

9169

2009-2010 Regular Sessions

I N   A S S E M B L Y

September 30, 2009

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

AN ACT to amend the agriculture and markets law, in relation to licens-  
ing fees for food processing establishments

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

1     Section 1. Section 251-z-3 of the agriculture and markets law, as  
2     amended by chapter 307 of the laws of 2004, the second undesignated  
3     paragraph as amended by section 2 of part II of chapter 59 of the laws  
4     of 2009, is amended to read as follows:  
5     S 251-z-3. Licenses; fees. 1. No person shall maintain or operate a  
6     food processing establishment unless licensed biennially by the commis-  
7     sioner. Application for a license to operate a food processing estab-  
8     lishment shall be made, upon a form prescribed by the commissioner, on  
9     or before the fifteenth of the month preceding the applicable license  
10    period as herein prescribed. The license period shall begin February  
11    fifteenth for applicants who apply for a license between February  
12    fifteenth and May fourteenth, May fifteenth for applicants who apply for  
13    a license between May fifteenth and August fourteenth, August fifteenth  
14    for applicants who apply for a license between August fifteenth and  
15    November fourteenth, and November fifteenth for applicants who apply for  
16    a license between November fifteenth and February fourteenth.  
17    2. The applicant shall furnish evidence of his or her good character,  
18    experience and competency, that the establishment has adequate facili-  
19    ties and equipment for the business to be conducted, that the establish-  
20    ment is such that the cleanliness of the premises can be maintained,  
21    that the product produced therein will not become adulterated and, if  
22    the applicant is a retail food store, that the applicant has an individ-  
23    ual in a position of management or control who has completed an approved  
24    food safety education program pursuant to section two hundred fifty-one-  
25    z-twelve of this article. The commissioner, if so satisfied, shall issue

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

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1 to the applicant, upon payment of the license fee of four hundred  
2 dollars, a license to operate the food processing establishment  
3 described in the application. However, the license fee shall be nine  
4 hundred dollars for a food processing establishment determined by the  
5 commissioner, pursuant to duly promulgated regulations, to require more  
6 intensive regulatory oversight due to the volume of the products  
7 produced, the potentially hazardous nature of the product produced or  
8 the multiple number of processing operations conducted in the establish-  
9 ment. THE RENEWAL LICENSING FEE SHALL BE REDUCED BY TWENTY PERCENT FOR  
10 EACH YEAR OF THE PRECEDING TWO YEARS THAT A BUSINESS WHICH HAS THE  
11 LOWEST INDICATOR OF POTENTIAL HAZARD HAS ONE INSPECTION PER YEAR AND  
12 WHICH PASSES THE INSPECTION WITH NO CRITICAL OR GENERAL DEFICIENCIES.  
13 THE OWNER OF SUCH A BUSINESS SHALL BE ENTITLED TO THE TWENTY PERCENT OR  
14 THE MAXIMUM FORTY PERCENT LICENSING FEE REDUCTION IF AND ONLY IF A COPY  
15 OF THE INSPECTION SHOWING NO CRITICAL OR GENERAL DEFICIENCIES FOR AT  
16 LEAST ONE OF THE PRECEDING TWO YEARS IS INCLUDED WITH THE RENEWAL APPLI-  
17 CATION. The license application for retail food stores shall be accompa-  
18 nied by documentation in a form approved by the commissioner which  
19 demonstrates that the food safety education program requirement has been  
20 met. The license shall take effect on the date of issuance and continue  
21 until the last day of the applicable license period set forth in this  
22 section.

23 3. Notwithstanding any other provision of law to the contrary, the  
24 commissioner is hereby authorized and directed to deposit all money  
25 received pursuant to this section in an account within the miscellaneous  
26 special revenue fund.

27 S 2. This act shall take effect immediately.