

2370--A

Cal. No. 199

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I N   S E N A T E

January 19, 2011

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Introduced by Sens. SEWARD, GRISANTI, JOHNSON, LARKIN, RANZENHOFER, RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the agriculture and markets law, in relation to exempting certain institutions involved in the processing of homemade baked goods, spices, and powders, sold only at farmers' markets and roadside stands from the definition of a food processing establishment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 3 of section 251-z-2 of the agriculture and  
2 markets law, as amended by chapter 507 of the laws of 1973, is amended  
3 to read as follows:  
4     3. The term "food processing establishment" means any place which  
5 receives food or food products for the purpose of processing or other-  
6 wise adding to the value of the product for commercial sale. It  
7 includes, but is not limited to, bakeries, processing plants, beverage  
8 plants and food manufactories. However, the term does not include: those  
9 establishments that process and manufacture food or food products that  
10 are sold exclusively at retail for consumption on the premises; those  
11 operations which cut meat and sell such meat at retail on the premises;  
12 bottled and bulk water facilities; those food processing establishments  
13 which are covered by articles four, [four-a, five-a, five-b, five-c,  
14 five-d, seventeen-b, nineteen, twenty-b, and twenty-one] FOUR-A, FIVE-A,  
15 FIVE-B, FIVE-C, FIVE-D, SEVENTEEN-B, NINETEEN AND TWENTY-ONE, AND FORMER  
16 ARTICLE TWENTY-B of this chapter; service food establishments, including  
17 vending machine commissaries, under permit and inspection by the state  
18 department of health or by a local health agency which maintains a  
19 program certified and approved by the state commissioner of health;

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

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1 establishments under federal meat, poultry or egg product inspection;  
2 [or] establishments engaged solely in the harvesting, storage, or  
3 distribution of one or more raw agricultural commodities which are ordi-  
4 narily cleaned, prepared, treated or otherwise processed before being  
5 marketed to the consuming public; OR ESTABLISHMENTS THAT ARE ENGAGED IN  
6 THE PROCESSING OF HOMEMADE BAKED GOODS, SPICES OR POWDERS, INCLUDING  
7 GARLIC POWDER, TO BE SOLD EXCLUSIVELY AT FARMERS' MARKETS OR ROADSIDE  
8 STANDS.

9 S 2. Subdivision 4 of section 251-z-2 of the agriculture and markets  
10 law, as added by chapter 863 of the laws of 1972, is amended to read as  
11 follows:

12 4. The term "processing" means processing foods in any manner, such as  
13 by manufacturing, canning, preserving, freezing, drying, dehydrating,  
14 juicing, GRINDING, pickling, baking, brining, bottling, packing, repack-  
15 ing, pressing, waxing, heating or cooking, or otherwise treating food in  
16 such a way as to create a risk that it may become adulterated if improp-  
17 erly handled.

18 S 3. Section 251-z-2 of the agriculture and markets law is amended by  
19 adding a new subdivision 5 to read as follows:

20 5. GARLIC POWDER SHALL MEAN THE RESULTING POWDER FROM GRINDING DEHY-  
21 DRATED GARLIC (*ALLIUM SATIVUM*) INTO A POWDER FORM.

22 S 4. This act shall take effect immediately.