S T A T E O F N E W Y O R K

5059

2013-2014 Regular Sessions

I N S E N A T E

May 7, 2013

Introduced by Sen. CARLUCCI -- 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 use of azodicarbonamide

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

Section 1. The agriculture and markets law is amended by adding a new section 214-o to read as follows:

S 214-O. USE OF AZODICARBONAMIDE PROHIBITED. 1. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "FOOD ADDITIVE" SHALL HAVE THE SAME MEANING AS DEFINED IN SUBDIVISION SEVEN OF SECTION ONE HUNDRED NINETY-EIGHT OF THIS CHAPTER.

B. "AZODICARBONAMIDE" SHALL MEAN A CHEMICAL COMPOUND IN THE FORM OF A YELLOW TO ORANGE RED, ODORLESS, CRYSTALLINE POWDER WHICH HAS BEEN ASSIGNED THE CHEMICAL ABSTRACTS SERVICE REGISTRY NUMBER 123-77-3 AND WHICH IS USED OR INTENDED FOR USE AS AN AGING AND BLEACHING INGREDIENT IN CEREAL FLOWER OR AS A DOUGH CONDITIONER IN BREAD BAKING.

2. NO PERSON SHALL SELL, OFFER TO SELL, OR EXPOSE FOR SALE ANY BAKED GOOD THAT IS PRODUCED IN THE STATE EXCLUSIVELY FOR DISTRIBUTION IN THE STATE CONTAINING THE FOOD ADDITIVE AZODICARBONAMIDE.

3. A VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL FINE NOT TO EXCEED ONE THOUSAND DOLLARS ON THE FIRST OFFENSE, FIVE THOUSAND DOLLARS ON THE SECOND OFFENSE AND TEN THOUSAND DOLLARS ON ANY SUBSEQUENT OFFENSE.

4. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS SECTION THAT A BAKED GOOD CONTAINING AZODICARBONAMIDE WAS PRODUCED IN ANOTHER STATE OR THAT SUCH PERSON INTENDED TO DISTRIBUTE SUCH BAKED GOOD IN ANOTHER STATE.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

LBD10808-01-3