



Legislation Text

File #: Int 1485-2019, **Version:** *

Int. No. 1485

By Council Members Levine and Brannan

A Local Law to amend the administrative code of the city of New York, in relation to restricting the sale of senna- and saffron-based products

Be it enacted by the Council as follows:

Section 1. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 19 to read as follows:

CHAPTER 19

REGULATION OF SENNA AND SAFFRON PRODUCTS

§ 17-1901 Definitions. As used in this chapter, the following terms have the following meanings:

Senna product. The term “senna product” means any product that is intended for human consumption that contains the leaves, flowers or fruit of the plants cassia acutifolia or cassia angustifolia, or extracts of the same. Such term includes any component, part or accessory of such product but does not include any marketing, sale or use of such product solely for a purpose affirmatively approved by the United States food and drug administration.

Saffron product. The term “saffron product” means any product that is intended for human consumption which contains the extract of the crocus sativus plant. Such term includes any component, part or accessory of such product but does not include any marketing, sale or use of such product solely for a purpose affirmatively approved by the United States food and drug administration.

§ 17-1902 Sale of senna products and saffron products to minors prohibited. a. Any person operating a place of business in which a senna product or saffron product is sold or offered for sale is prohibited from

selling such product to individuals under 18 years of age. Sale of a senna product or saffron product in such places shall be made only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least 18 years of age. Such identification need not be required of any individual who reasonably appears to be at least 30 years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the sale of senna products or saffron products to an individual under 18 years of age.

§ 17-1903 Penalties. a. Any person or entity who violates section 17-1902 shall be liable for a civil penalty of not more than \$250 for the first violation, and not more than \$500 for each additional violation found on that day; and not more than \$750 for the second violation at the same place of business within a three-year period, and not more than \$1,000 for each additional violation found on that day; and not more than \$2,000 for the third and each subsequent violation at the same place of business within a three-year period.

§ 17-1904 Enforcement. The department, the department of consumer affairs and the department of finance have the power to enforce the provisions of this chapter. A proceeding to recover any civil penalty authorized pursuant to section 17-1903 shall be commenced by the service of a notice of violation returnable to the office of administrative trials and hearings or within any agency of the city of New York designated to conduct such proceedings. The notice of violation or copy thereof when filled in and served shall constitute notice of the violation charged. The department, the department of consumer affairs and the department of finance shall notify each other within 30 days of finding that a retail dealer has been found liable for any section of this chapter.

§ 17-1905 Rules. The commissioner of the department, the commissioner of consumer affairs and the commissioner of finance shall promulgate any rules as may be necessary for the purposes of carrying out the provisions of this chapter.

§ 2. This local law takes effect 180 days after it becomes law, except that the department of health and mental hygiene may take such actions, including the promulgation of rules, as are necessary for the timely

implementation of this local law, prior to such effective date.

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