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2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. COOK, ORTIZ, PHEFFER, GREENE -- Multi-Sponsored by -- M. of A. COLTON, DINOWITZ, GLICK, GOTTFRIED, GUNTHER, HIKIND, HOOPER, JACOBS, JOHN, MARKEY, McENENY, NOLAN, J. RIVERA, TOWNS -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to creating an advisory board on food safety protection and inspection programs in the department of agriculture and markets

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 26-a to read as follows:  
3 S 26-A. ADVISORY BOARD ON DEPARTMENT FOOD SAFETY PROTECTION AND  
4 INSPECTION PROGRAMS. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT  
5 AN ADVISORY BOARD ON FOOD SAFETY PROTECTION AND INSPECTION WHICH SHALL  
6 CONSIST OF NINE MEMBERS. FIVE MEMBERS SHALL BE APPOINTED BY THE GOVER-  
7 NOR, INCLUDING TWO REPRESENTATIVES, WITH EXPERTISE IN FOOD SAFETY, FROM  
8 NEW YORK STATE RESEARCH UNIVERSITIES, ONE REPRESENTATIVE OF THE RETAIL  
9 FOOD INDUSTRY, ONE REPRESENTATIVE OF THE FOOD MANUFACTURING OR PROCESS-  
10 ING INDUSTRY, AND ONE FARMER. THE SPEAKER OF THE ASSEMBLY AND THE  
11 TEMPORARY PRESIDENT OF THE SENATE SHALL EACH HAVE TWO APPOINTMENTS.  
12 EACH SHALL APPOINT A MEMBER WHO IS A CONSUMER OR REPRESENTATIVE OF  
13 CONSUMER INTERESTS AND EACH WILL APPOINT A MEMBER REPRESENTING THE FOOD  
14 INDUSTRY. IN ADDITION, REPRESENTATIVES OF THE FOLLOWING AGENCIES SHALL  
15 BE INVITED TO ATTEND AND PARTICIPATE IN ALL MEETINGS OF THE ADVISORY  
16 BOARD AND, AT THEIR OPTION, SHALL BE EX OFFICIO MEMBERS:  
17 (A) A COUNTY OR MUNICIPAL HEALTH DEPARTMENT;  
18 (B) THE U.S. FOOD AND DRUG ADMINISTRATION;  
19 (C) THE U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY INSPECTION SERVICE;  
20 AND  
21 (D) THE NEW YORK STATE DEPARTMENT OF HEALTH.

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

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1 2. IT SHALL BE THE DUTY OF THE ADVISORY BOARD HEREBY ESTABLISHED TO  
2 ADVISE, COUNSEL AND CONFER WITH THE COMMISSIONER ON MATTERS OF POLICY IN  
3 CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF LAWS AND REGU-  
4 LATIONS RELATING TO FOOD SAFETY. THE ADVISORY BOARD SHALL SPECIFICALLY  
5 EXAMINE THE ADEQUACY OF FOOD SAFETY PROTECTION AND INSPECTION BY THE  
6 DEPARTMENT AND RECOMMEND NECESSARY CHANGES IN ADMINISTRATION AND STAFF-  
7 ING LEVELS OF FOOD SAFETY ENFORCEMENT ACTIVITIES TO ENSURE THE  
8 PROTECTION OF THE PUBLIC'S HEALTH. THE ADVISORY BOARD SHALL REVIEW  
9 EXISTING AND PROPOSED STATE FOOD SAFETY LAWS AND REGULATIONS AND RECOM-  
10 MEND TO THE COMMISSIONER, AND THE ASSEMBLY AND SENATE CHAIRMEN OF THE  
11 AGRICULTURE AND HEALTH COMMITTEES, NECESSARY CHANGES OR ADDITIONS TO  
12 LAWS, REGULATIONS AND DEPARTMENT PROGRAMS TO IMPROVE FOOD SAFETY AND THE  
13 EFFECTIVENESS OF THE DEPARTMENT'S FOOD SAFETY INSPECTION AND ENFORCEMENT  
14 ACTIVITIES.

15 3. THE COMMISSIONER MAY DETAIL FROM TIME TO TIME TO THE ASSISTANCE OF  
16 THE ADVISORY BOARD SUCH EMPLOYEES OF THE DEPARTMENT AS THE COMMISSIONER  
17 DEEMS NECESSARY AND SHALL PROVIDE NECESSARY INFORMATION AND SPACE FOR  
18 MEETINGS OF THE ADVISORY BOARD. THE ADVISORY BOARD SHALL ADOPT RULES  
19 AND REGULATIONS TO GOVERN ITS PROCEEDINGS AND KEEP A RECORD OF ITS MEET-  
20 INGS AND RECOMMENDATIONS.

21 4. THE ADVISORY BOARD SHALL MEET AT THE CALL OF THE COMMISSIONER AND  
22 AT SUCH OTHER TIMES AS IT MAY DEEM NECESSARY AND AT SUCH PLACES AS MAY  
23 BE CONVENIENT. AN INITIAL MEETING SHALL BE HELD WITHIN THIRTY DAYS  
24 AFTER ALL APPOINTMENTS TO SUCH BOARD ARE COMPLETED.

25 S 2. This act shall take effect immediately, provided, however, that  
26 the appointments to the advisory board on the department of agriculture  
27 and markets food safety protection and inspection programs authorized by  
28 section 26-a of the agriculture and markets law, as added by section one  
29 of this act, shall be completed within 180 days after this act shall  
30 have become a law.