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

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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PHEFFER -- Multi-Sponsored by -- M. of A. JACOBS, MILLMAN, TOWNS -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the agriculture and markets law, in relation to the posting of signs near pre-packaged salads

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

Section 1. The agriculture and markets law is amended by adding a new section 213-a to read as follows:

S 213-A. PRE-PACKAGED SALADS. 1. AS USED IN THIS SECTION: (A) "RETAIL FOOD STORE" MEANS ANY STORE SELLING FOOD AT RETAIL, WHICH STORE IS NOT PRIMARILY ENGAGED IN THE SALE OF FOOD FOR CONSUMPTION ON THE PREMISES;

(B) "PRE-PACKAGED" MEANS A PACKAGE WHICH IS (I) NEITHER A HERMETICALLY-SEALED CAN NOR STORED AT OR BELOW A TEMPERATURE OF THIRTY-TWO DEGREES FAHRENHEIT IN ACCORDANCE WITH THE INSTRUCTIONS OF A MANUFACTURER OR PROCESSOR, AND (II) WHICH IS PACKAGED OTHER THAN AT THE PREMISES OF THE RETAIL FOOD STORE; AND

(C) "SALAD" MEANS A PRODUCT CONSISTING MAINLY OF LEAFY RAW VEGETABLES SUCH AS LETTUCE AND SPINACH.

2. (A) ANY RETAIL FOOD STORE WHICH OFFERS FOR SALE ANY PRE-PACKAGED SALADS SHALL CONSPICUOUSLY POST A SIGN SITUATED SO AS TO BE CLEARLY VISIBLE TO ANY CONSUMER INSPECTING SUCH PRE-PACKAGED SALADS. SUCH SIGN SHALL READ: "NOTICE: ALTHOUGH A PACKAGE FOR BAGGED SALADS MAY READ THAT WASHING IS NOT NECESSARY, IT IS ADVISABLE THAT THIS PRODUCE, ALONG WITH ALL OTHER PRODUCE, BE WASHED THOROUGHLY BEFORE CONSUMPTION."

(B) IN ADDITION, SUCH SIGN SHALL STATE THE CURRENT MAILING ADDRESS AND TELEPHONE NUMBER ESTABLISHED BY THE UNITED STATES FOOD AND DRUG ADMINISTRATION FOR RECEIVING QUESTIONS FROM CONSUMERS REGARDING THE PROPER METHODS OF WASHING AND/OR SAFELY PREPARING PRE-PACKAGED SALADS OR ANY OTHER FOOD PRODUCT.

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

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3. SUCH SIGN REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION SHALL BE PRINTED WITH LETTERING THAT IS LEGIBLE AND SHALL BE AT LEAST THREE-QUARTERS OF AN INCH BOLDFACE TYPE.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.