

STATE OF NEW YORK

3599

2025-2026 Regular Sessions

IN ASSEMBLY

January 28, 2025

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

AN ACT to amend the agriculture and markets law, in relation to exempting processors of syrup made from tree sap or honey from certain licensing requirements

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 251-z-3 of the agriculture and markets law, as
2 amended by chapter 367 of the laws of 2016, the closing paragraph as
3 added by chapter 400 of the laws of 2017, is amended to read as follows:

4 § 251-z-3. Licenses; fees. 1. a. No person shall maintain or operate a
5 food processing establishment unless licensed biennially by the commis-
6 sioner. Application for a license to operate a food processing estab-
7 lishment shall be made, upon a form prescribed by the commissioner. A
8 renewal application shall be submitted to the commissioner at least
9 thirty days prior to the commencement of the next license period.

10 b. The applicant shall furnish evidence of [~~his or her~~] the appli-
11 cant's good character, experience and competency, that the establishment
12 has adequate facilities and equipment for the business to be conducted,
13 that the establishment is such that the cleanliness of the premises can
14 be maintained, that the product produced therein will not become adul-
15 terated and, if the applicant is a retail food store, that the applicant
16 has an individual in a position of management or control who has
17 completed an approved food safety education program pursuant to section
18 two hundred fifty-one-z-twelve of this article. The commissioner, if so
19 satisfied, shall issue to the applicant, upon payment of the license fee
20 of four hundred dollars, a license to operate the food processing estab-
21 lishment described in the application. The commissioner shall waive the
22 license fee for two years for a first time applicant that processes food
23 in a kitchen incubator food processing facility, which for the purposes
24 of this section is a food processing facility used by multiple small and

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

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1 emerging food processing businesses, including both full-time facility
2 tenants and businesses that rent space on a temporary basis. The commis-
3 sioner shall prorate the license fee paid by an applicant, if the appli-
4 cant's food processing establishment has as its only full time employees
5 the owner or the parent, spouse, or child of the owner, and/or not more
6 than two full time employees, and if that applicant vacates a food proc-
7 essing establishment six months or more prior to the expiration of the
8 license period, and, within one year of vacating such establishment,
9 applies for a new license associated with another food processing estab-
10 lishment, provided the applicant's license has not been suspended or
11 revoked pursuant to section two hundred fifty-one-z-five of this arti-
12 cle. The commissioner may establish rules and regulations governing the
13 prorating of such fees and/or the application of such fees from a prior
14 license to a new one. Notwithstanding the preceding, an applicant that
15 is a chain store shall pay a license fee of one hundred dollars if its
16 license expires six months or less from the date its license period
17 began, two hundred dollars if its license expires between six months and
18 one year from the date its license period began, three hundred dollars
19 if its license expires between one year and eighteen months from the
20 date its license period began, or four hundred dollars if its license
21 expires between eighteen months and two years from the date its license
22 period began. However, the license fee shall be nine hundred dollars
23 for a food processing establishment determined by the commissioner,
24 pursuant to duly promulgated regulations, to require more intensive
25 regulatory oversight due to the volume of the products produced, the
26 potentially hazardous nature of the product produced or the multiple
27 number of processing operations conducted in the establishment. The
28 license application for retail food stores shall be accompanied by
29 documentation in a form approved by the commissioner which demonstrates
30 that the food safety education program requirement has been met. The
31 license shall take effect on the date of issuance and continue for two
32 years from such date. Notwithstanding the preceding, a license issued to
33 an applicant that is a chain store shall expire on the date set forth on
34 the application form prescribed by the commissioner for such applicant.

35 c. Notwithstanding any other provision of this section, an applicant
36 that is a "small-scale processor" shall pay a license fee of one hundred
37 seventy-five dollars per facility. For the purposes of this section, a
38 "small-scale processor" shall be defined as a processor which operates a
39 food processing establishment that is not exempt from licensing pursuant
40 to section two hundred fifty-one-z-four of this article, is not a chain
41 store, and employs no more than ten full time employees.

42 2. The provisions of this section shall not apply to processors of
43 syrup made from tree sap or honey who do not purchase syrup made from
44 tree sap or honey from others for repackaging, and who do not combine
45 syrup made from tree sap or honey with any other ingredients capable of
46 supporting the growth of infectious or toxigenic organisms, provided
47 that such establishments are maintained in a sanitary condition and
48 manner.

49 § 2. This act shall take effect immediately.