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

7311--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 27, 2009

Introduced by M. of A. MAGEE, CROUCH -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law and the environmental conservation law, in relation to the regulation of food fish

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 5-E to read as follows:

ARTICLE 5-E

REGULATION OF FOOD FISH

SECTION 97. PRIVATE TROUT AND BLACK BASS HATCHERIES.

S 97. PRIVATE TROUT AND BLACK BASS HATCHERIES. 1. THE DEPARTMENT, AT ITS DISCRETION, MAY ISSUE TO ANY PERSON A HATCHERY PERMIT, VALID DURING THE CALENDAR YEAR OF ISSUE, TO PROPAGATE, RAISE AND SELL TROUT AND BLACK BASS FOR FOOD FISH. SUCH PERMIT SHALL COST NO MORE THAN ONE HUNDRED DOLLARS ANNUALLY. THE DEPARTMENT SHALL ESTABLISH BY ORDER, REGULATIONS GOVERNING THE IDENTIFICATION AND TRANSPORTATION OF TROUT AND BLACK BASS RAISED UNDER SUCH A PERMIT, OTHER THAN BY INDIVIDUAL TAGGING, WHICH ARE OFFERED FOR SALE (LIVE OR OTHERWISE), SOLD OR TRANSPORTED.

2. BLACK BASS ARE CONSIDERED FOOD FISH FOR HUMAN CONSUMPTION WHEN THEY MEET THE FOLLOWING CRITERIA:

A. ARE BETWEEN TWELVE INCHES AND SEVENTEEN INCHES IN LENGTH;

B. WEIGH BETWEEN ONE AND TWO AND ONE-HALF POUNDS;

C. ARE FED A COMMERCIAL FISH FOOD DIET, THE COMPONENTS OF WHICH WILL BE DISCERNIBLE IN LABORATORY TESTS; AND

D. ARE RAISED ON PERMITTED FARMS IN COMMERCIAL PONDS, AQUATIC CAGES OR WATER RECIRCULATION TANK FACILITIES.

3. THE DEPARTMENT SHALL ISSUE REGULATIONS ESTABLISHING REQUIREMENTS FOR A BILL OF LADING WHICH MUST ACCOMPANY ANY FISH SOLD AS FOOD FISH IN

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

LBD10669-02-9

NEW YORK STATE. THESE RECORDS MUST BE RETAINED BY PERMITTED FOOD FISH HATCHERIES AND PURCHASERS FOR A MINIMUM OF ONE YEAR. THE BILL OF LADING MUST INCLUDE AT A MINIMUM:

A. PRODUCER INFORMATION, INCLUDING: NAME OF THE HATCHERY OF ORIGIN; HATCHERY OWNER, ADDRESS AND CONTACT INFORMATION; HATCHERY PERMIT NUMBER; DATE OF SALE; AND A PRODUCT DESCRIPTION, INCLUDING SPECIES, QUANTITY OR WEIGHT AND SIZE RANGE OF FISH IN INCHES.

B. PURCHASER INFORMATION, INCLUDING: BUSINESS NAME OF PURCHASER; NAME, ADDRESS AND CONTACT INFORMATION OF PURCHASER; ADDRESS WHERE THE FISH WILL BE SOLD IF DIFFERENT THAN ABOVE.

S 2. Section 11-1909 of the environmental conservation law, subdivision 2 as amended by chapter 309 of the laws of 1994, is amended to read as follows:

S 11-1909. Private trout and black bass hatcheries.

1. The department in its discretion may issue to any person a hatchery permit, valid during the calendar year of issue, to propagate, raise and sell trout FOR PURPOSES OTHER THAN THOSE ESTABLISHED IN SECTION NINETY-SEVEN OF THE AGRICULTURE AND MARKETS LAW. The department shall establish by order regulations governing the identification of trout raised under such a permit which are offered for sale, sold or transported.

2. The department in its discretion may issue to any person a hatchery permit, valid during the calendar year of issue, to propagate, raise and sell black bass FOR PURPOSES OTHER THAN THOSE ESTABLISHED IN SECTION NINETY-SEVEN OF THE AGRICULTURE AND MARKETS LAW. The department shall establish by order, regulations governing the transportation of black bass raised under such a permit.

S 3. This act shall take effect on the ninetieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.