

6620--A

Cal. No. 667

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. COOK, ORTIZ, PHEFFER -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON, DINOWITZ, GLICK, GOTTFRIED, GUNTHER, HIKIND, HOOPER, JACOBS, JOHN, MARKEY, MCENENY, NOLAN, J. RIVERA, TOWNS -- read once and referred to the Committee on Agriculture -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the agriculture and markets law, in relation to creating an advisory board on food safety protection and inspection programs in the department of agriculture and markets

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 26-a to read as follows:
3 S 26-A. ADVISORY BOARD ON DEPARTMENT FOOD SAFETY PROTECTION AND
4 INSPECTION PROGRAMS. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT
5 AN ADVISORY BOARD ON FOOD SAFETY PROTECTION AND INSPECTION WHICH SHALL
6 CONSIST OF THIRTEEN MEMBERS. SEVEN MEMBERS SHALL BE APPOINTED BY THE
7 GOVERNOR, INCLUDING AT LEAST TWO REPRESENTATIVES, WITH EXPERTISE IN FOOD
8 SAFETY, FROM NEW YORK STATE RESEARCH UNIVERSITIES, ONE REPRESENTATIVE OF
9 THE RETAIL FOOD INDUSTRY, ONE REPRESENTATIVE OF THE FOOD MANUFACTURING
10 OR PROCESSING INDUSTRY, AND ONE FARMER. THE SPEAKER OF THE ASSEMBLY AND
11 THE TEMPORARY PRESIDENT OF THE SENATE SHALL EACH HAVE TWO APPOINTMENTS.
12 EACH SHALL APPOINT A MEMBER WHO IS A CONSUMER OR REPRESENTATIVE OF
13 CONSUMER INTERESTS AND EACH WILL APPOINT A MEMBER REPRESENTING THE FOOD
14 INDUSTRY. THE MINORITY LEADERS OF THE ASSEMBLY AND THE SENATE SHALL
15 EACH HAVE ONE APPOINTMENT. IN ADDITION, REPRESENTATIVES OF THE FOLLOW-
16 ING AGENCIES SHALL BE INVITED TO ATTEND AND PARTICIPATE IN ALL MEETINGS
17 OF THE ADVISORY BOARD AND, AT THEIR OPTION, SHALL BE EX OFFICIO MEMBERS:
18 (A) A COUNTY OR MUNICIPAL HEALTH DEPARTMENT;
19 (B) THE U.S. FOOD AND DRUG ADMINISTRATION;

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

LBD00346-02-0

1 (C) THE U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY INSPECTION SERVICE;
2 AND

3 (D) THE NEW YORK STATE DEPARTMENT OF HEALTH.

4 2. IT SHALL BE THE DUTY OF THE ADVISORY BOARD HEREBY ESTABLISHED TO
5 ADVISE, COUNSEL AND CONFER WITH THE COMMISSIONER ON MATTERS OF POLICY IN
6 CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF LAWS AND REGU-
7 LATIONS RELATING TO FOOD SAFETY. THE ADVISORY BOARD SHALL SPECIFICALLY
8 EXAMINE THE ADEQUACY OF FOOD SAFETY PROTECTION AND INSPECTION BY THE
9 DEPARTMENT AND RECOMMEND NECESSARY CHANGES IN ADMINISTRATION AND STAFF-
10 ING LEVELS OF FOOD SAFETY ENFORCEMENT ACTIVITIES TO ENSURE THE
11 PROTECTION OF THE PUBLIC'S HEALTH. THE ADVISORY BOARD SHALL REVIEW
12 EXISTING AND PROPOSED STATE FOOD SAFETY LAWS AND REGULATIONS AND RECOM-
13 MEND TO THE COMMISSIONER, AND THE ASSEMBLY AND SENATE CHAIRMEN OF THE
14 AGRICULTURE AND HEALTH COMMITTEES, NECESSARY CHANGES OR ADDITIONS TO
15 LAWS, REGULATIONS AND DEPARTMENT PROGRAMS TO IMPROVE FOOD SAFETY AND THE
16 EFFECTIVENESS OF THE DEPARTMENT'S FOOD SAFETY INSPECTION AND ENFORCEMENT
17 ACTIVITIES.

18 3. THE COMMISSIONER MAY DETAIL FROM TIME TO TIME TO THE ASSISTANCE OF
19 THE ADVISORY BOARD SUCH EMPLOYEES OF THE DEPARTMENT AS THE COMMISSIONER
20 DEEMS NECESSARY AND SHALL PROVIDE NECESSARY INFORMATION AND SPACE FOR
21 MEETINGS OF THE ADVISORY BOARD. THE ADVISORY BOARD SHALL ADOPT RULES
22 AND REGULATIONS TO GOVERN ITS PROCEEDINGS AND KEEP A RECORD OF ITS MEET-
23 INGS AND RECOMMENDATIONS.

24 4. THE ADVISORY BOARD SHALL MEET AT THE CALL OF THE COMMISSIONER AND
25 AT SUCH OTHER TIMES AS IT MAY DEEM NECESSARY AND AT SUCH PLACES AS MAY
26 BE CONVENIENT. AN INITIAL MEETING SHALL BE HELD WITHIN THIRTY DAYS
27 AFTER ALL APPOINTMENTS TO SUCH BOARD ARE COMPLETED.

28 S 2. This act shall take effect immediately, provided, however, that
29 the appointments to the advisory board on the department of agriculture
30 and markets food safety protection and inspection programs authorized by
31 section 26-a of the agriculture and markets law, as added by section one
32 of this act, shall be completed within 180 days after this act shall
33 have become a law.