

9128

I N A S S E M B L Y

January 25, 2012

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

AN ACT to amend the administrative code of the city of New York, in
relation to granting concurrent jurisdiction to the city of New York
department of health and mental hygiene over grocery stores and farm-
ers markets

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

1 section 1. The administrative code of the city of New York is amended
2 by adding a new section 17-198 to read as follows:
3 S 17-198 JURISDICTION OVER GROCERY STORES AND FARMER'S MARKETS. THE
4 DEPARTMENT IS AUTHORIZED TO EXERCISE ITS POWERS OVER GROCERY STORES AND
5 FARMER'S MARKETS WITHIN THE GEOGRAPHICAL LIMIT OF ITS JURISDICTION.
6 SUCH JURISDICTION SHALL BE EXERCISED CONCURRENTLY WITH THE NEW YORK
7 STATE DEPARTMENT OF AGRICULTURE AND MARKETS. IN ADDITION TO THE POWERS
8 ENUMERATED IN THIS TITLE, THE DEPARTMENT, WITH RESPECT TO GROCERY STORES
9 AND FARMER'S MARKETS, SHALL EXERCISE THE FOLLOWING POWERS CONCURRENTLY
10 WITH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS:
11 A. EXECUTE AND CARRY INTO EFFECT THE LAWS OF THE STATE AND THE RULES
12 OF THE DEPARTMENT, RELATIVE TO AGRICULTURE, HORTICULTURE, FARM, FRUIT,
13 AND DAIRY PRODUCTS, AQUACULTURE, AND THE PRODUCTION, PROCESSING, TRANS-
14 PORTATION, STORAGE, MARKETING AND DISTRIBUTING OF FOOD; ENFORCE AND
15 CARRY INTO EFFECT THE PROVISIONS OF THE LAWS OF THE STATE RELATIVE TO
16 HEALTH AND SAFETY.
17 B. INVESTIGATE THE SOURCES OF FOOD SUPPLY FOR THE STATE, THE
18 PRODUCTION, TRANSPORTATION, STORAGE, MARKETING AND DISTRIBUTION OF FOOD
19 SOLD, OFFERED FOR SALE, STORED OR HELD WITHIN THE STATE, THE COST OF
20 TRANSPORTATION TO THE LEADING CENTERS OF POPULATION AND OF DISTRIBUTION
21 TO CONSUMERS.
22 C. COLLECT AND DISSEMINATE ACCURATE DATA AND STATISTICS AS TO THE FOOD
23 PRODUCED, STORED OR HELD WITHIN THE STATE, THE QUANTITIES AVAILABLE FROM
24 TIME TO TIME AND THE LOCATION THEREOF, AND SO FAR AS PRACTICABLE AND
25 AVAILABLE COLLECT SUCH LIKE STATISTICS FROM WITHOUT THE STATE, AS ARE OF
26 VALUE TO PRODUCERS AND CONSUMERS WITHIN THE STATE.

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

LBD13672-01-1

1 D. INVESTIGATE DELAYS IN TRANSPORTATION, AND IN CASE FOOD IS LIKELY TO
2 SPOIL FOR LACK OF READY MARKET, TAKE SUCH ACTION AS SEEMS ADVISABLE FOR
3 FACILITATING THE SALE THEREOF.

4 E. ADVISE AND CO-OPERATE IN ESTABLISHING LOCAL MARKETS, AND WAREHOUSES
5 FOR ASSEMBLING, GRADING, PACKING AND STORING FOOD OR FARM PRODUCTS,
6 WHENEVER IN THE JUDGMENT OF THE COMMISSIONER THE PUBLIC INTERESTS
7 REQUIRE SUCH ESTABLISHMENT.

8 F. CO-OPERATE WITH PRODUCERS IN THE CONDUCT OF EXPERIMENTS AND DISSEM-
9 INATE INFORMATION AS TO PRODUCING, ASSEMBLING, GRADING, PACKING,
10 DISTRIBUTING AND SELLING FARM PRODUCTS, SO AS TO DEMONSTRATE ECONOMIC
11 AND EFFICIENT METHODS, AND TO STANDARDIZE THE GRADES OF SUCH PRODUCTS
12 AND DETERMINE THE COST OF SUCH PRODUCTION, ASSEMBLING, GRADING, PACKING,
13 DISTRIBUTION AND SALE.

14 G. COLLECT AND PUBLISH DATA CONCERNING THE PURITY, WHOLESOMENESS,
15 ECONOMIC VALUE AND THE NUTRITIOUS AND HYGIENIC PROPERTIES OF FOOD
16 PRODUCED, SOLD OR AVAILABLE FOR SALE WITHIN THE STATE, AND FOR SUCH
17 PURPOSE TO TAKE, EXAMINE AND ANALYZE SAMPLES OF SUCH FOOD.

18 H. INVESTIGATE DECEPTIONS IN THE QUALITY, QUANTITY OR CHARACTER OF
19 FOODS PRODUCED, STORED, SOLD OR OFFERED FOR SALE WITHIN THE STATE,
20 INCLUDING THE ADULTERATION AND MISBRANDING THEREOF.

21 I. INSPECT AND DETERMINE THE GRADE OR CONDITION OF FARM PRODUCTS AT
22 SHIPPING POINTS AND RECEIVING CENTERS, AND PROVIDE FOR THE ISSUANCE OF
23 CERTIFICATES OF SUCH INSPECTIONS AND ENTER INTO CO-OPERATIVE ARRANGE-
24 MENTS WITH STATE AND FEDERAL MARKETING AGENCIES FOR JOINT INSPECTIONS.
25 THE COMMISSIONER SHALL REQUIRE AND RECEIVE THE PAYMENT OF FEES FOR SUCH
26 INSPECTION SERVICES IN AMOUNTS NOT EXCEEDING THE ESTIMATED COST OF THE
27 SERVICES. THE COMMISSIONER SHALL REMIT TO THE STATE TREASURER SUCH FEES
28 RECEIVED MONTHLY.

29 J. INSPECT AND DETERMINE THE GRADE OR CONDITION OF FARM PRODUCTS,
30 ISSUE CERTIFICATES OF SUCH INSPECTIONS AND PROVIDE QUALITY CONTROL
31 SERVICES FOR GROWERS, CANNERS, PROCESSORS, PACKERS, SHIPPERS, SELLERS,
32 BUYERS, RETAILERS AND RECEIVERS UPON REQUEST THEREFOR; ENTER INTO COOP-
33 ERATIVE ARRANGEMENTS WITH STATE AND FEDERAL AGENCIES, OR PERSONS OR
34 ORGANIZATIONS AUTHORIZED BY A FEDERAL AGENCY TO CONDUCT FARM PRODUCTS
35 INSPECTIONS, FOR JOINT INSPECTIONS; ENTER INTO CONTRACTS WITH APPLICANTS
36 FOR SUCH INSPECTIONS AND SERVICES, WHICH CONTRACTS SHALL REQUIRE PAYMENT
37 BY APPLICANTS OF THE FULL COSTS OF THE SERVICES PROVIDED. ALL MONEYS
38 RECEIVED BY THE COMMISSIONER PURSUANT TO SUCH CONTRACTS SHALL BE DEPOS-
39 ITED IN AN ACCOUNT WITHIN THE MISCELLANEOUS SPECIAL REVENUE FUND AND
40 SHALL BE USED TO DEFRAY THE EXPENSES INCIDENTAL TO CARRYING OUT THE
41 POWERS AND DUTIES AUTHORIZED BY THIS SUBDIVISION. THE STATE'S FINANCIAL
42 CONTRIBUTION TO THE PEST CONTROL COMPACT ADOPTED PURSUANT TO SECTION ONE
43 HUNDRED FORTY-NINE OF THE AGRICULTURE AND MARKETS LAW MAY BE PAID OUT OF
44 THE PORTION OF SAID MONEYS RECEIVED BY THE COMMISSIONER FOR PHYTOSANI-
45 TARY INSPECTIONS. ALL MONEYS SHALL BE PAID OUT OF SUCH FUND ON VOUCHERS
46 APPROVED BY THE COMMISSIONER, AFTER AUDIT BY THE COMPTROLLER.

47 K. SEIZE, DESTROY OR DENATURE SO THAT IT CANNOT THEREAFTER BE USED FOR
48 FOOD, ANY UNWHOLESOME FOOD OR FOOD PRODUCTS SOLD OR EXPOSED FOR SALE ON
49 THE MARKETS OF THIS STATE, OR ANY FOOD OR FOOD PRODUCTS CONSISTING IN
50 WHOLE OR IN PART OF ANY FILTHY, DECOMPOSED OR PUTRID ANIMAL OR VEGETABLE
51 SUBSTANCE, OR ANY PORTION OF AN ANIMAL UNFIT FOR FOOD, WHETHER MANUFAC-
52 TURED OR NOT, OR IF IT IS THE PRODUCT OF A DISEASED ANIMAL OR ONE THAT
53 HAS DIED OTHERWISE THAN BY SLAUGHTER. PROVIDED, HOWEVER, THAT THE
54 COMMISSIONER OF AGRICULTURE AND MARKETS AFTER SEIZURE AND BEFORE SUCH
55 DESTRUCTION, SHALL GIVE THE OWNER, PROPRIETOR OR CUSTODIAN OF SUCH FOOD
56 TEN DAYS NOTICE IN WRITING, TO BE SERVED EITHER PERSONALLY OR BY MAIL,

1 OF A HEARING FOR THE SAID OWNER, PROPRIETOR OR CUSTODIAN TO SHOW CAUSE
2 WHY SUCH FOOD SHOULD NOT BE DESTROYED.
3 L. INVESTIGATE, INSPECT AND SUPERVISE THE SALE AND EXPOSURE FOR SALE
4 OF MEAT AND MEAT PREPARATIONS AND ENFORCE THE PROVISIONS OF SECTIONS TWO
5 HUNDRED ONE-A, TWO HUNDRED ONE-B AND TWO HUNDRED ONE-C OF THE AGRICUL-
6 TURE AND MARKETS LAW RELATING THERETO, DESIGNATE AN EMPLOYEE OF THE
7 DEPARTMENT AS "DIRECTOR OF KOSHER LAW ENFORCEMENT" AND TO MAKE SUCH
8 RULES AND REGULATIONS IMPOSING SUCH ADDITIONAL REQUIREMENTS AND
9 RESTRICTIONS UPON SUCH SALE AND EXPOSURE FOR SALE AS MAY BE DEEMED
10 NECESSARY IN CONNECTION WITH OR IN AID OF THE PROPER ADMINISTRATION AND
11 ENFORCEMENT OF SUCH PROVISIONS AND OF ANY OTHER APPLICABLE LAWS.
12 S 2. This act shall take effect on the ninetieth day after it shall
13 have become a law.