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

7099

I N S E N A T E

March 12, 2010

Introduced by Sen. AUBERTINE -- (at request of the Department of Agriculture and Markets) -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to the licensing of slaughterhouses

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

Section 1. Section 96-b of the agriculture and markets law is amended by adding a new subdivision 3 to read as follows:

3. IN ADDITION TO ANY OTHER REQUIREMENTS ESTABLISHED BY THIS CHAPTER, AN APPLICANT FOR A LICENSE PURSUANT TO THIS ARTICLE SHALL FURNISH EVIDENCE: (A) OF HIS OR HER GOOD CHARACTER, EXPERIENCE AND COMPETENCY, (B) THAT THE ESTABLISHMENT HAS ADEQUATE FACILITIES AND EQUIPMENT FOR THE BUSINESS TO BE CONDUCTED, (C) THAT THE ESTABLISHMENT IS SUCH THAT THE CLEANLINESS OF THE PREMISES CAN BE MAINTAINED AND (D) THAT THE PRODUCT PRODUCED THEREIN WILL NOT BECOME ADULTERATED.

S 2. Section 96-b of the agriculture and markets law is amended by adding a new closing paragraph to read as follows:

IN ADDITION TO ANY OTHER REQUIREMENTS ESTABLISHED BY THIS CHAPTER, AN APPLICANT FOR A LICENSE PURSUANT TO THIS ARTICLE SHALL FURNISH EVIDENCE: (A) OF HIS OR HER GOOD CHARACTER, EXPERIENCE AND COMPETENCY, (B) THAT THE ESTABLISHMENT HAS ADEQUATE FACILITIES AND EQUIPMENT FOR THE BUSINESS TO BE CONDUCTED, (C) THAT THE ESTABLISHMENT IS SUCH THAT THE CLEANLINESS OF THE PREMISES CAN BE MAINTAINED AND (D) THAT THE PRODUCT PRODUCED THEREIN WILL NOT BECOME ADULTERATED.

S 3. Section 96-f of the agriculture and markets law is amended by adding a new subdivision 4 to read as follows:

4. IN ADDITION TO ANY OTHER GROUNDS ESTABLISHED BY THIS ARTICLE FOR THE DENIAL, REVOCATION AND SUSPENSION OF LICENSES, THE COMMISSIONER MAY DECLINE TO GRANT A NEW LICENSE, MAY DECLINE TO RENEW A LICENSE, OR MAY SUSPEND OR REVOKE A LICENSE AFTER DUE NOTICE AND OPPORTUNITY FOR HEARING WHENEVER HE OR SHE FINDS THAT:

(A) ANY STATEMENT CONTAINED IN AN APPLICATION FOR LICENSE IS OR WAS FALSE OR MISLEADING;

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

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(B) THE ESTABLISHMENT DOES NOT HAVE FACILITIES OR EQUIPMENT SUFFICIENT TO MAINTAIN ADEQUATE SANITATION FOR THE ACTIVITIES CONDUCTED;

(C) THE ESTABLISHMENT IS NOT MAINTAINED IN A CLEAN AND SANITARY CONDITION OR IS NOT OPERATED IN A SANITARY OR PROPER MANNER;

(D) THE MAINTENANCE AND OPERATION OF THE ESTABLISHMENT IS SUCH THAT THE PRODUCT PRODUCED THEREIN IS OR MAY BE ADULTERATED;

(E) THE ESTABLISHMENT HAS FAILED OR REFUSED TO PRODUCE ANY RECORDS OR PROVIDE ANY INFORMATION DEMANDED BY THE COMMISSIONER REASONABLY RELATED TO THE ADMINISTRATION AND ENFORCEMENT OF THIS ARTICLE;

(F) THE APPLICANT OR LICENSEE, OR AN OFFICER, DIRECTOR, PARTNER, HOLDER OF TEN PERCENT OF THE VOTING STOCK, OR ANY OTHER PERSON EXERCISING ANY POSITION OF MANAGEMENT OR CONTROL HAS FAILED TO COMPLY WITH ANY OF THE PROVISIONS OF THIS CHAPTER OR RULES AND REGULATIONS PROMULGATED PURSUANT THERETO; OR

(G) ANY PERSON INCLUDING THE APPLICANT OR LICENSEE, OR AN OFFICER, DIRECTOR, PARTNER OR ANY STOCKHOLDER, EXERCISING ANY POSITION OF MANAGEMENT OR CONTROL HAS BEEN CONVICTED OF A FELONY IN ANY COURT OF THE UNITED STATES OR ANY STATE OR TERRITORY AND THAT THERE IS A DIRECT RELATIONSHIP BETWEEN THAT FELONY AND THE LICENSE SOUGHT OR HELD BY THE INDIVIDUAL.

S 4. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that the amendments to section 96-b of the agriculture and markets law made by section one of this act shall be subject to the expiration and reversion of such section pursuant to section 3 of chapter 395 of the laws of 2008, as amended, when upon such date the provisions of section two of this act shall take effect.