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

6101--A

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the New York city charter and the agriculture and markets law, in relation to granting concurrent jurisdiction to the city of New York department of health and mental hygiene to conduct inspections of retail food stores and farmers' markets; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Section 556 of the New York city charter is amended by adding a new subdivision f to read as follows:

F. JURISDICTION OVER RETAIL FOOD STORES AND FARMERS' MARKETS. (1) EXERCISE, CONCURRENTLY WITH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS, JURISDICTION TO CONDUCT INSPECTIONS OF RETAIL FOOD STORES AND FARMERS' MARKETS WITHIN THE GEOGRAPHICAL LIMIT OF ITS JURISDICTION TO DETERMINE COMPLIANCE WITH ALL PROVISIONS OF THE AGRICULTURE AND MARKETS LAW AND THE REGULATIONS PROMULGATED THEREUNDER, WHICH APPLY TO RETAIL FOOD STORES AND FARMERS' MARKETS. THE RESULTS OF INSPECTIONS CONDUCTED PURSUANT TO THIS SUBDIVISION SHALL BE REFERRED TO THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR APPROPRIATE ENFORCEMENT PROCEEDINGS; PROVIDED THAT IF THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS IMPOSES ANY MONETARY PENALTY FOR A VIOLATION OF THE AGRICULTURE AND MARKETS LAW AND THE REGULATIONS PROMULGATED THEREUNDER AS A RESULT OF AN INSPECTION CONDUCTED PURSUANT TO THIS SUBDIVISION, FIFTY PERCENT OF THE REVENUE RESULTING FROM SUCH PENALTY SHALL BE PAID TO THE DEPARTMENT FOR DEPOSIT IN THE GENERAL FUND OF THE CITY; AND

(2) COORDINATE AND COOPERATE WITH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE AND MARKETS IN ALL MATTERS RELATED TO THE DEPARTMENT'S EXERCISE OF JURISDICTION PURSUANT TO THIS SUBDIVISION, SO THAT THERE IS A CONTINUITY OF REGULATORY CONTROL AND ENFORCEMENT ACTIONS AMONG THE ENTITIES.

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

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S 2. Section 16 of the agriculture and markets law is amended by adding a new subdivision 47 to read as follows:

47. EXERCISE, CONCURRENTLY WITH THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE, JURISDICTION TO CONDUCT INSPECTIONS OF RETAIL FOOD STORES AND FARMERS' MARKETS WITHIN THE CITY OF NEW YORK. THE COMMISSIONER SHALL COORDINATE AND COOPERATE WITH THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE WITH RESPECT TO SUCH CONCURRENT EXERCISE OF JURISDICTION. THE COMMISSIONER MAY PROMULGATE RULES AND REGULATIONS TO EFFECTUATE SUCH CONCURRENT EXERCISE OF JURISDICTION. UPON IMPOSITION OF ANY MONETARY PENALTY FOR A VIOLATION OF THIS CHAPTER AND THE REGULATIONS PROMULGATED THEREUNDER, WHICH IS IMPOSED AS A RESULT OF AN INSPECTION CONDUCTED BY THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE COMMISSIONER SHALL CAUSE FIFTY PERCENT OF THE REVENUE RESULTING FROM SUCH PENALTY TO BE PAID TO THE NEW YORK CITY DEPARTMENT OF HEALTH AND MENTAL HYGIENE FOR DEPOSIT IN THE GENERAL FUND OF THE CITY.

S 3. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed 2 years after such effective date.