STATE OF NEW YORK

4314--A

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- 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 using the term "human food grade" for certain pet food

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 129-b to read as follows:

§ 129-b. Designation of certain pet food as human grade food. 1. A registrant who has been approved for registration pursuant to section one hundred twenty-nine of this article may also apply to the commissioner for designation or certification, including a renewal of a designation or certification, of a pet food as New York state designated or certified human food grade. An application for such designation or certification shall be made in the same manner and be subject to the same requirements and conditions as sections one hundred twenty-nine and one hundred twenty-nine-a of this article; provided, however, the initial application fee shall be five hundred dollars. The commissioner shall develop rules and regulations for the approval of such designation or certification including, but not limited to, production, manufacturing and labeling standards required to be met to ensure the product would qualify as human food grade.

2. (a) A designation or certification of a pet food as "human food grade" under this section means that the pet food is suitable for human consumption but is intended for consumption by pets and is produced, at a minimum, in compliance with the recommendations or guidelines of a voluntary membership association of local, state and federal agencies charged by local, state or federal laws to regulate the sale and distribution of animal feeds or the federal government if applicable,

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

LBD08792-02-3

and meets any requirements of the commissioner. A pet food designated or certified under this section may be labeled, advertised and represented as human food grade, or use words, symbols, or images of that meaning. The commissioner may create a symbol, label, or wording that a registrant may, but is not required to, use for a pet food designated or certified under this section.

(b) Any label, advertisement or representation implying that a pet food is New York state designated or certified human food grade shall include words, symbols or images, of at least equal size as those implying that it is human food grade, clearly indicating that it is intended for consumption by pets or particular categories of pets.

(c) No person may label, advertise or represent any product as being a pet food designated or certified by New York state as human food grade, or words of that meaning, or using any image conveying that meaning, unless the product is designated or certified under this section.

3. A designation or certification under this section shall be valid for two years from the date of issuance or from the date of renewal.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.