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

1304

2009-2010 Regular Sessions

I N S E N A T E

January 28, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the agriculture and markets law, in relation to prohibiting the rewrapping, repackaging or recycling of meat and poultry contained in a wrapping or packaging labeled with a first sale date and/or last sell-by date, prohibiting the changing of any such dates, and requiring that the period from the first sale date to last sell-by date as so labeled be no more than three days

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 section 214-o to read as follows:

S 214-O. REWRAPPING, REPACKAGING OR RECYCLING OF MEAT AND POULTRY CONTAINED IN A WRAPPING OR PACKAGING LABELED WITH A FIRST SALE OR SELL-BY DATE PROHIBITED; CHANGE OF DATE PROHIBITED; THREE-DAY SALE PERIOD PROVIDED. NOTWITHSTANDING THE PROVISIONS OF SECTION TWO HUNDRED FOURTEEN-M OF THIS ARTICLE:

1. MEAT OR POULTRY OFFERED FOR SALE IN A WRAPPING OR PACKAGING THAT IS STAMPED OR LABELED WITH THE FIRST DATE THE MEAT OR POULTRY IS TO BE OFFERED FOR SALE, OR WITH THE LAST DATE BY WHICH THE MEAT OR POULTRY MAY BE SOLD, OR WITH BOTH SUCH DATES, SHALL NOT BE REWRAPPED, REPACKAGED OR RECYCLED PRIOR TO SALE NOR SHALL ANY SUCH DATES BE ALTERED OR CHANGED. THE LAST DATE BY WHICH THE MEAT OR POULTRY MAY BE SOLD AS SO LABELED SHALL NOT BE MORE THAN THREE DAYS FROM THE FIRST DATE LABELED FOR THE MEAT OR POULTRY TO BE OFFERED FOR SALE.

2. IT SHALL BE A MISDEMEANOR TO SELL OR OFFER FOR SALE MEAT OR POULTRY IN VIOLATION OF THE REQUIREMENTS OF SUBDIVISION ONE OF THIS SECTION. SUCH MEAT OR POULTRY IS HEREBY DEEMED TO BE UNWHOLESOME OR ADULTERATED AND ANY PERSON WHO, OR ANY ENTITY WHICH, SELLS OR OFFERS FOR SALE SUCH UNWHOLESOME OR ADULTERATED MEAT OR POULTRY SHALL BE SUBJECT TO ALL OF THE FEDERAL AND STATE REGULATIONS AND FINES AND PENALTIES FOR VIOLATIONS

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

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APPLICABLE TO THE SALE OR OFFERING FOR SALE OF UNWHOLESOME OR ADULTERATED MEAT. WITHOUT LIMITING THE FOREGOING, THE COMMISSIONER MAY CLOSE ANY ESTABLISHMENT WHICH SELLS MEAT OR POULTRY IN VIOLATION OF SUBDIVISION ONE OF THIS SECTION; MEAT OR POULTRY FOUND BEING OFFERED FOR SALE AFTER THE SELL-BY DATE LABELED ON ITS PACKAGING SHALL BE CONFISCATED; AND THE ESTABLISHMENT SHALL BE SUBJECT TO AN ADDITIONAL PENALTY OF UP TO ONE THOUSAND DOLLARS FOR EACH DAY IT IS FOUND IN WILLFUL VIOLATION OF SUBDIVISION ONE OF THIS SECTION.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date.