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

2281

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, GOTTFRIED, MAYERSOHN -- Multi-Sponsored by -- M. of A. BRENNAN, BRODSKY, CANESTRARI, CLARK, COOK, CYMBROWITZ, DIAZ, DINOWITZ, EDDINGTON, ENGLEBRIGHT, GALEF, GLICK, GREENE, HOOPER, JACOBS, LENTOL, V. LOPEZ, MARKEY, ORTIZ, SCARBOROUGH, TOWNS, WRIGHT -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to the sale and labeling of milk and milk products produced by cows injected with recombinant bovine somatotropin

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

Section 1. The general business law is amended by adding a new article 16-A to read as follows:

ARTICLE 16-A

SALE AND LABELING OF CERTAIN MILK PRODUCTS

SECTION 266. LEGISLATIVE DECLARATIONS.
267. DEFINITIONS.
268. SELLING AND LABELING OF MILK PRODUCTS FROM COWS TREATED WITH RECOMBINANT BOVINE SOMATOTROPIN.

S 266. LEGISLATIVE DECLARATIONS. 1. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT THERE HAS BEEN A SUBSTANTIAL PUBLIC DEBATE CONCERNING THE POSSIBLE HEALTH AND SAFETY EFFECTS OF MILK AND MILK PRODUCTS PRODUCED FROM COWS INJECTED WITH RECOMBINANT BOVINE SOMATOTROPIN OR "RBST" IN ORDER TO STIMULATE AND INCREASE MILK PRODUCTION. THERE IS ALSO SUBSTANTIAL EVIDENCE THAT WHEN FOOD OR FOOD PRODUCTS, SUCH AS MILK OR OTHER NATURALLY PRODUCED HUMAN CONSUMABLES, ARE ENHANCED BY THE INFLUENCE OF FOREIGN SUBSTANCES SUCH AS CHEMICALS, PESTICIDES OR OTHER SUBSTANCES, THERE CAN BE A HEALTH AND SAFETY IMPACT UPON THE PERSONS CONSUMING SUCH ITEMS. THE LEGISLATURE ALSO FINDS AND DECLARES THAT ALTHOUGH AT PRESENT THE EXACT IMPACT, IF ANY, OF THE DIRECT LINK BETWEEN RECOMBINANT BOVINE SOMATOTROPIN OR "RBST" AND DISEASE OR AFFLICTION IS UNDETERMINED, AT

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

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THEIR INCEPTION THE ENHANCEMENT OF FOOD AND FOOD PRODUCTS, SUCH AS MILK OR NATURALLY PRODUCED HUMAN CONSUMABLES, BY THE INFLUENCE OF FOREIGN SUBSTANCES SUCH AS CHEMICALS, PESTICIDES OR OTHER SUBSTANCES, WERE EQUALLY UNDETERMINED, ONLY TO BE FOUND LATER TO CAUSE A SIGNIFICANT HEALTH AND SAFETY IMPACT AS WELL AS A DIRECT LINK TO HUMAN DISEASE OR AFFLICTION.

2. THE LEGISLATURE FURTHER FINDS AND DECLARES THAT IT IS THEREFORE IN THE BEST INTEREST OF THE HEALTH AND SAFETY OF THE CONSUMERS OF THE STATE OF NEW YORK TO BE ABLE TO DETERMINE WHICH MILK AND MILK PRODUCTS HAVE BEEN PRODUCED FROM COWS INJECTED WITH RECOMBINANT BOVINE SOMATOTROPIN OR "RBST" SO THAT ALL CITIZENS MAY MAKE AN INFORMED DECISION AS TO WHETHER THEY WISH TO CONSUME SUCH PRODUCTS. THE LEGISLATURE ADDITIONALLY FINDS AND DECLARES THAT THE MOST PRUDENT AND APPROPRIATE WAY TO INFORM ITS CITIZENS OF THE PRESENCE OF RECOMBINANT BOVINE SOMATOTROPIN OR "RBST" IN MILK OR A MILK PRODUCT IS TO LABEL SUCH MILK OR MILK PRODUCT WITH AN INFORMATIONAL LABEL EXPRESSING WHETHER SUCH MILK OR MILK PRODUCT HAS BEEN PRODUCED FROM COWS INJECTED WITH RECOMBINANT BOVINE SOMATOTROPIN OR "RBST".

S 267. DEFINITIONS. FOR THE PURPOSES OF THIS ARTICLE:

1. "MILK PRODUCT" SHALL MEAN ANY PRODUCT INTENDED FOR USE AS HUMAN FOOD WHICH IS MADE, IN WHOLE OR IN PART, FROM MILK. "MILK PRODUCT" SHALL NOT MEAN ANY PRODUCT WHICH CONTAINS LESS THAN FIVE PERCENT MILK BY WEIGHT OR VOLUME, OR WHICH SHALL BE EXEMPTED FROM THE DEFINITION OF A MILK PRODUCT BY THE COMMISSIONER OF AGRICULTURE AND MARKETS UNDER SUCH CONDITIONS AS THE COMMISSIONER MAY PRESCRIBE.

2. "RBST" SHALL MEAN RECOMBINANT BOVINE SOMATOTROPIN, A RECOMBINANT BOVINE GROWTH HORMONE USED WITH LACTATING DAIRY COWS TO INCREASE THE PRODUCTION OF MARKETABLE MILK.

S 268. SELLING AND LABELING OF MILK PRODUCTS FROM COWS TREATED WITH RECOMBINANT BOVINE SOMATOTROPIN. MILK FROM COWS WHICH WERE INJECTED WITH RBST, AND ANY MILK PRODUCT MADE IN WHOLE OR IN PART WITH MILK FROM ANY COW INJECTED WITH RBST, SHALL NOT BE SOLD OR SUPPLIED FOR HUMAN CONSUMPTION IN THIS STATE, UNLESS IT SHALL CONTAIN A LABEL WHICH CLEARLY INSCRIBES IN LETTERS OF NO LESS THAN EIGHT POINT TYPE THAT "THIS MILK PRODUCT IS DERIVED FROM COWS INJECTED WITH SYNTHETIC BOVINE GROWTH HORMONE".

S 2. This act shall take effect on the first of October next succeeding the date on which it shall have become a law.