

525--A

Cal. No. 67

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. FUSCHILLO, LARKIN, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- recommitted to the Committee on Consumer Protection in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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," DIETARY  
15 SUPPLEMENTS AS DEFINED IN 21 USC 32(F), AND VITAMINS AND SUBSTANCES  
16 RECOGNIZED AS DRUGS IN THE OFFICIAL UNITED STATES PHARMACOPOEIA, OFFI-  
17 CIAL HOMEOPATHIC PHARMACOPOEIA OF THE UNITED STATES, OR OFFICIAL  
18 NATIONAL FORMULARY, OR ANY SUPPLEMENT TO SUCH PUBLICATIONS;

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

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1 3. COSMETICS, WHICH SHALL MEAN MERCHANDISE, OTHER THAN SOAP, BUT  
2 INCLUDING RAZOR BLADES, THAT IS INTENDED TO BE RUBBED, POURED, SPRIN-  
3 KLED, OR SPRAYED ONTO, INTRODUCED INTO, OR OTHERWISE APPLIED TO THE  
4 HUMAN BODY OR ANY PART THEREOF FOR CLEANSING, BEAUTIFYING, PROMOTING  
5 ATTRACTIVENESS, OR ALTERING THE APPEARANCE OF THE HUMAN BODY OR ANY PART  
6 THEREOF; OR

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

11 S 2. This act shall take effect immediately.