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

2192

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. MARKEY -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to providing for the ongoing inspection of slaughterhouses, rendering plants, and commercial feed plants and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Article 5-A of the agriculture and markets law is amended by adding a new section 96-f-1 to read as follows:

S 96-F-1. INSPECTION OF SLAUGHTERHOUSES. THE COMMISSIONER SHALL ASSIGN QUALIFIED PERSONNEL TO INSPECT CONTINUOUSLY, AT ALL TIMES DURING ITS OPERATION, EVERY PLACE OR ESTABLISHMENT WHERE ANIMALS OR FOWLS ARE SLAUGHTERED OR BUTCHERED FOR FOOD, WHETHER SUCH PLACE OR ESTABLISHMENT IS GRANTED INSPECTION PURSUANT TO THE FEDERAL MEAT INSPECTION ACT, THE FEDERAL POULTRY PRODUCTS INSPECTION ACT, ARTICLE FIVE-B OR ARTICLE FIVE-D OF THIS CHAPTER, OR SUBJECT TO LICENSURE UNDER THIS ARTICLE. SUCH PERSONNEL SHALL ENFORCE ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS PERTAINING TO SANITATION AND HEALTH. IN ADDITION, THE COMMISSIONER MAY, IN HIS OR HER DISCRETION, NOTWITHSTANDING THE PROVISIONS OF SECTION NINETY-SIX-C OF THIS ARTICLE, ASSIGN INSPECTORS TO PLACES OR ESTABLISHMENTS OTHERWISE EXEMPT FROM THE APPLICABILITY OF THIS ARTICLE PURSUANT TO SECTION NINETY-SIX-C OF THIS ARTICLE.

S 2. Section 96-z-8 of the agriculture and markets law, as added by chapter 391 of the laws of 1968, is amended to read as follows:

S 96-z-8. Access to premises; records. 1. The commissioner may inspect as often as he OR SHE deems necessary, each disposal plant or vehicle licensed under the provisions of this article. For the purpose of making such inspection, the commissioner and his OR HER authorized agents shall have free access to all disposal plants licensed hereunder and to all premises where vehicles used in a transportation service are

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

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located. Licensees shall maintain such records as the commissioner may require pertaining to the origin, movement, storage, distribution or other disposition of inedible meat and such records shall be open to inspection by the commissioner or his OR HER authorized agents at any time during normal working hours.

2. IN ADDITION TO THE INSPECTIONS AUTHORIZED BY SUBDIVISION ONE OF THIS SECTION, THE COMMISSIONER SHALL ASSIGN QUALIFIED PERSONNEL TO INSPECT CONTINUOUSLY, AT ALL TIMES DURING ITS OPERATION, ANY PLANT IN WHICH THERE TAKES PLACE THE RENDERING OR PROCESSING OF ANY MEAT OR MEAT PRODUCTS THAT MAY BE USED FOR HUMAN OR ANIMAL CONSUMPTION OR MAY BE USED AS, OR AS A COMPONENT OF, ANY COMMERCIAL FEED, AS DEFINED IN SECTION ONE HUNDRED TWENTY-EIGHT OF THIS CHAPTER. SUCH PERSONNEL SHALL ENFORCE ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS PERTAINING TO SANITATION AND HEALTH.

S 3. Section 135-a of the agriculture and markets law, as added by chapter 816 of the laws of 1974, is amended to read as follows:

S 135-a. Inspection, sampling and analysis: ASSIGNED INSPECTORS. 1. For the purpose of enforcing this article, and in order to determine whether its provisions have been complied with, including whether or not any operations may be subject to such provisions, officers or employees of the department, upon presenting appropriate credentials and, if feasible, a written notice to the owner, operator, or other person in charge, are authorized (a) to enter, at all reasonable times, any factory, warehouse, or establishment within the state in which commercial feed or feed ingredients may be manufactured, processed, packed, or held for distribution, or to enter any vehicle which may be used to transport or hold such feed or ingredients; and (b) to inspect, at all reasonable times, such factory, warehouse, establishment or vehicle and all pertinent equipment, finished and unfinished materials, containers, and labeling therein, and to obtain samples thereat.

1-A. IN ADDITION TO THE FOREGOING INSPECTIONS AUTHORIZED BY SUBDIVISION ONE OF THIS SECTION, THE COMMISSIONER SHALL ASSIGN QUALIFIED PERSONNEL TO INSPECT CONTINUOUSLY, AT ALL TIMES DURING ITS OPERATION, ANY PLANT, FACTORY, WAREHOUSE, OR ESTABLISHMENT WITHIN THE STATE IN WHICH COMMERCIAL FEED OR FEED INGREDIENTS MAY BE MANUFACTURED, PROCESSED, PACKED, OR HELD FOR DISTRIBUTION. SUCH PERSONNEL SHALL ENFORCE ALL APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS PERTAINING TO SANITATION AND HEALTH.

2. If the officer or employee making such inspection of a factory, warehouse, establishment or vehicle has obtained a sample in the course of the inspection, if feasible, upon completion of the inspection and prior to leaving the premises, he OR SHE shall give to the owner, operator or other person in charge a receipt describing the sample obtained.

3. Sampling and analysis shall be conducted in accordance with methods published by the Association of Official Analytical Chemists, or in accordance with other generally recognized methods as approved by the commissioner.

4. The results of all analyses of official samples shall be forwarded by the commissioner to the person in whose name the brand of such feed is registered under section one hundred twenty-nine of this article, or if there be no such registrant for the same, then to the person named on the label or invoice, delivery slip or other document for such feed, or if the commissioner deems it appropriate, to the person from whom the sample was obtained. When the analysis of an official sample indicates a commercial feed has been adulterated or misbranded, upon request by the person receiving such results within fifteen days following the

receipt thereof, the commissioner or his OR HER authorized agent shall furnish such person a portion of the sample concerned.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the commissioner of agriculture and markets is authorized to, on or before such date, promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date; and provided that this act shall expire ten years after such effective date when upon such date the provisions of this act shall be deemed repealed and the provisions of law amended by this act shall revert to their text as it existed immediately prior to the effective date of this act.