

5992

2011-2012 Regular Sessions

I N A S S E M B L Y

March 3, 2011

Introduced by M. of A. BURLING -- read once and referred to the Committee on Agriculture

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:

- 1 Section 1. The agriculture and markets law is amended by adding a new
2 section 46-b to read as follows:
3 S 46-B. PRODUCTION AND RETAIL SALE OF RAW MILK. 1. NOTWITHSTANDING
4 ANY PROVISION OF THIS CHAPTER TO THE CONTRARY, THE PRODUCTION FOR RETAIL
5 SALE AND THE RETAIL SALE OF RAW, UNTREATED MILK FOR HUMAN CONSUMPTION
6 SHALL BE AUTHORIZED IN THIS STATE. THE PRODUCTION, PACKAGING, TRANSPORTATION
7 AND SALE OF SUCH MILK SHALL BE SUBJECT TO SUCH RULES AND REGULATIONS
8 AS SHALL BE DEEMED NECESSARY BY THE DEPARTMENT. A COPY OF ALL
9 SUCH RULES AND REGULATIONS SHALL BE PROVIDED TO THE DEPARTMENT OF HEALTH
10 FOR COMMENT PRIOR TO THE EFFECTIVE DATE THEREOF.
11 2. EVERY PERSON ENGAGED IN THE PRODUCTION OF RAW, UNTREATED MILK FOR
12 HUMAN CONSUMPTION SHALL HOLD A PERMIT ISSUED BY THE COMMISSIONER.
13 3. ALL RAW, UNTREATED MILK FOR HUMAN CONSUMPTION PRODUCED FOR RETAIL
14 SALE SHALL BE TRANSPORTED AND SOLD IN A BOTTLE OR SINGLE SERVICE
15 CONTAINER MECHANICALLY FILLED AND CAPPED.
16 4. EVERY CONTAINER OF RAW, UNTREATED MILK FOR HUMAN CONSUMPTION SOLD
17 AT RETAIL SHALL BE LABELED WITH A WARNING THAT SUCH MILK IS NOT PASTEURIZED
18 AND SUCH ADDITIONAL WARNINGS AND SPECIFICATIONS AS THE DEPARTMENT
19 MAY REQUIRE.
20 5. RAW, UNTREATED MILK FOR HUMAN CONSUMPTION SHALL BE SOLD AT RETAIL
21 ONLY FOR CONSUMPTION OFF THE PREMISES OF THE PERSON OR BUSINESS ENGAGING
22 IN SUCH RETAIL SALE. NO SUCH MILK SHALL BE AUTHORIZED TO BE SOLD IN A
23 VENDING MACHINE. EVERY PERSON AND BUSINESS ENGAGED IN THE RETAIL SALE OF
24 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.

LBD03198-01-1

1 THE POINT OF SALE A SIGN WHICH READS AS FOLLOWS: "NOTICE: RAW MILK SOLD
2 HERE. RAW MILK DOES NOT PROVIDE THE PROTECTION OF PASTEURIZATION."
3 S 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law. Provided that any rules and regulations
5 necessary to implement the provisions of this act on its effective date
6 are immediately authorized and directed to be completed on or before
7 such date.