

5614

2013-2014 Regular Sessions

I N S E N A T E

May 28, 2013

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

AN ACT to amend the agriculture and markets law, in relation to the alteration of expiration and "use by" dates affixed to food and food products

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 214-o to read as follows:
3 S 214-O. LABELING OF CERTAIN FOOD PRODUCTS. NO PERSON, FIRM, CORPO-
4 RATION, PARTNERSHIP, ASSOCIATION OR ANY OTHER BUSINESS ASSOCIATION
5 SHALL, WITH RESPECT TO ANY FOOD OR FOOD PRODUCT WHICH HAS AFFIXED TO IT
6 ANY LABEL SETTING FORTH AN EXPIRATION OR "USE BY" DATE, WILLFULLY ALTER,
7 MUTILATE, DESTROY, OBLITERATE OR REMOVE SUCH LABEL, UNLESS THE FOOD OR
8 FOOD PRODUCT TO WHICH SUCH LABEL IS AFFIXED IS DESTROYED THEREWITH.
9 LABELS SETTING FORTH EXPIRATION OR "USE BY" DATES SHALL BE IN PLAIN
10 SIGHT WHEN AFFIXED TO A FOOD OR FOOD PRODUCT. ANY PERSON, FIRM, CORPO-
11 RATION, PARTNERSHIP, ASSOCIATION OR ANY OTHER BUSINESS ASSOCIATION WHO
12 VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL FINE
13 OF ONE THOUSAND DOLLARS FOR EACH SUCH VIOLATION. THE PROVISIONS OF THIS
14 SECTION SHALL NOT AFFECT ANY PROVISION OF FEDERAL, STATE OR LOCAL LAW,
15 ORDINANCE, RULE OR REGULATION REGARDING THE PLACING OF AN EXPIRATION OR
16 "USE BY" DATE ON ANY FOOD OR FOOD PRODUCT.
17 S 2. This act shall take effect on the sixtieth day after it shall
18 have become a law.

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

LBD10558-02-3