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

2428

2009-2010 Regular Sessions

I N S E N A T E

February 20, 2009

Introduced by Sen. YOUNG -- 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 authorizing the production for retail sale and retail sale of raw milk

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 46-b to read as follows:

S 46-B. PRODUCTION AND RETAIL SALE OF RAW MILK. 1. NOTWITHSTANDING ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, THE PRODUCTION FOR RETAIL SALE AND THE RETAIL SALE OF RAW, UNTREATED MILK FOR HUMAN CONSUMPTION SHALL BE AUTHORIZED IN THIS STATE. THE PRODUCTION, PACKAGING, TRANSPORTATION AND SALE OF SUCH MILK SHALL BE SUBJECT TO SUCH RULES AND REGULATIONS AS SHALL BE DEEMED NECESSARY BY THE DEPARTMENT. A COPY OF ALL SUCH RULES AND REGULATIONS SHALL BE PROVIDED TO THE DEPARTMENT OF HEALTH FOR COMMENT PRIOR TO THE EFFECTIVE DATE THEREOF.

2. EVERY PERSON ENGAGED IN THE PRODUCTION OF RAW, UNTREATED MILK FOR HUMAN CONSUMPTION SHALL HOLD A PERMIT ISSUED BY THE COMMISSIONER.

3. ALL RAW, UNTREATED MILK FOR HUMAN CONSUMPTION PRODUCED FOR RETAIL SALE SHALL BE TRANSPORTED AND SOLD IN A BOTTLE OR SINGLE SERVICE CONTAINER MECHANICALLY FILLED AND CAPPED.

4. EVERY CONTAINER OF RAW, UNTREATED MILK FOR HUMAN CONSUMPTION SOLD AT RETAIL SHALL BE LABELED WITH A WARNING THAT SUCH MILK IS NOT PASTEURIZED AND SUCH ADDITIONAL WARNINGS AND SPECIFICATIONS AS THE DEPARTMENT MAY REQUIRE.

5. RAW, UNTREATED MILK FOR HUMAN CONSUMPTION SHALL BE SOLD AT RETAIL ONLY FOR CONSUMPTION OFF THE PREMISES OF THE PERSON OR BUSINESS ENGAGING IN SUCH RETAIL SALE. NO SUCH MILK SHALL BE AUTHORIZED TO BE SOLD IN A VENDING MACHINE. EVERY PERSON AND BUSINESS ENGAGED IN THE RETAIL SALE OF RAW, UNTREATED MILK FOR HUMAN CONSUMPTION SHALL CONSPICUOUSLY POST AT

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

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THE POINT OF SALE A SIGN WHICH READS AS FOLLOWS: "NOTICE: RAW MILK SOLD HERE. RAW MILK DOES NOT PROVIDE THE PROTECTION OF PASTEURIZATION."

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Provided that any rules and regulations necessary to implement the provisions of this act on its effective date are immediately authorized and directed to be completed on or before such date.