

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the general business law, in relation to itinerant vendors

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

1 Section 1. Section 38 of the general business law, as added by chapter
2 282 of the laws of 1995, is amended to read as follows:

3 S 38. Prohibited sales. No itinerant vendor, except for A MANUFACTUR-
4 ER, an authorized manufacturer's representative, or authorized distribu-
5 tor, shall offer for sale any of the following items:

6 1. [Food manufactured and packaged for sale for consumption by a child
7 under the age of two years; or

8 2. Drugs as defined in section three thousand three hundred two of the
9 public health law] BABY FOOD, WHICH SHALL INCLUDE ANY FOOD MANUFACTURED
10 AND PACKAGED SPECIFICALLY FOR CONSUMPTION BY A CHILD UNDER TWO YEARS OF
11 AGE. THE TERM SHALL INCLUDE INFANT FORMULA;

12 2. NONPRESCRIPTION DRUGS, WHICH SHALL INCLUDE ANY NON-NARCOTIC MEDI-
13 CINE OR DRUG THAT MAY BE SOLD WITHOUT A PRESCRIPTION. THE TERM SHALL
14 INCLUDE ANY DRUGS COMMONLY KNOWN AS "OVER-THE-COUNTER DRUGS," HERBAL
15 PRODUCTS, DIETARY SUPPLEMENTS, BOTANICAL EXTRACTS, AND VITAMINS AND
16 SUBSTANCES RECOGNIZED AS DRUGS IN THE OFFICIAL UNITED STATES PHARMACOPO-
17 EIA, OFFICIAL HOMEOPATHIC PHARMACOPOEIA OF THE UNITED STATES, OR OFFI-
18 CIAL NATIONAL FORMULARY, OR ANY SUPPLEMENT TO SUCH PUBLICATIONS;

19 3. COSMETICS, WHICH SHALL MEAN MERCHANDISE, OTHER THAN SOAP, BUT
20 INCLUDING RAZOR BLADES, THAT IS INTENDED TO BE RUBBED, Poured, SPRIN-
21 KLED, OR SPRAYED ONTO, INTRODUCED INTO, OR OTHERWISE APPLIED TO THE
22 HUMAN BODY OR ANY PART THEREOF FOR CLEANSING, BEAUTIFYING, PROMOTING
23 ATTRACTIVENESS, OR ALTERING THE APPEARANCE OF THE HUMAN BODY OR ANY PART
24 THEREOF; OR

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

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1 4. BATTERIES, WHICH SHALL MEAN A DEVICE CONSISTING OF ONE OR MORE
2 CELLS, EACH CELL CONSISTING OF A POSITIVE ELECTRODE, A NEGATIVE ELEC-
3 TRODE AND AN ELECTROLYTE, WHICH IS USED TO PROVIDE STORED ELECTRICAL
4 POWER.

5 S 2. This act shall take effect immediately.