

S T A T E   O F   N E W   Y O R K

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9121--C

I N   A S S E M B L Y

March 19, 2014

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Introduced by M. of A. MAGEE -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- reported and referred to the Committee on Rules -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 facilities  
12 and equipment for the business to be conducted, that the establishment  
13 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 individual  
16 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 LICENSE  
22 FEE PAID BY AN APPLICANT, IF THE APPLICANT'S FOOD PROCESSING ESTABLISH-

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

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1 MENT HAS AS ITS ONLY FULL TIME EMPLOYEES THE OWNER OR THE PARENT,  
2 SPOUSE, OR CHILD OF THE OWNER, AND/OR NOT MORE THAN TWO FULL TIME  
3 EMPLOYEES, AND IF THAT APPLICANT VACATES A FOOD PROCESSING ESTABLISHMENT  
4 SIX MONTHS OR MORE PRIOR TO THE EXPIRATION OF THE LICENSE PERIOD, AND,  
5 WITHIN ONE YEAR OF VACATING SUCH ESTABLISHMENT, APPLIES FOR A NEW  
6 LICENSE ASSOCIATED WITH ANOTHER FOOD PROCESSING ESTABLISHMENT, PROVIDED  
7 THE APPLICANT'S LICENSE HAS NOT BEEN SUSPENDED OR REVOKED PURSUANT TO  
8 SECTION TWO HUNDRED FIFTY-ONE-Z-FIVE OF THIS ARTICLE. THE COMMISSIONER  
9 MAY ESTABLISH RULES AND REGULATIONS GOVERNING THE PRORATING OF SUCH FEES  
10 AND/OR THE APPLICATION OF SUCH FEES FROM A PRIOR LICENSE TO A NEW ONE.  
11 Notwithstanding the preceding, an applicant that is a chain store shall  
12 pay a license fee of one hundred dollars if its license expires six  
13 months or less from the date its license period began, two hundred  
14 dollars if its license expires between six months and one year from the  
15 date its license period began, three hundred dollars if its license  
16 expires between one year and eighteen months from the date its license  
17 period began, or four hundred dollars if its license expires between  
18 eighteen months and two years from the date its license period began.  
19 However, the license fee shall be nine hundred dollars for a food proc-  
20 essing establishment determined by the commissioner, pursuant to duly  
21 promulgated regulations, to require more intensive regulatory oversight  
22 due to the volume of the products produced, the potentially hazardous  
23 nature of the product produced or the multiple number of processing  
24 operations conducted in the establishment. The license application for  
25 retail food stores shall be accompanied by documentation in a form  
26 approved by the commissioner which demonstrates that the food safety  
27 education program requirement has been met. The license shall take  
28 effect on the date of issuance and continue for two years from such  
29 date. Notwithstanding the preceding, a license issued to an applicant  
30 that is a chain store shall expire on the date set forth on the applica-  
31 tion form prescribed by the commissioner for such applicant.  
32 S 2. This act shall take effect immediately.