

10873

I N   A S S E M B L Y

April 27, 2010

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

AN ACT to amend the agriculture and markets law, in relation to exempt-  
ing certain institutions involved in the processing of homemade baked  
goods, spices, and powders, sold only at farmers' markets and roadside  
stands from the definition of a food processing establishment

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

1     Section 1. Subdivision 3 of section 251-z-2 of the agriculture and  
2 markets law, as amended by chapter 507 of the laws of 1973, is amended  
3 to read as follows:  
4     3. The term "food processing establishment" means any place which  
5 receives food or food products for the purpose of processing or other-  
6 wise adding to the value of the product for commercial sale. It  
7 includes, but is not limited to, bakeries, processing plants, beverage  
8 plants and food manufactories. However, the term does not include: those  
9 establishments that process and manufacture food or food products that  
10 are sold exclusively at retail for consumption on the premises; those  
11 operations which cut meat and sell such meat at retail on the premises;  
12 bottled and bulk water facilities; those food processing establishments  
13 which are covered by articles four, [four-a, five-a, five-b, five-c,  
14 five-d, seventeen-b, nineteen, twenty-b, and twenty-one] FOUR-A, FIVE-A,  
15 FIVE-B, FIVE-C, FIVE-D, SEVENTEEN-B, NINETEEN AND TWENTY-ONE, AND FORMER  
16 ARTICLE TWENTY-B of this chapter; service food establishments, including  
17 vending machine commissaries, under permit and inspection by the state  
18 department of health or by a local health agency which maintains a  
19 program certified and approved by the state commissioner of health;  
20 establishments under federal meat, poultry or egg product inspection;  
21 [or] establishments engaged solely in the harvesting, storage, or  
22 distribution of one or more raw agricultural commodities which are ordi-  
23 narily cleaned, prepared, treated or otherwise processed before being  
24 marketed to the consuming public; OR ESTABLISHMENTS THAT ARE ENGAGED IN  
25 THE PROCESSING OF HOMEMADE BAKED GOODS, SPICES OR POWDERS TO BE SOLD  
26 EXCLUSIVELY AT FARMERS' MARKETS OR ROADSIDE STANDS.

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

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1 S 2. Subdivision 4 of section 251-z-2 of the agriculture and markets  
2 law, as added by chapter 863 of the laws of 1972, is amended to read as  
3 follows:

4 4. The term "processing" means processing foods in any manner, such as  
5 by manufacturing, canning, preserving, freezing, drying, dehydrating,  
6 juicing, GRINDING, pickling, baking, brining, bottling, packing, repack-  
7 ing, pressing, waxing, heating or cooking, or otherwise treating food in  
8 such a way as to create a risk that it may become adulterated if improp-  
9 erly handled.

10 S 3. This act shall take effect immediately.