

6012

2015-2016 Regular Sessions

I N A S S E M B L Y

March 10, 2015

Introduced by M. of A. SCHIMMINGER, CLARK -- Multi-Sponsored by -- M. of
A. ABBATE, GALEF, HOOPER, JAFFEE, MAGEE, MAGNARELLI, MARKEY, PERRY,
RUSSELL -- read once and referred to the Committee on Economic Devel-
opment

AN ACT to amend the general business law, in relation to itinerant
vendors

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

1 Section 1. Section 38 of the general business law, as added by chapter
2 282 of the laws of 1995, is amended to read as follows:
3 S 38. Prohibited sales. No itinerant vendor, except for A MANUFACTUR-
4 ER, an authorized manufacturer's representative, or authorized distribu-
5 tor, shall offer for sale any of the following items:
6 1. [Food manufactured and packaged for sale for consumption by a child
7 under the age of two years; or
8 2. Drugs as defined in section three thousand three hundred two of the
9 public health law] BABY FOOD, WHICH SHALL INCLUDE ANY FOOD MANUFACTURED
10 AND PACKAGED SPECIFICALLY FOR CONSUMPTION BY A CHILD UNDER TWO YEARS OF
11 AGE. THE TERM SHALL INCLUDE INFANT FORMULA;
12 2. NONPRESCRIPTION DRUGS, WHICH SHALL INCLUDE ANY NON-NARCOTIC MEDI-
13 CINE OR DRUG THAT MAY BE SOLD WITHOUT A PRESCRIPTION. THE TERM SHALL
14 INCLUDE ANY DRUGS COMMONLY KNOWN AS "OVER-THE-COUNTER DRUGS," DIETARY
15 SUPPLEMENTS AS DEFINED IN 21 USC 32(FF), AND VITAMINS AND SUBSTANCES
16 RECOGNIZED AS DRUGS IN THE OFFICIAL UNITED STATES PHARMACOPOEIA, OFFI-
17 CIAL HOMEOPATHIC PHARMACOPOEIA OF THE UNITED STATES, OR OFFICIAL
18 NATIONAL FORMULARY, OR ANY SUPPLEMENT TO SUCH PUBLICATIONS;
19 3. COSMETICS, WHICH SHALL MEAN MERCHANDISE, OTHER THAN SOAP, BUT
20 INCLUDING RAZOR BLADES, THAT IS INTENDED TO BE RUBBED, POURED, SPRIN-
21 KLED, OR SPRAYED ONTO, INTRODUCED INTO, OR OTHERWISE APPLIED TO THE
22 HUMAN BODY OR ANY PART THEREOF FOR CLEANSING, BEAUTIFYING, PROMOTING

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

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1 ATTRACTIVENESS, OR ALTERING THE APPEARANCE OF THE HUMAN BODY OR ANY PART
2 THEREOF; OR

3 4. BATTERIES, WHICH SHALL MEAN A DEVICE CONSISTING OF ONE OR MORE
4 CELLS, EACH CELL CONSISTING OF A POSITIVE ELECTRODE, A NEGATIVE ELEC-
5 TRODE AND AN ELECTROLYTE, WHICH IS USED TO PROVIDE STORED ELECTRICAL
6 POWER.

7 S 2. This act shall take effect immediately.