

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.