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

5768

2009-2010 Regular Sessions

I N A S S E M B L Y

February 19, 2009

Introduced by M. of A. ROSENTHAL, ALESSI, CAMARA, EDDINGTON, GLICK, GREENE, GUNTHER, JACOBS, KELLNER, KOON, MAISEL, MARKEY, MILLMAN -- Multi-Sponsored by -- M. of A. DESTITO, LATIMER, LIFTON, LUPARDO, MAGNARELLI, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the agriculture and markets law, in relation to labeling and sale of cloned animals and food products from cloned animals or the progeny of such animals

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 210-b to read as follows:

S 210-B. LABELING OF FOOD PRODUCTS DERIVED FROM CLONED ANIMALS. 1. ANY PERSON WHO MANUFACTURES OR PROCESSES FOOD PRODUCTS, INCLUDING FRESH OR FROZEN MEAT, MEAT PREPARATIONS, MEAT BY-PRODUCTS, POULTRY, EGGS OR OTHER DAIRY FOOD OR DAIRY FOOD PRODUCTS FOR HUMAN CONSUMPTION SHALL INDICATE ON THE LABEL OF SUCH FOOD PRODUCTS WHEN PACKAGED, OR BY A SIGN WHEN NOT PACKAGED, AS THE CASE MAY BE, THAT SUCH FOOD CONTAINS THE PRODUCT OF A CLONED ANIMAL OR ITS PROGENY.

2. AN IMPORTER OF FOOD PRODUCTS FROM OUT-OF-STATE MANUFACTURERS OR PROCESSORS OF FOOD FOR HUMAN CONSUMPTION THAT CONTAINS ANY PRODUCT FROM A CLONED ANIMAL OR ITS PROGENY SHALL LABEL THE FOOD TO INDICATE THAT THE FOOD INCLUDES THE PRODUCT OF A CLONED ANIMAL OR ITS PROGENY IF THE IMPORTER HAS REASONABLE KNOWLEDGE THAT THE FOOD CONTAINS SUCH PRODUCT.

3. ANY PERSON WHO PURCHASES OR OTHERWISE OBTAINS ANY FOOD PRODUCT FOR HUMAN CONSUMPTION WHICH IS LABELED SO AS TO DISCLOSE THAT THE FOOD CONTAINS A PRODUCT FROM A CLONED ANIMAL OR ITS PROGENY, AND WHO RESELLS SUCH FOOD PRODUCT TO ANOTHER PERSON SHALL ENSURE THAT THE FOOD IS LABELED TO DISCLOSE THAT THE FOOD CONTAINS A PRODUCT FROM A CLONED ANIMAL OR ITS PROGENY.

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

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4. THE INFORMATION ON THE LABEL REQUIRED PURSUANT TO THIS SECTION SHALL BE DISPLAYED IN A CONSPICUOUS AND EASILY LEGIBLE BOLDFACE PRINT OR TYPE THAT IS IN CLEAR CONTRAST TO OTHER MATTER ON THE PACKAGE. THE LABEL SHALL COMPLY WITH THE TYPE SIZE SPECIFICATIONS IN SECTION 101.105(I) OF TITLE 21 OF THE CODE OF FEDERAL REGULATIONS.

5. FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

(1) "CLONED ANIMAL" MEANS AN ANIMAL THAT ARISES DIRECTLY FROM A SOMATIC CELL NUCLEAR TRANSFER EVENT.

(2) "LIVESTOCK PRODUCER" MEANS A PERSON WHO ENGAGES IN THE BUSINESS OF ANIMAL PRODUCTION, WHICH INCLUDES, BUT IS NOT LIMITED TO, THE BIRTH, RAISING, FEEDING, WEANING, AND IDENTIFICATION OF A LIVE ANIMAL, AND WHO GENERALLY DOES NOT ENGAGE IN THE BUSINESS OF PREPARING ANY ANIMAL FOOD THAT IS DERIVED IN WHOLE OR IN PART FROM AN ANIMAL CARCASS OR ITS PRODUCTS.

(3) "PROGENY OF A CLONED ANIMAL" MEANS AN ANIMAL DERIVED FROM THE SEXUAL REPRODUCTION OF A CLONED ANIMAL WITH ANOTHER CLONED ANIMAL OR AN ANIMAL THAT IS NOT CLONED.

(4) "REASONABLE KNOWLEDGE" MEANS THE IMPORTER KNOWS ABOUT OR HAS POSSESSION OF ANY DOCUMENT OR ADVERTISEMENT IN ANY MEDIUM THAT INDICATES THAT THE PRODUCT WAS DERIVED FROM A CLONED ANIMAL OR ITS PROGENY.

S 2. The agriculture and markets law is amended by adding a new section 358-b to read as follows:

S 358-B. DISCLOSURE OF CLONED ANIMALS UPON SALE. 1. EVERY LIVESTOCK PRODUCER WHO SELLS OR TRANSFERS ANY CLONED ANIMAL OR ITS PROGENY SHALL DISCLOSE TO THE BUYER OR TRANSFEREE THAT THE ANIMAL IS CLONED OR IS THE PROGENY OF A CLONED ANIMAL.

2. FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL APPLY:

(A) "CLONED ANIMAL" MEANS AN ANIMAL THAT ARISES DIRECTLY FROM A SOMATIC CELL NUCLEAR TRANSFER EVENT.

(B) "LIVESTOCK PRODUCER" MEANS A PERSON WHO ENGAGES IN THE BUSINESS OF ANIMAL PRODUCTION, WHICH INCLUDES, BUT IS NOT LIMITED TO, THE BIRTH, RAISING, FEEDING, WEANING, AND IDENTIFICATION OF A LIVE ANIMAL, AND WHO GENERALLY DOES NOT ENGAGE IN THE BUSINESS OF PREPARING ANY ANIMAL FOOD THAT IS DERIVED IN WHOLE OR IN PART FROM AN ANIMAL CARCASS OR ITS PRODUCTS.

(C) "PROGENY OF A CLONED ANIMAL" MEANS AN ANIMAL DERIVED FROM THE SEXUAL REPRODUCTION OF A CLONED ANIMAL WITH ANOTHER CLONED ANIMAL OR AN ANIMAL THAT IS NOT CLONED.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.