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I N   S E N A T E

March 12, 2010

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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:

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

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

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

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

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

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

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

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

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

3 (C) THE ESTABLISHMENT IS NOT MAINTAINED IN A CLEAN AND SANITARY CONDI-  
4 TION OR IS NOT OPERATED IN A SANITARY OR PROPER MANNER;

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

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

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

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

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