

4933--A

2015-2016 Regular Sessions

I N   S E N A T E

April 24, 2015

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Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to the governance of food labels or the portion of food produced, processed, transported, stored, marketed, distributed, sold or offered for sale by the state

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

1     Section 1. Section 2 of the agriculture and markets law is amended by  
2     adding two new subdivisions 6 and 7 to read as follows:  
3     6. "PORTION" MEANS THE AMOUNT OF A GIVEN FOOD SOLD OR OFFERED FOR SALE  
4     INCLUDING, BUT NOT LIMITED TO, THE SIZE OF THE CONTAINER OR PACKAGING IN  
5     WHICH THE FOOD IS SOLD OR OFFERED FOR SALE.  
6     7. "FOOD LABEL" MEANS ANY AFFIXATION TO OR MARKING ON A PACKAGE OF  
7     FOOD AS TO ITS NATURE OR QUALITY, OR THE CONTENTS OF A MATERIAL, PACKAGE  
8     OR CONTAINER OR THE NAME OF THE MAKER.  
9     S 2. Subdivision 1 of section 16 of the agriculture and markets law,  
10    as amended by chapter 639 of the laws of 2004, is amended to read as  
11    follows:  
12    1. Execute and carry into effect the laws of the state and the rules  
13    of the department, relative to agriculture, horticulture, farm, fruit,  
14    and dairy products, aquaculture, and the production, processing, trans-  
15    portation, storage, marketing and distributing of food; enforce and  
16    carry into effect the provisions of the laws of the state relative to  
17    weights and measures. JURISDICTION IN ALL MATTERS PERTAINING TO THE FOOD  
18    LABEL OR THE PORTION OF FOOD PRODUCED, PROCESSED, TRANSPORTED, STORED,  
19    MARKETING, DISTRIBUTED, SOLD OR OFFERED FOR SALE IN THIS STATE IS VESTED  
20    EXCLUSIVELY IN THE STATE. ANY PROVISION OF ANY LOCAL LAW OR ORDINANCE,

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

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1 OR ANY RULE OR REGULATION PROMULGATED THERETO, GOVERNING THE FOOD LABEL  
2 OR THE PORTION OF FOOD PRODUCED, PROCESSED, TRANSPORTED, STORED, MARKET-  
3 ED, DISTRIBUTED, SOLD OR OFFERED FOR SALE IN THE STATE SHALL, UPON THE  
4 EFFECTIVE DATE OF THE CHAPTER OF THE LAWS OF TWO THOUSAND SIXTEEN WHICH  
5 AMENDED THIS SUBDIVISION, BE PREEMPTED.  
6 S 3. This act shall take effect immediately.