

9121

I N A S S E M B L Y

March 19, 2014

Introduced by M. of A. MAGEE -- read once and referred to the Committee
on Agriculture

AN ACT to amend the agriculture and markets law, in relation to refund-
ing a fee for withdrawal from a food processing establishment

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

1 Section 1. Section 251-z-3 of the agriculture and markets law, as
2 amended by chapter 260 of the laws of 2013, is amended to read as
3 follows:
4 S 251-z-3. Licenses; fees. No person shall maintain or operate a food
5 processing establishment unless licensed biennially by the commissioner.
6 Application for a license to operate a food processing establishment
7 shall be made, upon a form prescribed by the commissioner. A renewal
8 application shall be submitted to the commissioner at least thirty days
9 prior to the commencement of the next license period.
10 The applicant shall furnish evidence of his or her good character,
11 experience and competency, that the establishment has adequate facili-
12 ties and equipment for the business to be conducted, that the establish-
13 ment is such that the cleanliness of the premises can be maintained,
14 that the product produced therein will not become adulterated and, if
15 the applicant is a retail food store, that the applicant has an individ-
16 ual in a position of management or control who has completed an approved
17 food safety education program pursuant to section two hundred fifty-one-
18 z-twelve of this article. The commissioner, if so satisfied, shall issue
19 to the applicant, upon payment of the license fee of four hundred
20 dollars, a license to operate the food processing establishment
21 described in the application. THE COMMISSIONER SHALL PRORATE THE
22 LICENSE FEE PAID BY AN APPLICANT, IF THAT APPLICANT VACATES A FOOD PROC-
23 ESSING ESTABLISHMENT SIX MONTHS OR MORE PRIOR TO THE EXPIRATION OF THE
24 LICENSE PERIOD, SO LONG AS THE APPLICANT'S FEE HAS NOT BEEN SUSPENDED OR
25 REVOKED PURSUANT TO SECTION TWO HUNDRED FIFTY-ONE-Z-FIVE OF THIS ARTI-
26 CLE. Notwithstanding the preceding, an applicant that is a chain store
27 shall pay a license fee of one hundred dollars if its license expires
28 six months or less from the date its license period began, two hundred

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

LBD13742-03-4

1 dollars if its license expires between six months and one year from the
2 date its license period began, three hundred dollars if its license
3 expires between one year and eighteen months from the date its license
4 period began, or four hundred dollars if its license expires between
5 eighteen months and two years from the date its license period began.
6 However, the license fee shall be nine hundred dollars for a food proc-
7 essing establishment determined by the commissioner, pursuant to duly
8 promulgated regulations, to require more intensive regulatory oversight
9 due to the volume of the products produced, the potentially hazardous
10 nature of the product produced or the multiple number of processing
11 operations conducted in the establishment. The license application for
12 retail food stores shall be accompanied by documentation in a form
13 approved by the commissioner which demonstrates that the food safety
14 education program requirement has been met. The license shall take
15 effect on the date of issuance and continue for two years from such
16 date. Notwithstanding the preceding, a license issued to an applicant
17 that is a chain store shall expire on the date set forth on the applica-
18 tion form prescribed by the commissioner for such applicant.

19 S 2. This act shall take effect immediately.