

1390

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ -- Multi-Sponsored by -- M. of A. BRENNAN,
CLARK, JACOBS, MAYERSOHN, ROBINSON, SCARBOROUGH, WEISENBERG -- read
once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to develop-
ment of a program to certify certain feed mills, animals and food
products and to amend the state finance law, in relation to establish-
ing an animal feed certification and registration fund

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

1 Section 1. Section 16 of the agriculture and markets law is amended by
2 adding a new subdivision 30-b to read as follows:
3 30-B. DEVELOP A PROGRAM TO CERTIFY ANIMALS, AND FOOD PRODUCTS FROM
4 ANIMALS, THAT CONSUMED FEED THAT WAS PRODUCED WITHOUT ADDED ANIMAL PARTS
5 BY FEED MANUFACTURERS REGISTERED UNDER PARAGRAPH (A) OF SUBDIVISION ONE
6 OF SECTION ONE HUNDRED TWENTY-NINE OF THIS CHAPTER. FARMERS AND SELLERS
7 OF FOOD PRODUCTS THAT ELECT TO HAVE THEIR ANIMALS OR FOOD PRODUCTS
8 CERTIFIED UNDER THIS SUBDIVISION MAY ENTER INTO CONTRACTS WITH THE
9 COMMISSIONER FOR INSPECTIONS AND SERVICES NECESSARY FOR SUCH CERTIF-
10 ICATION, WHICH CONTRACTS SHALL REQUIRE PAYMENT BY APPLICANTS OF THE FULL
11 COSTS OF THE SERVICES PROVIDED.

12 S 2. Subdivision 1 of section 129 of the agriculture and markets law,
13 as amended chapter 451 of the laws of 2008, is amended to read as
14 follows:

15 1. (A) THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS FOR THE
16 REGISTRATION OF COMMERCIAL FEED MILLS THAT CERTIFY THE PRODUCTION OF
17 FEED THAT DOES NOT CONTAIN ANY ANIMAL PARTS, PRODUCTS OR REMAINS,
18 INCLUDING MEAT, BONE, BLOOD, GELATIN AND ANY OTHER PARTS OR PRODUCTS.
19 SUCH RULES AND REGULATIONS SHALL INCLUDE PROVISIONS FOR REGISTERING SUCH
20 FEED MANUFACTURERS LOCATED OUTSIDE OF NEW YORK STATE AND FOR RECORD
21 KEEPING. FEED MANUFACTURERS ELECTING TO REGISTER WITH THE DEPARTMENT

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

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1 ACCORDING TO THE RULES AND REGULATIONS OF THIS SUBDIVISION MAY ENTER
2 INTO CONTRACTS WITH THE COMMISSIONER FOR INSPECTIONS AND SERVICES NECES-
3 SARY FOR SUCH CERTIFICATION, WHICH CONTRACTS SHALL REQUIRE PAYMENT BY
4 APPLICANTS OF THE FULL COSTS OF THE SERVICES PROVIDED.

5 (B) No person shall distribute in this state any commercial feed
6 unless he or she is registered pursuant to the provisions of this
7 section. The biennial registration fee shall be one hundred dollars.
8 Application, upon a form prescribed by the commissioner, shall be made
9 on or before June first of every other year for the registration period
10 beginning July first following. Notwithstanding the provisions of this
11 subdivision, a person licensed in accordance with section one hundred
12 twenty-eight-a of this article shall not be required to be registered
13 pursuant to this section.

14 S 3. Subdivision 1 of section 130 of the agriculture and markets law
15 is amended by adding a new paragraph (h) to read as follows:

16 (H) IF THE FEED CONTAINS NO ANIMAL PARTS AND PRODUCTS AND IS PRODUCED
17 BY A MANUFACTURER REGISTERED ACCORDING TO THE RULES AND REGULATIONS OF
18 PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION ONE HUNDRED TWENTY-NINE OF
19 THIS ARTICLE, THEN THE FOLLOWING STATEMENT, OR SOME OTHER STATEMENT
20 WHICH SUBSTANTIALLY PROVIDES THE SAME INFORMATION:

21 "THIS PRODUCT CONTAINS NO ADDED ANIMAL PARTS, PRODUCTS OR REMAINS AND
22 WAS PRODUCED AT A FACILITY REGISTERED FOR THIS PURPOSE BY THE NEW YORK
23 STATE DEPARTMENT OF AGRICULTURE AND MARKETS."

24 S 4. The state finance law is amended by adding a new section 99-t to
25 read as follows:

26 S 99-T. ANIMAL FEED CERTIFICATION AND REGISTRATION FUND. 1. THERE IS
27 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
28 COMMISSIONER OF AGRICULTURE AND MARKETS A FUND TO BE KNOWN AS THE ANIMAL
29 FEED CERTIFICATION AND REGISTRATION FUND.

30 2. SUCH FUND SHALL CONSIST OF ALL REVENUES COLLECTED FROM FARMERS,
31 SELLERS OF ANIMAL DERIVED FOOD PRODUCTS, AND COMMERCIAL FEED MILLS
32 PURSUANT TO SUBDIVISION THIRTY-B OF SECTION SIXTEEN AND PARAGRAPH (A) OF
33 SUBDIVISION ONE OF SECTION ONE HUNDRED TWENTY-NINE OF THE AGRICULTURE
34 AND MARKETS LAW AND ALL OTHER MONIES CREDITED OR TRANSFERRED THERETO
35 FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

36 3. THE MONIES IN SUCH FUND SHALL BE MADE AVAILABLE TO THE COMMISSIONER
37 OF AGRICULTURE AND MARKETS FOR THE PURPOSES OF THE ANIMAL FEED CERTIF-
38 ICATION AND REGISTRATION PROGRAMS PURSUANT TO SUBDIVISION THIRTY-B OF
39 SECTION SIXTEEN AND PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION ONE
40 HUNDRED TWENTY-NINE OF THE AGRICULTURE AND MARKETS LAW. MONIES SHALL BE
41 PAID OUT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER PURSUANT TO
42 LAW.

43 S 5. This act shall take effect immediately.