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

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I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. CLARK, TITUS, ORTIZ, COOK, SCARBOROUGH -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, PHEFFER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to live poultry markets

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 96-f-1 to read as follows:

S 96-F-1. NOTIFICATION OF MUNICIPALITIES IN CERTAIN INSTANCES. 1. UPON INSPECTION OF A LIVE POULTRY MARKET PURSUANT TO THIS ARTICLE, THE COMMISSIONER OR HIS OR HER AUTHORIZED AGENT SHALL NOTIFY THE ZONING OR PLANNING BOARD OF THE MUNICIPALITY IN WHICH SUCH MARKET IS LOCATED IF, FOLLOWING THE INITIAL ISSUANCE OF A LICENSE PURSUANT TO THIS ARTICLE, THE MARKET COMMENCES ADDITIONAL SLAUGHTERING OPERATIONS OVER WHICH THE DEPARTMENT HAS NO STATUTORY JURISDICTION ON THE SAME PREMISES. THE COMMISSIONER OR HIS OR HER AUTHORIZED AGENT MAY ALSO NOTIFY ANY ADDITIONAL MUNICIPAL ENTITY AS NECESSARY TO ENSURE THE HEALTH AND SAFETY OF THE PUBLIC.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THIS SECTION SHALL APPLY WHETHER OR NOT THE DEPARTMENT HAS ENTERED INTO A CONTRACTUAL AGREEMENT TO INSPECT SUCH ADDITIONAL SLAUGHTERING OPERATIONS FOR THE USDA FOOD SAFETY AND INSPECTION SERVICE, PROVIDED FURTHER, HOWEVER, THAT THE DEPARTMENT SHALL NOT ENTER INTO SUCH CONTRACTUAL AGREEMENTS IF SUCH OPERATIONS ARE FOUND TO BE IN VIOLATION OF ANY LOCAL ZONING LAW OR REGULATION.

S 2. This act shall take effect immediately.

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

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