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

3025

2009-2010 Regular Sessions

I N A S S E M B L Y

January 22, 2009

Introduced by M. of A. BENJAMIN, FINCH, ALFANO, RAIA, CLARK, EDDINGTON, JAFFEE, MAGNARELLI, SCHIMEL, ESPAILLAT -- Multi-Sponsored by -- M. of A. BARRA, BROOK-KRASNY, COLTON, DelMONTE, DIAZ, ERRIGO, FIELDS, GLICK, HOOPER, LATIMER, McDONOUGH, MILLMAN, PEOPLES, REILLY, ROBINSON, SEMINERIO, WEISENBERG, WRIGHT -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to labeling and sale of cloned or genetically engineered meat, eggs and dairy products

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 210-b to read as follows:

S 210-B. LABELING OF MEAT, EGGS AND DAIRY PRODUCTS. 1. ANY PERSON WHO SELLS OR OFFERS FOR SALE IN THE SAME PLACE OF BUSINESS OR DISTRIBUTION FRESH OR FROZEN MEAT, MEAT PREPARATIONS, MEAT BY-PRODUCTS, POULTRY, EGGS OR OTHER DAIRY FOOD OR DAIRY FOOD PRODUCTS SHALL INDICATE ON THE LABEL WHEN PACKAGED, OR BY A SIGN WHEN NOT PACKAGED, AS THE CASE MAY BE, THAT SUCH PRODUCT IS "CLONE-FREE". FOR THE PURPOSES OF THIS SECTION, "CLONE-FREE" MEANS THAT SUCH MEAT, MEAT PREPARATIONS, MEAT BY-PRODUCTS, POULTRY, EGGS OR OTHER DAIRY FOOD OR DAIRY FOOD PRODUCTS ARE NOT THE PRODUCT OF GENETIC ENGINEERING, OR FROM A CLONED ANIMAL OR ITS PROGENY.

2. SUCH WORDS, WHEN MARKED ON A LABEL OR A SIGN, SHALL BE IN LETTERS AT LEAST AS LARGE AS THE LETTERS OF THE WORDS ON THE LABEL OR SIGN DESIGNATING SUCH MEAT, MEAT PREPARATIONS, MEAT BY-PRODUCTS, POULTRY, EGGS OR OTHER DAIRY FOOD OR DAIRY FOOD PRODUCTS AS "FRESH" OR "FROZEN".

3. ANY PERSON WHO SELLS OR OFFERS FOR SALE AS CLONE-FREE, AT WHOLESALE OR RETAIL, ANY MEAT, MEAT PREPARATIONS, MEAT BY-PRODUCTS, POULTRY, EGGS, OR OTHER DAIRY FOOD OR DAIRY FOOD PRODUCTS SHALL MAINTAIN A RECORD OF EACH PURCHASE FROM A PRODUCER, DISTRIBUTOR, MANUFACTURER OR PACKER, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, A BILL OF SALE, AND RETAIN

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

LBD05577-01-9

ALL RECORDS WITH RESPECT TO THE ORIGIN OF SUCH MEAT, MEAT PREPARATIONS, MEAT BY-PRODUCTS, POULTRY, EGGS OR OTHER DAIRY FOOD OR DAIRY FOOD PRODUCTS FOR A PERIOD OF TWO YEARS AFTER THE SALE TO WHICH THE RECORDS RELATE, AND SHALL MAKE SUCH RECORDS AVAILABLE TO THE DEPARTMENT UPON REQUEST.

4. FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS FOR A FIRST VIOLATION; NOT MORE THAN FIVE THOUSAND DOLLARS FOR A SECOND VIOLATION; AND NOT MORE THAN TEN THOUSAND DOLLARS FOR A THIRD VIOLATION AND EACH SUBSEQUENT VIOLATION THEREAFTER.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.