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

3574

2011-2012 Regular Sessions

I N A S S E M B L Y

January 25, 2011

Introduced by M. of A. P. RIVERA, HOOPER, BARRON -- Multi-Sponsored by -- M. of A. BOYLAND, CASTRO, COOK, CRESPO, GIBSON, GUNTHER, JACOBS, MAISEL, MARKEY, McDONOUGH, MILLMAN, PERRY, N. RIVERA, ROBINSON, TITONE, TOBACCO, TOWNS -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to requiring warning labels on food products which contain sodium benzoate

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 214-o to read as follows:

S 214-O. WARNING LABELS ON FOOD PRODUCTS CONTAINING SODIUM BENZOATE. 1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF SECTION ONE HUNDRED NINETY-NINE-B OF THIS ARTICLE, IF ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION OR ANY OTHER BUSINESS ASSOCIATION SELLS OR DISPLAYS FOR RETAIL SALE ANY FOOD PRODUCT CONTAINING THE ARTIFICIAL FOOD COLORING AND PRESERVATIVE SODIUM BENZOATE, THE PACKAGING OF SUCH FOOD SHALL BEAR A WARNING LABEL AS PRESCRIBED IN THIS SECTION WHICH SHALL BE PRINTED THEREON OR ATTACHED THERETO. SUCH WARNING LABEL SHALL BE IN LETTERS NOT LESS THAN EIGHT POINT TYPE AND SHALL APPEAR IN A BLACK BOX ON THE PACKAGE, AND SHALL CONTAIN THE FOLLOWING STATEMENT: "WARNING: THE ARTIFICIAL FOOD COLORINGS AND/OR PRESERVATIVES USED TO PROCESS THIS FOOD PRODUCT COULD POSE A SERIOUS HEALTH HAZARD TO CHILDREN. PLEASE USE CAUTION."

2. ANY PERSON, FIRM, CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, ASSOCIATION OR ANY OTHER BUSINESS ASSOCIATION, OR ITS OFFICERS OR AGENTS WHO OR WHICH VIOLATE ANY OF THE PROVISIONS OF THIS SECTION OR ANY RULES OR REGULATIONS PROMULGATED PURSUANT TO THIS SECTION SHALL BE LIABLE FOR A CIVIL PENALTY OF TEN THOUSAND DOLLARS PER EACH FOOD PRODUCT WHICH VIOLATES THE PROVISIONS OF THIS SECTION.

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

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3. THE COMMISSIONER SHALL HAVE THE AUTHORITY AND POWER TO PRESCRIBE BY REGULATIONS THE LABELING OF THE FOOD PRODUCTS IN SUBDIVISION ONE OF THIS SECTION WHICH ARE NOT SOLD BY PACKAGE OR CONTAINER.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law. Provided that the commissioner of agriculture and markets is authorized and directed to promulgate any rules or regulations necessary for the timely implementation of this act before such effective date.