



Legislation Text

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Int. No. 1378-A

By Council Members Rivera, Lander, Brannan, Holden, Rodriguez, Cabrera, Cohen, Rosenthal, Ayala, Espinal, the Public Advocate (Mr. Williams), Levine, Constantinides, Levin, Chin, Ampry-Samuel, Maisel, Menchaca, Grodenchik, Koslowitz, Reynoso, Vallone, Adams, Louis, Richards, Cornegy, Van Bramer, Powers, Dromm and Ulrich

A Local Law to amend the administrative code of the city of New York, in relation to banning the sale or provision of certain force-fed poultry 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

FORCE-FED PRODUCTS

§ 17-1901 Definitions.

§ 17-1902 Prohibited conduct.

§ 17-1903 Enforcement.

§ 17-1901 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Food service establishment. The term “food service establishment” means a place where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.

Force-fed product. The term “force-fed product” means any product that is the result of force-feeding a bird, including but not limited to a duck or a goose, with the intent to fatten or enlarge the bird’s liver.

Force-feeding. The term “force-feeding” means the practice of forcing, by any means, food or supplements into the throat, esophagus, crop or stomach of an animal.

Retail food establishment. The term “retail food establishment” means a supermarket, grocery store, specialty food store or farmer’s market.

§ 17-1902 Prohibited conduct. No retail food establishment or food service establishment, or agent thereof, shall store, keep, maintain, offer for sale, or sell any force-fed product or food containing a force-fed product. For purposes of this chapter, it shall be a rebuttable presumption that an item in a retail food establishment or food service establishment having the label “foie gras” or listed on a menu as “foie gras” is a force-fed product. A party seeking to rebut such presumption shall provide documentary evidence proving that the product they are storing, keeping, maintaining, offering for sale, or selling is not a force-fed product as defined in this chapter.

§ 17-1903 Enforcement. a. Any person who is found to violate any provision of this chapter shall be subject to a civil penalty of not less than \$500 and not more than \$2,000 for each violation. Each such violation may be treated as a separate and distinct offense, and in the case of a continuing violation, each day's continuance thereof may be treated as a separate and distinct offense.

b. The department shall commence a proceeding to recover a civil penalty in connection with a food service establishment by service of notice of violation returnable at the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings. The department of consumer affairs shall commence a proceeding to recover a civil penalty in connection with a retail food establishment by service of a notice of violation returnable at the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.

§ 2. This local law takes effect 3 years after it becomes law, except that the department of health and mental hygiene and the department of consumer affairs shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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