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

8538

2009-2010 Regular Sessions

I N A S S E M B L Y

May 27, 2009

Introduced by M. of A. FIELDS, DUPREY -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring retail food stores to keep shellfish separate from all other fish in the storage, display, maintenance and handling of such shellfish

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 article 13-F to read as follows:

ARTICLE 13-F
SHELLFISH

SECTION 160-W. STORAGE, DISPLAY, MAINTENANCE, OR HANDLING OF SHELLFISH BY A RETAIL FOOD STORE.

S 160-W. STORAGE, DISPLAY, MAINTENANCE, OR HANDLING OF SHELLFISH BY A RETAIL FOOD STORE. 1. ALL RETAIL FOOD STORES SHALL STORE, DISPLAY, MAINTAIN AND HANDLE SHELLFISH SEPARATE FROM ALL OTHER TYPES OF FISH SOLD AT SUCH STORE. IF FISH SOLD IS SUBJECT TO CONTACT WITH SHELLFISH, SUCH FISH SHALL BE DISPOSED OF IMMEDIATELY.

2. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL PENALTY NOT TO EXCEED FIFTY DOLLARS FOR THE FIRST VIOLATION, NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN TWO HUNDRED DOLLARS FOR A SECOND VIOLATION, AND NOT LESS THAN TWO HUNDRED DOLLARS AND NOT MORE THAN FIVE HUNDRED DOLLARS FOR A THIRD OR SUBSEQUENT VIOLATION WITHIN A TWENTY-FOUR MONTH PERIOD.

3. FOR PURPOSES OF THIS SECTION:

A. "RETAIL FOOD STORE" MEANS ANY ESTABLISHMENT OR SECTION OF AN ESTABLISHMENT WHERE FOOD AND FOOD PRODUCTS ARE OFFERED TO THE CONSUMER AND INTENDED FOR OFF-PREMISES CONSUMPTION. THE TERM DOES NOT INCLUDE ESTABLISHMENTS WHICH HANDLE ONLY PRE-PACKAGED, NON-POTENTIALLY HAZARDOUS

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

LBD11911-01-9

FOODS, ROADSIDE MARKETS THAT OFFER ONLY FRESH FRUITS AND FRESH VEGETABLES FOR SALE, FOOD SERVICE ESTABLISHMENTS, OR FOOD AND BEVERAGE VENDING MACHINES.

B. "SHELLFISH" INCLUDES OYSTERS, SCALLOPS, CLAMS, MUSSELS AND OTHER AQUATIC MOLLUSKS, AND LOBSTERS, SHRIMP, CRAWFISH, CRABS AND OTHER AQUATIC CRUSTACEANS.

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