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

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2011-2012 Regular Sessions

I N A S S E M B L Y

March 31, 2011

Introduced by M. of A. COOK, ORTIZ, PHEFFER -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON, DINOWITZ, GLICK, GOTTFRIED, GUNTHER, HIKIND, HOOPER, JACOBS, MARKEY, McENENY, NOLAN, J. RIVERA, TOWNS -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to creating an advisory board on food safety protection and inspection programs in the department of agriculture and markets

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 26-a to read as follows:

S 26-A. ADVISORY BOARD ON DEPARTMENT FOOD SAFETY PROTECTION AND INSPECTION PROGRAMS. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT AN ADVISORY BOARD ON FOOD SAFETY PROTECTION AND INSPECTION WHICH SHALL CONSIST OF THIRTEEN MEMBERS. SEVEN MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, INCLUDING AT LEAST TWO REPRESENTATIVES, WITH EXPERTISE IN FOOD SAFETY, FROM NEW YORK STATE RESEARCH UNIVERSITIES, ONE REPRESENTATIVE OF THE RETAIL FOOD INDUSTRY, ONE REPRESENTATIVE OF THE FOOD MANUFACTURING OR PROCESSING INDUSTRY, AND ONE FARMER. THE SPEAKER OF THE ASSEMBLY AND THE TEMPORARY PRESIDENT OF THE SENATE SHALL EACH HAVE TWO APPOINTMENTS. EACH SHALL APPOINT A MEMBER WHO IS A CONSUMER OR REPRESENTATIVE OF CONSUMER INTERESTS AND EACH WILL APPOINT A MEMBER REPRESENTING THE FOOD INDUSTRY. THE MINORITY LEADERS OF THE ASSEMBLY AND THE SENATE SHALL EACH HAVE ONE APPOINTMENT. IN ADDITION, REPRESENTATIVES OF THE FOLLOWING AGENCIES SHALL BE INVITED TO ATTEND AND PARTICIPATE IN ALL MEETINGS OF THE ADVISORY BOARD AND, AT THEIR OPTION, SHALL BE EX OFFICIO MEMBERS:

(A) A COUNTY OR MUNICIPAL HEALTH DEPARTMENT;

(B) THE U.S. FOOD AND DRUG ADMINISTRATION;

(C) THE U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY INSPECTION SERVICE; AND

(D) THE NEW YORK STATE DEPARTMENT OF HEALTH.

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

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2. IT SHALL BE THE DUTY OF THE ADVISORY BOARD HEREBY ESTABLISHED TO ADVISE, COUNSEL AND CONFER WITH THE COMMISSIONER ON MATTERS OF POLICY IN CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF LAWS AND REGULATIONS RELATING TO FOOD SAFETY. THE ADVISORY BOARD SHALL SPECIFICALLY EXAMINE THE ADEQUACY OF FOOD SAFETY PROTECTION AND INSPECTION BY THE DEPARTMENT AND RECOMMEND NECESSARY CHANGES IN ADMINISTRATION AND STAFFING LEVELS OF FOOD SAFETY ENFORCEMENT ACTIVITIES TO ENSURE THE PROTECTION OF THE PUBLIC'S HEALTH. THE ADVISORY BOARD SHALL REVIEW EXISTING AND PROPOSED STATE FOOD SAFETY LAWS AND REGULATIONS AND RECOMMEND TO THE COMMISSIONER, AND THE ASSEMBLY AND SENATE CHAIRMEN OF THE AGRICULTURE AND HEALTH COMMITTEES, NECESSARY CHANGES OR ADDITIONS TO LAWS, REGULATIONS AND DEPARTMENT PROGRAMS TO IMPROVE FOOD SAFETY AND THE EFFECTIVENESS OF THE DEPARTMENT'S FOOD SAFETY INSPECTION AND ENFORCEMENT ACTIVITIES.

3. THE COMMISSIONER MAY DETAIL FROM TIME TO TIME TO THE ASSISTANCE OF THE ADVISORY BOARD SUCH EMPLOYEES OF THE DEPARTMENT AS THE COMMISSIONER DEEMS NECESSARY AND SHALL PROVIDE NECESSARY INFORMATION AND SPACE FOR MEETINGS OF THE ADVISORY BOARD. THE ADVISORY BOARD SHALL ADOPT RULES AND REGULATIONS TO GOVERN ITS PROCEEDINGS AND KEEP A RECORD OF ITS MEETINGS AND RECOMMENDATIONS.

4. THE ADVISORY BOARD SHALL MEET AT THE CALL OF THE COMMISSIONER AND AT SUCH OTHER TIMES AS IT MAY DEEM NECESSARY AND AT SUCH PLACES AS MAY BE CONVENIENT. AN INITIAL MEETING SHALL BE HELD WITHIN THIRTY DAYS AFTER ALL APPOINTMENTS TO SUCH BOARD ARE COMPLETED.

S 2. This act shall take effect immediately, provided, however, that the appointments to the advisory board on the department of agriculture and markets food safety protection and inspection programs authorized by section 26-a of the agriculture and markets law, as added by section one of this act, shall be completed within 180 days after this act shall have become a law.