

6812

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:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 26-a to read as follows:
3 S 26-A. ADVISORY BOARD ON DEPARTMENT FOOD SAFETY PROTECTION AND
4 INSPECTION PROGRAMS. 1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT
5 AN ADVISORY BOARD ON FOOD SAFETY PROTECTION AND INSPECTION WHICH SHALL
6 CONSIST OF THIRTEEN MEMBERS. SEVEN MEMBERS SHALL BE APPOINTED BY THE
7 GOVERNOR, INCLUDING AT LEAST TWO REPRESENTATIVES, WITH EXPERTISE IN FOOD
8 SAFETY, FROM NEW YORK STATE RESEARCH UNIVERSITIES, ONE REPRESENTATIVE OF
9 THE RETAIL FOOD INDUSTRY, ONE REPRESENTATIVE OF THE FOOD MANUFACTURING
10 OR PROCESSING INDUSTRY, AND ONE FARMER. THE SPEAKER OF THE ASSEMBLY AND
11 THE TEMPORARY PRESIDENT OF THE SENATE SHALL EACH HAVE TWO APPOINTMENTS.
12 EACH SHALL APPOINT A MEMBER WHO IS A CONSUMER OR REPRESENTATIVE OF
13 CONSUMER INTERESTS AND EACH WILL APPOINT A MEMBER REPRESENTING THE FOOD
14 INDUSTRY. THE MINORITY LEADERS OF THE ASSEMBLY AND THE SENATE SHALL
15 EACH HAVE ONE APPOINTMENT. IN ADDITION, REPRESENTATIVES OF THE FOLLOW-
16 ING AGENCIES SHALL BE INVITED TO ATTEND AND PARTICIPATE IN ALL MEETINGS
17 OF THE ADVISORY BOARD AND, AT THEIR OPTION, SHALL BE EX OFFICIO MEMBERS:
18 (A) A COUNTY OR MUNICIPAL HEALTH DEPARTMENT;
19 (B) THE U.S. FOOD AND DRUG ADMINISTRATION;
20 (C) THE U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY INSPECTION SERVICE;
21 AND
22 (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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1 2. IT SHALL BE THE DUTY OF THE ADVISORY BOARD HEREBY ESTABLISHED TO
2 ADVISE, COUNSEL AND CONFER WITH THE COMMISSIONER ON MATTERS OF POLICY IN
3 CONNECTION WITH THE ADMINISTRATION AND ENFORCEMENT OF LAWS AND REGU-
4 LATIONS RELATING TO FOOD SAFETY. THE ADVISORY BOARD SHALL SPECIFICALLY
5 EXAMINE THE ADEQUACY OF FOOD SAFETY PROTECTION AND INSPECTION BY THE
6 DEPARTMENT AND RECOMMEND NECESSARY CHANGES IN ADMINISTRATION AND STAFF-
7 ING LEVELS OF FOOD SAFETY ENFORCEMENT ACTIVITIES TO ENSURE THE
8 PROTECTION OF THE PUBLIC'S HEALTH. THE ADVISORY BOARD SHALL REVIEW
9 EXISTING AND PROPOSED STATE FOOD SAFETY LAWS AND REGULATIONS AND RECOM-
10 MEND TO THE COMMISSIONER, AND THE ASSEMBLY AND SENATE CHAIRMEN OF THE
11 AGRICULTURE AND HEALTH COMMITTEES, NECESSARY CHANGES OR ADDITIONS TO
12 LAWS, REGULATIONS AND DEPARTMENT PROGRAMS TO IMPROVE FOOD SAFETY AND THE
13 EFFECTIVENESS OF THE DEPARTMENT'S FOOD SAFETY INSPECTION AND ENFORCEMENT
14 ACTIVITIES.

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

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

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