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

2606

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. RABBITT, CROUCH, BUTLER, DUPREY, O'MARA, SCOZZAFAVA -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, BURLING, ERRIGO, FINCH, HAWLEY, MILLER, MOLINARO, OAKS, REILICH, TEDISCO, TOWNSEND, WALKER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to prohibiting food distributors from dumping sub-standard or below grade out-of-state agricultural products or culls

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 article 13-F to read as follows:

ARTICLE 13-F

PROHIBITION OF DUMPING CERTAIN AGRICULTURAL PRODUCTS

SECTION 160-W. DUMPING OF CERTAIN AGRICULTURAL PRODUCTS; PROHIBITED.

S 160-W. DUMPING OF CERTAIN AGRICULTURAL PRODUCTS; PROHIBITED. 1. NO PERSON OR BUSINESS ENGAGED IN THE SALE OR DISTRIBUTION OF FOOD PRODUCTS SHALL DUMP, OR OTHERWISE DISCARD IN A MANNER REASONABLY AND CAUSALLY CONNECTED TO THE CONTAMINATION OF FOOD, ANY OUT-OF-STATE AGRICULTURAL PRODUCT, INCLUDING VEGETABLES, FRUITS AND OTHER LIKE PRODUCE, THAT FALL BELOW THE OFFICIAL STANDARD OR GRADE OF QUALITY FOR SUCH PRODUCT, OR ANY CULL AS DEFINED BY THE COMMISSIONER. ANY PERSON VIOLATING THE PROVISIONS OF THIS SECTION SHALL BE PENALIZED PURSUANT TO SECTION THIRTY-NINE-A OF THIS CHAPTER.

2. ANY AND ALL OUT-OF-STATE AGRICULTURAL PRODUCTS THAT FALL BELOW THE OFFICIAL STANDARD OR GRADE OF QUALITY FOR SUCH PRODUCT, OR ANY CULL, SHALL BE DISPOSED OF IN SUCH LANDFILLS AS ARE APPROPRIATE AND DESIGNATED BY THE COMMISSIONER.

S 2. The agriculture and markets law is amended by adding a new section 39-a to read as follows:

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

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S 39-A. PENALTIES FOR VIOLATING SECTION ONE HUNDRED SIXTY-W OF THIS CHAPTER. ANY PERSON FOUND TO HAVE VIOLATED THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-W OF THIS CHAPTER MAY BE SUBJECT TO A FINE EQUAL TO THE SUM OF ANY AND ALL EXPENSES INCURRED IN THE CLEAN-UP OR DECONTAMINATION OF SUCH DUMPING SITE AND THE COSTS REASONABLY RELATED TO RECALLING ANY CONTAMINATED FOOD DISTRIBUTED IN THE MARKETPLACE PLUS FIVE HUNDRED DOLLARS FOR THE SECOND VIOLATION AND ONE THOUSAND DOLLARS FOR EACH SUBSEQUENT VIOLATION.

S 3. This act shall take effect immediately.