

2132

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the agriculture and markets law, in relation to requiring warning labels on certain foods which present a choking hazard to children under four years of age

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 214-o to read as follows:
3 S 214-0. WARNING LABELS ON CERTAIN FOOD PRODUCTS. 1. IF ANY PERSON,
4 FIRM, CORPORATION, PARTNERSHIP, ASSOCIATION OR ANY OTHER BUSINESS ASSO-
5 CIATION SELLS OR DISPLAYS FOR RETAIL SALE POPCORN, CHEWING GUM, HARD
6 CANDIES, RAISINS, PEANUT BUTTER, NUTS OR SEEDS MEANT FOR USE AS HUMAN
7 FOOD, THE PACKAGING OF SUCH FOOD SHALL BEAR A WARNING LABEL AS
8 PRESCRIBED IN THIS SECTION WHICH SHALL BE PRINTED THEREON OR ATTACHED
9 THERETO. SUCH WARNING LABEL SHALL BE IN LETTERS NOT LESS THAN EIGHT
10 POINT TYPE AND IN A COLOR IN CONTRAST WITH THE PACKAGE CONTAINING THE
11 SUPPLEMENT, AND SHALL CONTAIN THE FOLLOWING STATEMENT: "WARNING: THIS
12 PRODUCT IS A CHOKING HAZARD TO CHILDREN UNDER FOUR YEARS OF AGE."
13 2. ANY PERSON, FIRM, CORPORATION OR ASSOCIATION OR ITS OFFICERS OR
14 AGENTS WHO OR WHICH VIOLATE ANY OF THE PROVISIONS OF THIS SECTION OR ANY
15 RULES OR REGULATIONS PROMULGATED UNDER THIS SECTION SHALL BE LIABLE FOR
16 A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS FOR EACH DAY SUCH
17 ENTITY IS IN VIOLATION OF THIS SECTION.
18 3. THE COMMISSIONER SHALL HAVE THE AUTHORITY AND POWER TO PRESCRIBE BY
19 REGULATIONS THE LABELING OF THE FOOD PRODUCTS IN SUBDIVISION ONE OF THIS
20 SECTION WHICH ARE NOT SOLD BY PACKAGE OR CONTAINER.
21 S 2. This act shall take effect on the one hundred twentieth day after
22 it shall have become a law. Effective immediately the commissioner of
23 agriculture and markets is authorized and directed to promulgate any
24 rules or regulations necessary for the timely implementation of this act
25 before such effective date.

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

LBD06517-01-1