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

5242

2009-2010 Regular Sessions

I N A S S E M B L Y

February 11, 2009

Introduced by M. of A. COLTON, ENGLEBRIGHT, CASTRO, KOLB -- Multi-Sponsored by -- M. of A. HIKIND, JACOBS, MENG, SCHIMEL, STIRPE, TOWNS, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring all poisonous plants to be sold with an identification tag or label

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 168-a to read as follows:

S 168-A. SALE OF POISONOUS PLANTS. 1. THE NURSERY DEALER SHALL ATTACH AN IDENTIFICATION TAG OR LABEL TO A CONSPICUOUS AREA OF EVERY POISONOUS INDOOR PLANT SOLD OR SHIPPED WITHIN THIS STATE SPECIFYING THE NAME OF THE VARIETY OF THE PLANT OR VINES CONTAINED THEREIN, AND ANY KNOWN SIDE EFFECTS TO HUMANS AND/OR ANIMALS THROUGH POTENTIAL CONTACT AND/OR INGESTION OF SUCH PLANT. ALL POISONOUS INDOOR PLANTS INTENDED TO BE SOLD BY A NURSERY DEALER MUST BE PLACED IN A DESIGNATED AREA OF THE NURSERY WITH A SIGN STATING THAT SUCH PLANTS ARE POISONOUS.

2. FOR EACH PLANT FOUND IN VIOLATION OF SUBDIVISION ONE OF THIS SECTION, THE NURSERY DEALER SHALL BE ASSESSED A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS.

3. THE DEPARTMENT SHALL DISTRIBUTE A CURRENT LIST OF ALL POISONOUS INDOOR PLANTS WITH A LIST OF ALL KNOWN SIDE EFFECTS IN THE EVENT OF POTENTIAL CONTACT AND/OR INGESTION AND A GRAPHIC DEPICTION OF THE PLANT TO ALL REGISTERED NURSERIES IN THIS STATE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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