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

9243

I N A S S E M B L Y

February 4, 2016

Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to prohibiting the manufacture and sale of food products containing 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. MANUFACTURE AND SALE OF FOOD PRODUCTS CONTAINING AZODICARBONAMIDE PROHIBITED. 1. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "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 OR AS A DOUGH CONDITIONER; AND

(B) "FOOD PRODUCT" SHALL HAVE THE SAME MEANING AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED NINETY-EIGHT OF THIS ARTICLE.

2. NO PERSON, FIRM OR CORPORATION SHALL MANUFACTURE, SELL, OFFER, EXPOSE OR HAVE IN POSSESSION FOR SALE IN THIS STATE ANY FOOD PRODUCTS CONTAINING AZODICARBONAMIDE.

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

4. IT SHALL BE AN AFFIRMATIVE DEFENSE TO A VIOLATION OF THIS SECTION THAT THE PERSON, FIRM OR CORPORATION DID NOT KNOW AND COULD NOT REASONABLY HAVE KNOWN THAT THE FOOD PRODUCT CONTAINED AZODICARBONAMIDE.

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.

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