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

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 development of a program to certify certain feed mills, animals and food products and to amend the state finance law, in relation to establishing an animal feed certification and registration fund

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

Section 1. Section 16 of the agriculture and markets law is amended by adding a new subdivision 30-b to read as follows:

30-B. DEVELOP A PROGRAM TO CERTIFY ANIMALS, AND FOOD PRODUCTS FROM ANIMALS, THAT CONSUMED FEED THAT WAS PRODUCED WITHOUT ADDED ANIMAL PARTS BY FEED MANUFACTURERS REGISTERED UNDER PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION ONE HUNDRED TWENTY-NINE OF THIS CHAPTER. FARMERS AND SELLERS OF FOOD PRODUCTS THAT ELECT TO HAVE THEIR ANIMALS OR FOOD PRODUCTS CERTIFIED UNDER THIS SUBDIVISION MAY ENTER INTO CONTRACTS WITH THE COMMISSIONER FOR INSPECTIONS AND SERVICES NECESSARY FOR SUCH CERTIFICATION, WHICH CONTRACTS SHALL REQUIRE PAYMENT BY APPLICANTS OF THE FULL COSTS OF THE SERVICES PROVIDED.

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

1. (A) THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS FOR THE REGISTRATION OF COMMERCIAL FEED MILLS THAT CERTIFY THE PRODUCTION OF FEED THAT DOES NOT CONTAIN ANY ANIMAL PARTS, PRODUCTS OR REMAINS, INCLUDING MEAT, BONE, BLOOD, GELATIN AND ANY OTHER PARTS OR PRODUCTS. SUCH RULES AND REGULATIONS SHALL INCLUDE PROVISIONS FOR REGISTERING SUCH FEED MANUFACTURERS LOCATED OUTSIDE OF NEW YORK STATE AND FOR RECORD 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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ACCORDING TO THE RULES AND REGULATIONS OF THIS SUBDIVISION MAY ENTER INTO CONTRACTS WITH THE COMMISSIONER FOR INSPECTIONS AND SERVICES NECESSARY FOR SUCH CERTIFICATION, WHICH CONTRACTS SHALL REQUIRE PAYMENT BY APPLICANTS OF THE FULL COSTS OF THE SERVICES PROVIDED.

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

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

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

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

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

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

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

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

S 5. This act shall take effect immediately.