

STATE OF NEW YORK

3877--A

Cal. No. 493

2017-2018 Regular Sessions

IN SENATE

January 27, 2017

Introduced by Sen. RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommended to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report

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 § 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 marketed, distributed, sold or offered for sale in this state is vested

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

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exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated thereto, governing the food label or the portion of food produced, processed, transported, stored, marketed, distributed, sold or offered for sale in the state shall, upon the effective date of the chapter of the laws of two thousand eighteen which amended this subdivision, be preempted.

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