

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

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:

1 Section 1. Section 556 of the New York city charter is amended by
2 adding a new subdivision f to read as follows:
3 F. JURISDICTION OVER RETAIL FOOD STORES AND FARMERS' MARKETS. (1)
4 EXERCISE, CONCURRENTLY WITH THE NEW YORK STATE DEPARTMENT OF AGRICULTURE
5 AND MARKETS, JURISDICTION TO CONDUCT INSPECTIONS OF RETAIL FOOD STORES
6 AND FARMERS' MARKETS WITHIN THE GEOGRAPHICAL LIMIT OF ITS JURISDICTION
7 TO DETERMINE COMPLIANCE WITH ALL PROVISIONS OF THE AGRICULTURE AND
8 MARKETS LAW AND THE REGULATIONS PROMULGATED THEREUNDER, WHICH APPLY TO
9 RETAIL FOOD STORES AND FARMERS' MARKETS. THE RESULTS OF INSPECTIONS
10 CONDUCTED PURSUANT TO THIS SUBDIVISION SHALL BE REFERRED TO THE NEW YORK
11 STATE DEPARTMENT OF AGRICULTURE AND MARKETS FOR APPROPRIATE ENFORCEMENT
12 PROCEEDINGS; PROVIDED THAT IF THE NEW YORK STATE DEPARTMENT OF AGRICUL-
13 TURE AND MARKETS IMPOSES ANY MONETARY PENALTY FOR A VIOLATION OF THE
14 AGRICULTURE AND MARKETS LAW AND THE REGULATIONS PROMULGATED THEREUNDER
15 AS A RESULT OF AN INSPECTION CONDUCTED PURSUANT TO THIS SUBDIVISION,
16 FIFTY PERCENT OF THE REVENUE RESULTING FROM SUCH PENALTY SHALL BE PAID
17 TO THE DEPARTMENT FOR DEPOSIT IN THE GENERAL FUND OF THE CITY; AND
18 (2) COORDINATE AND COOPERATE WITH THE NEW YORK STATE DEPARTMENT OF
19 AGRICULTURE AND MARKETS IN ALL MATTERS RELATED TO THE DEPARTMENT'S EXER-
20 CISE OF JURISDICTION PURSUANT TO THIS SUBDIVISION, SO THAT THERE IS A

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

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1 CONTINUITY OF REGULATORY CONTROL AND ENFORCEMENT ACTIONS AMONG THE ENTI-
2 TIES.

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

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

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