

LOCAL LAW NO. "E" FOR 2012

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK REQUIRING ALL RETAIL ESTABLISHMENTS TO LABEL ANY PRODUCT THAT CONTAINS "LEAN FINELY TEXTURED BEEF" PRODUCT

Introduced: 4/9/12

By Mr. Morse:

Section 1. Legislative Findings.

The Albany County Legislature finds that "Lean Finely Textured Beef" commonly known as "Pink Slime" is being used as an additive in the ground beef sold and distributed in Albany County in both prepared food and in retail markets.

The Legislature further finds that this product is artificially created using meat scraps left over after beef is trimmed through a process that involves spinning the meat scraps in a centrifuge while they are heated and then treating the resulting product with ammonium hydroxide or other means to increase the pH level of the resulting product.

The Legislature further finds that the citizens of Albany County are entitled to know the contents of the food they purchase.

This local law will require both prepared food service establishments and retail markets in Albany County to clearly label all beef containing Lean Finely Textured Beef produced by this process. Such information, clearly displayed at the point of decision, would allow consumers in Albany County to exercise personal responsibility and make informed choices for a growing part of their diets.

Section 2. Definitions

The meaning of terms used in this local law shall be as follows:

"Department" shall mean the Albany County Department of Health.

"Finely Textured Beef" shall mean any beef product that is created by means of heating and spinning beef scraps in a centrifuge and treating the resulting product with ammonium hydroxide or other means to increase the pH level of the resulting product.

"Food Item Label" shall mean a label or tag that identifies any food item displayed for sale at a covered food service establishment or retail market that may or may not contain the pricing of such food item.

“Menu” shall mean a printed list or pictorial display of a food item or items, and their price(s), that are available for sale from a food service establishment and shall include menus distributed or provided outside of the establishment.

“Menu Board” shall mean any list or pictorial display of a food item or items and their price(s) posted in and visible within a covered food service establishment or outside of a covered food service establishment for the purpose of ordering from a drive-through window.

“Menu Item” shall mean any individual food item, or combination of food items, listed or displayed on a menu board or menu that is/are sold by a covered food service establishment.

“Prepared food service establishment” means a food service establishment or food service establishments operating in Albany County that serve prepared food.

“Retail Market” shall mean any retail establishment that sells ground beef.

Section 3. Scope and applicability.

This local law shall apply to all ground beef sold in Albany County whether by a prepared food service establishment or a retail market and whether for immediate consumption on premises or for consumption at a later time.

All menu boards and menus in any food service establishment shall clearly identify each menu item they list that contains “Finely Textured Beef”. Such information shall clearly and conspicuously be posted adjacent or in close proximity such as to be clearly associated with the menu item, using a font and format that is at least as prominent in size and appearance, as that used to post either the name or price of the menu item.

Any food item that contains “Finely Textured Beef” displayed for sale with a food item label, such food item label shall clearly state that the product contains “Finely Textured Beef” in a font size and format at least as prominent as the font size of the name of the food item.

Drive-through windows: Drive-through windows shall contain the required information at either the drive-through menu board, or on an adjacent stanchion visible at or prior to the point of ordering, so long as the information is clearly and conspicuously posted on the stanchion adjacent to their respective menu item names, as the price or menu item is on the drive-through menu board.

This local law does not preclude any establishment, including covered food service establishments, from voluntarily providing additional nutritional information.

Section 4. Enforcement and penalties.

Any person who violates a provision of this local law shall be subject to the imposition of a civil penalty by the Department, which shall have sole jurisdiction to enforce the provisions of this local law. Every person that violates the provisions of this local law shall be liable for a civil penalty as prescribed by the Albany County Sanitary Code. The penalty provided for by this local law may be sued for and recovered by the Department of Health through the County Attorney in the name of the County of Albany in any court of competent jurisdiction. The penalties imposed herein are the sole penalties to be imposed for a violation of this local law. No civil penalty shall be imposed as provided for herein unless the alleged violator has received notice of the charge against him and has had an opportunity to be heard as provided for in the Albany County Sanitary Code.

Section 5. Reverse Preemption.

This local law shall be null and void on the day that federal or statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Albany. The County Legislature may determine via mere resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 6. Severability.

If any word, phrase, clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the word, phrase, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 7. Effective Date.

This local law shall take effect thirty (30) days after its filing in the Office of the Secretary of State.

Referred to Health Committee. 4/9/12