice cream made with liquor that complies with the same requirements as the other alcoholic beverages. Ice cream with alcohol can only be sold to those 21 and over and must have warning labels similar to what is required for alcoholic beverages.

#### **3. Hemp Industry (Chapter 1 of the Laws of 2020/A.8977 Lupardo)**

This law amends the hemp law approved last year, Chapter 614 of the Laws of 2019 regulating hemp, cannabinoid hemp and hemp extract. This new law focuses the regulatory authority of the Department of Agriculture and Markets hemp program to the growing and minimal processing of hemp for industrial purposes such as clothing, and for food, beverages and other products that are "generally recognized as safe" under federal law and not marketed for their cannabinoid (CBD) content. Under this new configuration, the regulation of hemp extract and cannabinoid hemp (CBDs) is moved to the Department of Health from Agriculture. Cannabinoid hemp is defined to include products such as foods or lotions intended to be used for their CBD content. Cannabinoid hemp products will require a retail license for every retailer selling them. The cannabinoid hemp processor license replaces the cannabinoid grower, manufacturer and extractor licenses enacted in law last year.

This law also updates requirements for sourcing of raw hemp for products processed in New York, and

modifies licensing, fee, enforcement and penalty provisions. The Controlled Substances Act is amended to remove hemp in all its forms from the definition of Marijuana. The Agriculture law provisions, and cannabinoid hemp and hemp extract definitions took effect earlier this year, the licensing provisions administered by the Department of Health take effect on January 1, 2021.

**4. Asian Longhorned Ticks  
(Chapter 67 of the Laws of 2020/A. 9742 Barrett)**

In 2019 the legislature approved a law, Chapter 674 of the Laws of 2019, authorizing the Commissioner of the Department of Agriculture and Markets to develop, in consultation with the Commissioner of the Department of Health and Cornell University, recommendations for farmers related to treatment, prevention and management of livestock and farm property to protect against Asian Longhorned Ticks. This amendment to Chapter 674 clarifies that the recommendations for when farmers use pesticides in response to tick infestations should be based on maximizing effectiveness, and includes the Commissioner of the Department of Environmental Conservation in the development of recommendations.

**5. Agricultural Assessment COVID-19 Exemption  
(Chapter 220 of the Laws of 2020/A.10464-A Gunther)**

State law provides for reduced property tax bills for farmland by limiting the property tax assessment to its agricultural value instead of its highest use value such as housing development. To be eligible, generally an agricultural enterprise must average at least \$10,000 in gross sales of agricultural products over the preceding two years if it has more than seven acres of land and at least \$50,000 in sales if it has fewer than seven acres.

There is an exemption from the sales thresholds for years when natural disasters such as floods occur, and this law would amend that section of law to provide a temporary one-year exemption for those who can demonstrate the loss of sales due to the effects of the COVID pandemic. The COVID-19 crisis negatively affected some farm sales similar to a natural disaster and this law would ensure that farmers don't lose their agricultural property tax exemption. Farmland that qualified for an agricultural assessment on the 2020-21 tax rolls would maintain that status even if the sales generated by the farmland fall below the minimum threshold to qualify for the 2021-22 tax rolls, provided the landowner files an application to be developed by the New York State Department of Taxation and Finance that substantiates the lower sales were due to the effects of the COVID pandemic emergency declaration.

**6. Farm and Food Supply Chain Working Group  
(Chapter 316 of the Laws of 2020/A.10607-A)**

This law would have the Commissioner of Agriculture and Markets, in consultation with the Commissioner of Economic Development, establish a working group with stakeholders from the farm and food industry, including supply chain representatives, labor, academics and others to examine food supply and distribution problems revealed by the COVID-19 pandemic and emergency declarations. The COVID-19 crisis and the State and federal response to it severely disrupted the State's food supply and markets for food producers, processors, wholesalers, retailers, and consumers. The declared emergencies recognized that the farm and food industry were essential and needed to remain open and continue to operate. However, the infrastructure and supply chains for food were not prepared for the effects of the dramatic changes which resulted in: processors and wholesalers having to rapidly shift production and distribution from foodservice buyers to retail stores; shortages of labor that not only impacted New York farms and food businesses but industries such as meat and poultry which are highly concentrated in other

states causing shortages of food; retailers and food service that suddenly had to shift from on-site consumption to pickup and delivery and online ordering; schools that were attempting to feed students remotely; and overwhelming demand for emergency food while farm and food products were dumped because they could not be processed, packaged and delivered to emergency food providers, other food businesses or consumers.

As the food marketplace undergoes significant changes, the State will need to strengthen food security to reduce dependence on imported food, especially in preparation for emergencies. In addition small food businesses, including farms, will need to make significant changes in their operations to accommodate consumer preferences. The working group would look at long term strategies to strengthen the State's production, processing, retailing and distribution of farm and food products, hold a series of roundtable discussions and report their recommendations to the Governor, Speaker of the Assembly and Senate Majority Leader.

## **B. Department of Agriculture and Markets Regulatory Legislation**

### **1. Tire Inflation Regulation (Chapter 231 of the Laws of 2020/A.5819-A Abbate)**

This law would provide for uniform state regulation of tire inflation machines at service stations. State law currently requires most gas stations to provide air when they are open. Local governments would continue to enforce state law but would be prevented from adopting laws related to tire inflation that differed from State law.

### **2. Extender of Law Prohibiting the Licensure of New Live Animal and Bird Markets in New York City Residential Neighborhoods (Chapter 135 of the Laws of 2020/A.8009 Weprin)**

This law extends for four years a law that prohibits the opening of new live animal and bird markets within 1,500 feet of a residential building. This law was first passed in 2008 and allowed existing markets to continue operating.

## C. Hearings/Roundtables

### Public Hearing on the Impact and Implementation of the State Budget for Agriculture and the Food Industry

On December 2, 2020 the Assembly Committees on Agriculture, Economic Development, Job Creation, Commerce and Industry and Small Business, and the Task Force on Food, Farm & Nutrition Policy convened a public hearing on impact of the State budget on agriculture and the supply chain of the food industry, including the Department of Agriculture and Markets, the State's various economic development entities and programs which interact with the agricultural industry and those other industries and small businesses that are dependent on it. The agriculture industry in New York, including food processing, forestry and fishing, is one of the largest with almost \$50 billion in economic output and nearly 200,000 jobs. The purpose of the hearing was to examine the overall impact and implementation of the 2020-2021 State budget, including the efficacy of current investments in agriculture and related businesses down the supply chain in a year when the COVID-19 pandemic has severely impacted them. The Committees and Task Force were interested in examining the best approach to help the farming and related business community in light of a changing, competitive national and international marketplace. The panel heard testimony about the need for support for processing and other infrastructure to more effectively support farmers getting their products to New York's food businesses and millions of consumers, including food insecure households who increasingly rely on the emergency food system of foodbanks and pantries. The Commissioner of Agriculture and Markets, farmers, representatives of agricultural, dairy processing, and commercial fishing industry associations, New York City's Hunts Point wholesale food market, foodbanks and a Queens food pantry, Cornell University and Cooperative Extension, a local economic development official and a farm banking officer participated in the hearing.

### Public Hearing on the Impact of COVID-19 on Food Insecurity

On September 9, 2020, the Assembly Committees on Agriculture and Social Services held a hearing on the impact of the COVID-19 pandemic on food insecurity in New York. With heightened unemployment, and the increased cost of groceries caused by a greater demand on the food supply chain food insecurity is an ongoing issue for many American households across the country, including over 2 million New Yorkers. Additionally, the emergency Supplemental Nutrition Assistance Program (SNAP) funding that was included in the Families First Coronavirus Response Act of 2020 expired on July 31, 2020, leaving many individuals without adequate resources for food. The pandemic also impacted the State's food supply infrastructure and presented many challenges for New York farms, food suppliers, processors, wholesalers, and retailers which exacerbated food insecurity within the State. Finally, with schools, childcare centers, and older adult meal sites continuing to close their doors, access to federal and state food assistance programs are limited, putting more strain on overburdened emergency food programs. Farm Bureau, foodbanks, food assistance advocates, and State and local social services agencies testified on the impact of widespread closures of services and businesses, the federal response to food insecurity, and how farmers and emergency food programs responded to help struggling families and seniors.

### Public Hearings on the Impact of COVID-19 on Small Business and Agriculture

In May and June 2020, the Assembly's Committees on Agriculture, Small Business, Banks, Ways and Means, the Task Force on Food, Farm and Nutrition Policy and the Office of State-Federal Relations held one statewide hearing jointly with the Senate and 7 regional Assembly hearings on the impact of COVID-19 and the State emergency declarations on small businesses and farms. In March 2020 the Governor issued a series of Executive Orders requiring non-essential workers and owners of businesses across the state to stay at home or practice strict social distancing to protect the public health. As a result of these restrictions, most small businesses had to shut their doors or drastically reduce or modify operations, placing their continued

existence and financial stability at risk. Even those considered essential, such as farms and grocery stores, were severely impacted by declines in demand, supply chain interruptions and new production challenges due to new safety measures in the workplace. The federal government passed legislation that provided loans, which may be forgiven and converted to grants if conditions are met, for small business to maintain payroll and make up for other losses of income due to the pandemic. Additional provisions provided grants to farmers, including purchases of excess produce, dairy and meat to distribute to foodbanks. At the hearings farmers and small business owners such as restaurants discussed the severe problems they faced in dealing with this unprecedented situation, the adequacy, accessibility and effectiveness of the federal response, and how the federal assistance needed to be improved.

### Roundtable on Soil Health

On Wednesday, February 5, 2020 the Assembly and Senate Agriculture Committees hosted a roundtable discussion on the importance of soil health to farming and the environment. Improved soil health practices can benefit farmers bottom lines with improved yields, reduced erosion, and reduced need for soil amendments such as fertilizer, and help the overall environment by retaining water, reducing runoff, improving climate resilience, capturing carbon in the soil, reducing greenhouse gas emissions, and helping prevent climate change.

Participants including farmers, farm organizations, environmental groups, experts from Cornell University, and the Commissioner of the Department of Agriculture and Markets' Commissioner discussed efforts to improve soil health and barriers they are facing. Recommendations included providing funding and incentives for farmers to make investments in new practices and management systems, more farmer-to-farmer information sharing, and continued support of Cornell Cooperative Extension and the Soil and Water Conservation Districts.

## D. Agriculture Budget 2020- 2021

In the SFY 2020-2021 Department of Agriculture and Markets budget, the Legislature included an estimated \$ 51 million for local assistance and \$124 million for State operations. Funding for capital projects totaled \$19 million.

The Legislature demonstrated its interest in promoting and protecting agriculture by adding funding for programs related to marketing, research, education and support for farmers. The final budget fully or partially restored funding for programs such Farmworker Child Care, the Farm Viability Institute, Cornell research, producer associations and farmland protection technical assistance. New funding was provided for organic farmer certification systems and New York City farming projects through Cooperative Extension.

<b>Agriculture and Markets (Local Assistance)</b>			
<b>Enacted Budget 2020-2021</b>			
<b>Cornell Diagnostic Lab</b>		NYS Berry Growers	\$60,000
"Core" Diagnostic Lab	\$4,632,000	NYS Corn and Soybean Growers	\$75,000
Cattle Health Assurance	\$360,000	<b>Agriculture Development</b>	
Quality Milk Production Services	\$1,174,000	Grow NY	\$2,000,000
Johnes Disease	\$480,000	NYS Brewers	\$75,000
Rabies Program	\$200,000	NYS Cider Association	\$75,000
Avian Disease	\$252,000	NYS Distillers Guild	\$75,000
Salmonella Dublin	\$50,000	NYS Wine & Grape Foundation	\$1,073,000
<b>Cornell R&amp;D</b>		NYS Christmas Tree Farmers	\$125,000
Berry Research	\$260,000	NYS Apple Growers Assoc.	\$614,000
Honeybee Research	\$150,000	NYS Maple Producers	\$246,000
Maple Research	\$75,000	Apple R&D	\$500,000
Onion Research	\$70,000	Turfgrass Industry	\$125,000
Vegetable Research	\$100,000	Northern NY Ag Development	\$300,000
Cornell Hard Cider Research	\$200,000	Harvest New York	\$300,000
Cornell Concord Grape Research	\$250,000	Electronic Benefits Transfer	\$138,000
Hop Evaluation and Field Testing	\$350,000	Farm-To-School	\$750,000
Golden Nematode	\$62,000	Ag Child Care (Migrant)	\$9,275,000
<b>Cornell Education and Outreach</b>		Local Fairs	\$420,000
Ag- in- the- Classroom	\$380,000	Tractor Rollover Protection	\$250,500
Future Farmers of America	\$842,000	<b>Farmland Protection</b>	
Agricultural Educators	\$416,000	New Generation Resource Ctr.	\$200,000
Farm Family Assistance	\$782,000	New Generation Navigators	\$200,000
Pro-Dairy Program	\$1,201,000	<b>New Programs</b>	
Veterans to Farms	\$115,000	Urban Agricultural Education	\$250,000
Farm Labor Specialist	\$200,000	NYS Organic Farmers	\$80,000
Dairy Profit Teams	\$370,000	Senate Initiatives	\$540,000
<b>Farm Viability Institute</b>		<b>Total</b>	<b>\$31,767,500</b>
Farm Viability Institute	\$1,050,000		

### **III. 2021 Outlook**

In 2020, the Standing Committee on Agriculture continued to work to: provide state financial support and reduce administrative burdens for farmers and other businesses; foster research to help farmers boost productivity; assist food businesses; protect agricultural land; and protect pets and their owners. In addition, the Committee moved legislation to respond to potential problems related to the impact of the COVID-19 pandemic. In the coming year, the Committee expects to continue to address issues of concern to farmers and related business owners, consumers, and animal advocates. The Committee will work to help assure that our farmers can capitalize on the burgeoning hemp industry and potential cannabis marketplace.

**APPENDIX A  
SUMMARY OF ACTIONS ON ALL BILLS  
REFERRED TO THE COMMITTEE ON AGRICULTURE  
DURING THE 2020 LEGISLATIVE SESSION**

Final Action	Assembly Bills	Senate Bills	Total Bills
<b><u>BILLS REPORTED FAVORABLE TO:</u></b>			
Codes	2	0	2
Judiciary	0	0	0
Ways & Means	2	0	2
Rules	1	0	1
Floor	2	0	2
<b>Total</b>	7	0	7
<b><u>COMMITTEE ACTION</u></b>			
Bills Held for Consideration	15	0	15
Bills Defeated in Committee	0	0	0
Bills Having Enacting Clauses Stricken	2	0	2
<b><u>BILLS HAVING COMMITTEE REFERENCE CHANGED</u></b>	0	0	0
<b><u>BILLS REMAINING IN COMMITTEE</u></b>	137	6	143
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	<b>3</b>		

**APPENDIX B  
NEW YORK STATE ASSEMBLY  
COMMITTEE ON AGRICULTURE CHAPTERS**

Assembly Bill #	Sponsor	Description
A.4153	Gunther	This law authorizes the Department of Agriculture and Markets, in cooperation with Empire State Development, to promote the sale of New York farm products, such as Christmas trees, pumpkins, flowers and other products used for holiday celebrations to businesses who may sell them in stores or other locations. <b>Chapter 224 of the Laws of 2020</b>
A.5819-A	Abbate	This law would provide for uniform state regulation of tire inflation machines at service stations. State law currently requires most gas stations to provide air when they are open. Local governments would continue to enforce state law but would be prevented from adopting laws related to tire inflation that differed from State law. <b>Chapter 231 of the Laws of 2020</b>
A.8009	Weprin	This law extends for four years a law that prohibits the opening of new live animal and bird markets within 1,500 feet of a residential building in New York City. <b>Chapter 135 of the Laws of 2020</b>
A.8732	Lupardo	This law authorizes ice cream made with liquor that complies with the same requirements as the other alcoholic beverages. Ice cream with alcohol can only be sold to those 21 and over and must have warning labels similar to alcohol. <b>Chapter 132 of the Laws of 2020</b>
A.8977	Lupardo	This law limits the Department of Agriculture and Markets hemp program to the hemp for industrial purposes such as clothing, and for food not marketed for cannabinoid content. The regulation of hemp extract and cannabinoid hemp (CBDs) is moved to the Department of Health from Agriculture. <b>Chapter 1 of the Laws of 2020</b>
A. 9742	Barrett	This law would include the Commissioner of Environmental Conservation in a law authorizing the Commissioner of Agriculture and Markets to develop plans and recommendations for farmers to prevent Asian Longhorned Tick infestations. <b>Chapter 67 of the Laws of 2020</b>
A.10464-A	Gunther	This law would ensure that farmers don't lose their agricultural property tax exemptions in 2021 if their sales fell below the Agricultural Assessment thresholds due to the impact of COVID-19 and the related State Executive Orders. <b>Chapter 220 of the Laws of 2020</b>
A. 10607-A	Lupardo	This law would have the Commissioner of Agriculture and Markets, in consultation with the Commissioner of Economic Development, establish a working group with stakeholders from the farm and food industry, including supply chain representatives, labor, academics and others to examine food supply and distribution problems revealed by the COVID-19 pandemic and emergency declarations and issue a report with recommendations. <b>Chapter 316 of the Laws of 2020.</b>