

5768

2009-2010 Regular Sessions

I N A S S E M B L Y

February 19, 2009

Introduced by M. of A. ROSENTHAL, ALESSI, CAMARA, EDDINGTON, GLICK, GREENE, GUNTHER, JACOBS, KELLNER, KOON, MAISEL, MARKEY, MILLMAN -- Multi-Sponsored by -- M. of A. DESTITO, LATIMER, LIFTON, LUPARDO, MAGNARELLI, WEISENBERG -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the agriculture and markets law, in relation to labeling and sale of cloned animals and food products from cloned animals or the progeny of such animals

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

- 1 Section 1. The agriculture and markets law is amended by adding a new
2 section 210-b to read as follows:
3 S 210-B. LABELING OF FOOD PRODUCTS DERIVED FROM CLONED ANIMALS. 1.
4 ANY PERSON WHO MANUFACTURES OR PROCESSES FOOD PRODUCTS, INCLUDING FRESH
5 OR FROZEN MEAT, MEAT PREPARATIONS, MEAT BY-PRODUCTS, POULTRY, EGGS OR
6 OTHER DAIRY FOOD OR DAIRY FOOD PRODUCTS FOR HUMAN CONSUMPTION SHALL
7 INDICATE ON THE LABEL OF SUCH FOOD PRODUCTS WHEN PACKAGED, OR BY A SIGN
8 WHEN NOT PACKAGED, AS THE CASE MAY BE, THAT SUCH FOOD CONTAINS THE PROD-
9 UCT OF A CLONED ANIMAL OR ITS PROGENY.
10 2. AN IMPORTER OF FOOD PRODUCTS FROM OUT-OF-STATE MANUFACTURERS OR
11 PROCESSORS OF FOOD FOR HUMAN CONSUMPTION THAT CONTAINS ANY PRODUCT FROM
12 A CLONED ANIMAL OR ITS PROGENY SHALL LABEL THE FOOD TO INDICATE THAT THE
13 FOOD INCLUDES THE PRODUCT OF A CLONED ANIMAL OR ITS PROGENY IF THE
14 IMPORTER HAS REASONABLE KNOWLEDGE THAT THE FOOD CONTAINS SUCH PRODUCT.
15 3. ANY PERSON WHO PURCHASES OR OTHERWISE OBTAINS ANY FOOD PRODUCT FOR
16 HUMAN CONSUMPTION WHICH IS LABELED SO AS TO DISCLOSE THAT THE FOOD
17 CONTAINS A PRODUCT FROM A CLONED ANIMAL OR ITS PROGENY, AND WHO RESELLS
18 SUCH FOOD PRODUCT TO ANOTHER PERSON SHALL ENSURE THAT THE FOOD IS
19 LABELED TO DISCLOSE THAT THE FOOD CONTAINS A PRODUCT FROM A CLONED
20 ANIMAL OR ITS PROGENY.

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

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1 4. THE INFORMATION ON THE LABEL REQUIRED PURSUANT TO THIS SECTION
2 SHALL BE DISPLAYED IN A CONSPICUOUS AND EASILY LEGIBLE BOLDFACE PRINT OR
3 TYPE THAT IS IN CLEAR CONTRAST TO OTHER MATTER ON THE PACKAGE. THE LABEL
4 SHALL COMPLY WITH THE TYPE SIZE SPECIFICATIONS IN SECTION 101.105(I) OF
5 TITLE 21 OF THE CODE OF FEDERAL REGULATIONS.

6 5. FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL
7 APPLY:

8 (1) "CLONED ANIMAL" MEANS AN ANIMAL THAT ARISES DIRECTLY FROM A SOMAT-
9 IC CELL NUCLEAR TRANSFER EVENT.

10 (2) "LIVESTOCK PRODUCER" MEANS A PERSON WHO ENGAGES IN THE BUSINESS OF
11 ANIMAL PRODUCTION, WHICH INCLUDES, BUT IS NOT LIMITED TO, THE BIRTH,
12 RAISING, FEEDING, WEANING, AND IDENTIFICATION OF A LIVE ANIMAL, AND WHO
13 GENERALLY DOES NOT ENGAGE IN THE BUSINESS OF PREPARING ANY ANIMAL FOOD
14 THAT IS DERIVED IN WHOLE OR IN PART FROM AN ANIMAL CARCASS OR ITS
15 PRODUCTS.

16 (3) "PROGENY OF A CLONED ANIMAL" MEANS AN ANIMAL DERIVED FROM THE
17 SEXUAL REPRODUCTION OF A CLONED ANIMAL WITH ANOTHER CLONED ANIMAL OR AN
18 ANIMAL THAT IS NOT CLONED.

19 (4) "REASONABLE KNOWLEDGE" MEANS THE IMPORTER KNOWS ABOUT OR HAS
20 POSSESSION OF ANY DOCUMENT OR ADVERTISEMENT IN ANY MEDIUM THAT INDICATES
21 THAT THE PRODUCT WAS DERIVED FROM A CLONED ANIMAL OR ITS PROGENY.

22 S 2. The agriculture and markets law is amended by adding a new
23 section 358-b to read as follows:

24 S 358-B. DISCLOSURE OF CLONED ANIMALS UPON SALE. 1. EVERY LIVESTOCK
25 PRODUCER WHO SELLS OR TRANSFERS ANY CLONED ANIMAL OR ITS PROGENY SHALL
26 DISCLOSE TO THE BUYER OR TRANSFEREE THAT THE ANIMAL IS CLONED OR IS THE
27 PROGENY OF A CLONED ANIMAL.

28 2. FOR PURPOSES OF THIS SECTION, THE FOLLOWING DEFINITIONS SHALL
29 APPLY:

30 (A) "CLONED ANIMAL" MEANS AN ANIMAL THAT ARISES DIRECTLY FROM A SOMAT-
31 IC CELL NUCLEAR TRANSFER EVENT.

32 (B) "LIVESTOCK PRODUCER" MEANS A PERSON WHO ENGAGES IN THE BUSINESS OF
33 ANIMAL PRODUCTION, WHICH INCLUDES, BUT IS NOT LIMITED TO, THE BIRTH,
34 RAISING, FEEDING, WEANING, AND IDENTIFICATION OF A LIVE ANIMAL, AND WHO
35 GENERALLY DOES NOT ENGAGE IN THE BUSINESS OF PREPARING ANY ANIMAL FOOD
36 THAT IS DERIVED IN WHOLE OR IN PART FROM AN ANIMAL CARCASS OR ITS
37 PRODUCTS.

38 (C) "PROGENY OF A CLONED ANIMAL" MEANS AN ANIMAL DERIVED FROM THE
39 SEXUAL REPRODUCTION OF A CLONED ANIMAL WITH ANOTHER CLONED ANIMAL OR AN
40 ANIMAL THAT IS NOT CLONED.

41 S 3. This act shall take effect on the one hundred twentieth day after
42 it shall have become a law. Effective immediately, the addition, amend-
43 ment and/or repeal of any rule or regulation necessary for the implemen-
44 tation of this act on its effective date are authorized and directed to
45 be made and completed on or before such effective date.