

8706

2009-2010 Regular Sessions

I N A S S E M B L Y

June 4, 2009

Introduced by M. of A. P. RIVERA -- read once and referred to the
Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring
warning labels on food products which contain sodium benzoate

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 214-o to read as follows:
3 S 214-O. WARNING LABELS ON FOOD PRODUCTS CONTAINING SODIUM BENZOATE.
4 1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF SECTION ONE HUNDRED
5 NINETY-NINE-B OF THIS ARTICLE, IF ANY PERSON, FIRM, CORPORATION, PART-
6 NERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION OR ANY OTHER BUSINESS
7 ASSOCIATION SELLS OR DISPLAYS FOR RETAIL SALE ANY FOOD PRODUCT CONTAIN-
8 ING THE ARTIFICIAL FOOD COLORING AND PRESERVATIVE SODIUM BENZOATE, THE
9 PACKAGING OF SUCH FOOD SHALL BEAR A WARNING LABEL AS PRESCRIBED IN THIS
10 SECTION WHICH SHALL BE PRINTED THEREON OR ATTACHED THERETO. SUCH WARNING
11 LABEL SHALL BE IN LETTERS NOT LESS THAN EIGHT POINT TYPE AND SHALL
12 APPEAR IN A BLACK BOX ON THE PACKAGE, AND SHALL CONTAIN THE FOLLOWING
13 STATEMENT: "WARNING: THE ARTIFICIAL FOOD COLORINGS AND/OR PRESERVATIVES
14 USED TO PROCESS THIS FOOD PRODUCT COULD POSE A SERIOUS HEALTH HAZARD TO
15 CHILDREN. PLEASE USE CAUTION."
16 2. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, LIMITED LIABILITY
17 COMPANY, OR ASSOCIATION, OR ITS OFFICERS OR AGENTS WHO OR WHICH VIOLATE
18 ANY OF THE PROVISIONS OF THIS SECTION OR ANY RULES OR REGULATIONS
19 PROMULGATED UNDER THIS SECTION SHALL BE LIABLE FOR A CIVIL PENALTY OF
20 TEN THOUSAND DOLLARS PER EACH FOOD PRODUCT WHICH VIOLATES THE PROVISIONS
21 OF THIS SECTION.
22 3. THE COMMISSIONER SHALL HAVE THE AUTHORITY AND POWER TO PRESCRIBE BY
23 REGULATIONS THE LABELING OF THE FOOD PRODUCTS IN SUBDIVISION ONE OF THIS
24 SECTION WHICH ARE NOT SOLD BY PACKAGE OR CONTAINER.

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

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1 S 2. This act shall take effect on the one hundred twentieth day after
2 it shall have become a law. Provided that the commissioner of agricul-
3 ture and markets is authorized and directed to promulgate any rules or
4 regulations necessary for the timely implementation of this act before
5 such effective date.