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Cal. No. 252

I N S E N A T E

February 28, 2014

Introduced by Sens. RITCHIE, RANZENHOFER, SEWARD -- 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 -- again amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to 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 refunding a fee for withdrawal from a food processing establishment

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

1 Section 1. Section 251-z-3 of the agriculture and markets law, as
2 amended by chapter 260 of the laws of 2013, is amended to read as
3 follows:
4 S 251-z-3. Licenses; fees. No person shall maintain or operate a food
5 processing establishment unless licensed biennially by the commissioner.
6 Application for a license to operate a food processing establishment
7 shall be made, upon a form prescribed by the commissioner. A renewal
8 application shall be submitted to the commissioner at least thirty days
9 prior to the commencement of the next license period.
10 The applicant shall furnish evidence of his or her good character,
11 experience and competency, that the establishment has adequate facilities and equipment for the business to be conducted, that the establishment is such that the cleanliness of the premises can be maintained, that the product produced therein will not become adulterated and, if the applicant is a retail food store, that the applicant has an individual in a position of management or control who has completed an approved food safety education program pursuant to section two hundred fifty-one-z-twelve of this article. The commissioner, if so satisfied, shall issue to the applicant, upon payment of the license fee of four hundred dollars, a license to operate the food processing establishment

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

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1 described in the application. THE COMMISSIONER SHALL PRORATE THE LICENSE
2 FEE PAID BY AN APPLICANT, IF THE APPLICANT'S FOOD PROCESSING ESTABLISH-
3 MENT HAS AS ITS ONLY FULL TIME EMPLOYEES THE OWNER OR THE PARENT,
4 SPOUSE, OR CHILD OF THE OWNER, AND/OR NOT MORE THAN TWO FULL TIME
5 EMPLOYEES, AND IF THAT APPLICANT VACATES A FOOD PROCESSING ESTABLISHMENT
6 SIX MONTHS OR MORE PRIOR TO THE EXPIRATION OF THE LICENSE PERIOD, AND,
7 WITHIN ONE YEAR OF VACATING SUCH ESTABLISHMENT, APPLIES FOR A NEW
8 LICENSE ASSOCIATED WITH ANOTHER FOOD PROCESSING ESTABLISHMENT, PROVIDED
9 THE APPLICANT'S LICENSE HAS NOT BEEN SUSPENDED OR REVOKED PURSUANT TO
10 SECTION TWO HUNDRED FIFTY-ONE-Z-FIVE OF THIS ARTICLE. THE COMMISSIONER
11 MAY ESTABLISH RULES AND REGULATIONS GOVERNING THE PRORATING OF SUCH FEES
12 AND/OR THE APPLICATION OF SUCH FEES FROM A PRIOR LICENSE TO A NEW ONE.
13 Notwithstanding the preceding, an applicant that is a chain store shall
14 pay a license fee of one hundred dollars if its license expires six
15 months or less from the date its license period began, two hundred
16 dollars if its license expires between six months and one year from the
17 date its license period began, three hundred dollars if its license
18 expires between one year and eighteen months from the date its license
19 period began, or four hundred dollars if its license expires between
20 eighteen months and two years from the date its license period began.
21 However, the license fee shall be nine hundred dollars for a food proc-
22 essing establishment determined by the commissioner, pursuant to duly
23 promulgated regulations, to require more intensive regulatory oversight
24 due to the volume of the products produced, the potentially hazardous
25 nature of the product produced or the multiple number of processing
26 operations conducted in the establishment. The license application for
27 retail food stores shall be accompanied by documentation in a form
28 approved by the commissioner which demonstrates that the food safety
29 education program requirement has been met. The license shall take
30 effect on the date of issuance and continue for two years from such
31 date. Notwithstanding the preceding, a license issued to an applicant
32 that is a chain store shall expire on the date set forth on the applica-
33 tion form prescribed by the commissioner for such applicant.

34 S 2. This act shall take effect immediately.