S T A T E O F N E W Y O R K

2370

2011-2012 Regular Sessions

I N S E N A T E

January 19, 2011

Introduced by Sens. SEWARD, GRISANTI, JOHNSON, LARKIN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

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:

Section 1. Subdivision 3 of section 251-z-2 of the agriculture and markets law, as amended by chapter 507 of the laws of 1973, is amended to read as follows:

3. The term "food processing establishment" means any place which receives food or food products for the purpose of processing or otherwise adding to the value of the product for commercial sale. It includes, but is not limited to, bakeries, processing plants, beverage plants and food manufactories. However, the term does not include: those establishments that process and manufacture food or food products that are sold exclusively at retail for consumption on the premises; those operations which cut meat and sell such meat at retail on the premises; bottled and bulk water facilities; those food processing establishments which are covered by articles four, [four-a, five-a, five-b, five-c, five-d, seventeen-b, nineteen, twenty-b, and twenty-one] FOUR-A, FIVE-A, FIVE-B, FIVE-C, FIVE-D, SEVENTEEN-B, NINETEEN AND TWENTY-ONE, AND FORMER ARTICLE TWENTY-B of this chapter; service food establishments, including vending machine commissaries, under permit and inspection by the state department of health or by a local health agency which maintains a program certified and approved by the state commissioner of health; establishments under federal meat, poultry or egg product inspection; [or] establishments engaged solely in the harvesting, storage, or distribution of one or more raw agricultural commodities which are ordi-

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

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narily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public; OR ESTABLISHMENTS THAT ARE ENGAGED IN THE PROCESSING OF HOMEMADE BAKED GOODS, SPICES OR POWDERS TO BE SOLD EXCLUSIVELY AT FARMERS' MARKETS OR ROADSIDE STANDS.

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

4. The term "processing" means processing foods in any manner, such as by manufacturing, canning, preserving, freezing, drying, dehydrating, juicing, GRINDING, pickling, baking, brining, bottling, packing, repacking, pressing, waxing, heating or cooking, or otherwise treating food in such a way as to create a risk that it may become adulterated if improperly handled.

S 3. This act shall take effect immediately.