

4302--A

Cal. No. 407

2013-2014 Regular Sessions

I N S E N A T E

March 20, 2013

Introduced by Sen. RITCHIE -- (at request of the Department of Agriculture and Markets) -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the agriculture and markets law, in relation to the issuance and expiration of food processing establishment licenses

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

1 Section 1. Section 251-z-2 of the agriculture and markets law is
2 amended by adding a new subdivision 5 to read as follows:
3 5. THE TERM "CHAIN STORE" MEANS A FOOD PROCESSING ESTABLISHMENT THAT
4 IS PART OF A NETWORK OF SUBSIDIARIES, AFFILIATES, OR OTHER MEMBER STORES
5 UNDER DIRECT OR INDIRECT CONTROL OF A CORPORATION, PARTNERSHIP, LIMITED
6 LIABILITY COMPANY, OR OTHER ORGANIZED ENTITY.
7 S 2. Section 251-z-3 of the agriculture and markets law, as amended by
8 section 1 of part N of chapter 58 of the laws of 2012, is amended to
9 read as follows:
10 S 251-z-3. Licenses; fees. No person shall maintain or operate a food
11 processing establishment unless licensed biennially by the commissioner.
12 Application for a license to operate a food processing establishment
13 shall be made, upon a form prescribed by the commissioner. [Renewal
14 applications] A RENEWAL APPLICATION shall be submitted to the commis-
15 sioner at least thirty days prior to the commencement of the next
16 license period.
17 The applicant shall furnish evidence of his or her good character,
18 experience and competency, that the establishment has adequate facili-
19 ties and equipment for the business to be conducted, that the establish-
20 ment is such that the cleanliness of the premises can be maintained,
21 that the product produced therein will not become adulterated and, if

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

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1 the applicant is a retail food store, that the applicant has an individ-
2 ual in a position of management or control who has completed an approved
3 food safety education program pursuant to section two hundred fifty-one-
4 z-twelve of this article. The commissioner, if so satisfied, shall issue
5 to the applicant, upon payment of the license fee of four hundred
6 dollars, a license to operate the food processing establishment
7 described in the application. NOTWITHSTANDING THE PRECEDING, AN APPLI-
8 CANT THAT IS A CHAIN STORE SHALL PAY A LICENSE FEE OF ONE HUNDRED
9 DOLLARS IF ITS LICENSE EXPIRES SIX MONTHS OR LESS FROM THE DATE ITS
10 LICENSE PERIOD BEGAN, TWO HUNDRED DOLLARS IF ITS LICENSE EXPIRES BETWEEN
11 SIX MONTHS AND ONE YEAR FROM THE DATE ITS LICENSE PERIOD BEGAN, THREE
12 HUNDRED DOLLARS IF ITS LICENSE EXPIRES BETWEEN ONE YEAR AND EIGHTEEN
13 MONTHS FROM THE DATE ITS LICENSE PERIOD BEGAN, OR FOUR HUNDRED DOLLARS
14 IF ITS LICENSE EXPIRES BETWEEN EIGHTEEN MONTHS AND TWO YEARS FROM THE
15 DATE ITS LICENSE PERIOD BEGAN. However, the license fee shall be nine
16 hundred dollars for a food processing establishment determined by the
17 commissioner, pursuant to duly promulgated regulations, to require more
18 intensive regulatory oversight due to the volume of the products
19 produced, the potentially hazardous nature of the product produced or
20 the multiple number of processing operations conducted in the establish-
21 ment. The license application for retail food stores shall be accompa-
22 nied by documentation in a form approved by the commissioner which
23 demonstrates that the food safety education program requirement has been
24 met. The license shall take effect on the date of issuance and continue
25 for two years from such date. NOTWITHSTANDING THE PRECEDING, A LICENSE
26 ISSUED TO AN APPLICANT THAT IS A CHAIN STORE SHALL EXPIRE ON THE DATE
27 SET FORTH ON THE APPLICATION FORM PRESCRIBED BY THE COMMISSIONER FOR
28 SUCH APPLICANT.

29 S 3. This act shall take effect immediately.