

2915

2013-2014 Regular Sessions

I N A S S E M B L Y

January 22, 2013

Introduced by M. of A. ORTIZ -- Multi-Sponsored by -- M. of A. BRENNAN,
CLARK, JACOBS, ROBINSON, SCARBOROUGH, WEISENBERG -- read once and
referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to develop-
ment of a program to certify certain feed mills, animals and food
products and to amend the state finance law, in relation to establish-
ing an animal feed certification and registration fund

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

1 Section 1. Section 16 of the agriculture and markets law is amended by
2 adding a new subdivision 30-b to read as follows:
3 30-B. DEVELOP A PROGRAM TO CERTIFY ANIMALS, AND FOOD PRODUCTS FROM
4 ANIMALS, THAT CONSUMED FEED THAT WAS PRODUCED WITHOUT ADDED ANIMAL PARTS
5 BY FEED MANUFACTURERS REGISTERED UNDER PARAGRAPH (A) OF SUBDIVISION ONE
6 OF SECTION ONE HUNDRED TWENTY-NINE OF THIS CHAPTER. FARMERS AND SELLERS
7 OF FOOD PRODUCTS THAT ELECT TO HAVE THEIR ANIMALS OR FOOD PRODUCTS
8 CERTIFIED UNDER THIS SUBDIVISION MAY ENTER INTO CONTRACTS WITH THE
9 COMMISSIONER FOR INSPECTIONS AND SERVICES NECESSARY FOR SUCH CERTIF-
10 ICATION, WHICH CONTRACTS SHALL REQUIRE PAYMENT BY APPLICANTS OF THE FULL
11 COSTS OF THE SERVICES PROVIDED.
12 S 2. Subdivision 1 of section 129 of the agriculture and markets law,
13 as amended chapter 451 of the laws of 2008, is amended to read as
14 follows:
15 1. (A) THE COMMISSIONER SHALL ESTABLISH RULES AND REGULATIONS FOR THE
16 REGISTRATION OF COMMERCIAL FEED MILLS THAT CERTIFY THE PRODUCTION OF
17 FEED THAT DOES NOT CONTAIN ANY ANIMAL PARTS, PRODUCTS OR REMAINS,
18 INCLUDING MEAT, BONE, BLOOD, GELATIN AND ANY OTHER PARTS OR PRODUCTS.
19 SUCH RULES AND REGULATIONS SHALL INCLUDE PROVISIONS FOR REGISTERING SUCH
20 FEED MANUFACTURERS LOCATED OUTSIDE OF NEW YORK STATE AND FOR RECORD
21 KEEPING. FEED MANUFACTURERS ELECTING TO REGISTER WITH THE DEPARTMENT
22 ACCORDING TO THE RULES AND REGULATIONS OF THIS SUBDIVISION MAY ENTER

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

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1 INTO CONTRACTS WITH THE COMMISSIONER FOR INSPECTIONS AND SERVICES NECES-
2 SARY FOR SUCH CERTIFICATION, WHICH CONTRACTS SHALL REQUIRE PAYMENT BY
3 APPLICANTS OF THE FULL COSTS OF THE SERVICES PROVIDED.

4 (B) No person shall distribute in this state any commercial feed
5 unless he or she is registered pursuant to the provisions of this
6 section. The biennial registration fee shall be one hundred dollars.
7 Application, upon a form prescribed by the commissioner, shall be made
8 on or before June first of every other year for the registration period
9 beginning July first following. Notwithstanding the provisions of this
10 subdivision, a person licensed in accordance with section one hundred
11 twenty-eight-a of this article shall not be required to be registered
12 pursuant to this section.

13 S 3. Subdivision 1 of section 130 of the agriculture and markets law
14 is amended by adding a new paragraph (h) to read as follows:

15 (H) IF THE FEED CONTAINS NO ANIMAL PARTS AND PRODUCTS AND IS PRODUCED
16 BY A MANUFACTURER REGISTERED ACCORDING TO THE RULES AND REGULATIONS OF
17 PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION ONE HUNDRED TWENTY-NINE OF
18 THIS ARTICLE, THEN THE FOLLOWING STATEMENT, OR SOME OTHER STATEMENT
19 WHICH SUBSTANTIALLY PROVIDES THE SAME INFORMATION:

20 "THIS PRODUCT CONTAINS NO ADDED ANIMAL PARTS, PRODUCTS OR REMAINS AND
21 WAS PRODUCED AT A FACILITY REGISTERED FOR THIS PURPOSE BY THE NEW YORK
22 STATE DEPARTMENT OF AGRICULTURE AND MARKETS."

23 S 4. The state finance law is amended by adding a new section 99-u to
24 read as follows:

25 S 99-U. ANIMAL FEED CERTIFICATION AND REGISTRATION FUND. 1. THERE IS
26 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
27 COMMISSIONER OF AGRICULTURE AND MARKETS A FUND TO BE KNOWN AS THE ANIMAL
28 FEED CERTIFICATION AND REGISTRATION FUND.

29 2. SUCH FUND SHALL CONSIST OF ALL REVENUES COLLECTED FROM FARMERS,
30 SELLERS OF ANIMAL DERIVED FOOD PRODUCTS, AND COMMERCIAL FEED MILLS
31 PURSUANT TO SUBDIVISION THIRTY-B OF SECTION SIXTEEN AND PARAGRAPH (A) OF
32 SUBDIVISION ONE OF SECTION ONE HUNDRED TWENTY-NINE OF THE AGRICULTURE
33 AND MARKETS LAW AND ALL OTHER MONIES CREDITED OR TRANSFERRED THERETO
34 FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW.

35 3. THE MONIES IN SUCH FUND SHALL BE MADE AVAILABLE TO THE COMMISSIONER
36 OF AGRICULTURE AND MARKETS FOR THE PURPOSES OF THE ANIMAL FEED CERTIF-
37 ICATION AND REGISTRATION PROGRAMS PURSUANT TO SUBDIVISION THIRTY-B OF
38 SECTION SIXTEEN AND PARAGRAPH (A) OF SUBDIVISION ONE OF SECTION ONE
39 HUNDRED TWENTY-NINE OF THE AGRICULTURE AND MARKETS LAW. MONIES SHALL BE
40 PAID OUT ON THE AUDIT AND WARRANT OF THE STATE COMPTROLLER PURSUANT TO
41 LAW.

42 S 5. This act shall take effect immediately.