

**STRICKEN END OF YEAR**

Intro. Res. No. 1633-2009

Laid on Table 8/4/2009

Introduced by Legislators Alden and Cooper

**RESOLUTION NO.                   -2009, ADOPTING LOCAL LAW  
NO.                   -2009, A LOCAL LAW TO STANDARDIZE THE  
DATING AND LABELING OF MILK IN SUFFOLK COUNTY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on \_\_\_\_\_, 2009, a proposed local law entitled, "**A LOCAL LAW TO STANDARDIZE THE DATING AND LABELING OF MILK IN SUFFOLK COUNTY**" now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO.       -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO STANDARDIZE THE DATING AND LABELING  
OF MILK IN SUFFOLK COUNTY**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that Suffolk County residents should have access to the freshest milk supplies possible.

This Legislature also finds and determines that freshness dating for milk is typically set by the product manufacturers.

This Legislature further finds and determines that the process for determining these dates can vary widely among the different milk producers servicing Suffolk County.

This Legislature further finds that the City of New York Legislature promulgated regulations establishing an expiration date for milk that is no more than nine (9) days after the date of pasteurization.

This Legislature also finds that, to ensure that all milk sold in the County is of the same freshness, a standardized dating procedure consistent with that established in New York City shall be adopted in Suffolk County.

Therefore, the purpose of this law is to standardize the dating procedures for milk to be sold in Suffolk County.

**Section 2. Definitions.**

As used in this law, the following terms shall have the meanings indicated:

A) "EXPIRATION DATE" shall mean the date printed on a milk product's packaging after which it is no longer allowed to be offered for sale.

B) "PERSON" shall mean any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

C) "MILK" shall mean any fluid milk, including low fat milk, skimmed milk, modified skimmed milk, and low sodium milk, but shall not include creams, half and half, or powdered milk, canned milk products, or milk that has been ultra-pasteurized.

**Section 3. Labeling Requirements for Milk.**

All milk sold in Suffolk County shall be conspicuously labeled with an expiration date of not more than nine (9) calendar days following the date of pasteurization.

**Section 4. Prohibitions.**

No person shall offer for sale, sell, give away or distribute in the County of Suffolk milk which bears an expiration date beyond the period specified in this law.

**Section 5. Penalties.**

Any person found violating this law shall be subject to a fine not to exceed one hundred dollars (\$100) for each offense. An offense would apply to each container found for sale after the expiration date's passage.

**Section 6. Enforcement.**

A. This law shall be enforced by the Suffolk County Department of Consumer Affairs.

B. No fine shall be imposed until after a hearing has been held before the Commissioner of the Suffolk County Department of Consumer Affairs upon at least seven business days' notice to the person upon whom such fine is to be levied. Such notice shall be served either personally or by certified mail, return receipt requested, to the last known address of said person and shall state the date and place of the hearing as well as enumerate the grounds constituting the allegations against such person. Said person may be represented by counsel and may produce witnesses in his or her own behalf. A record of the hearing shall be taken and preserved. For purposes of such hearing, the Commissioner of the Suffolk County Department of Consumer Affairs may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records or other documents deemed pertinent to the subject of the hearing.

**Section 7. Authority to Promulgate Rules and Regulations.**

The Commissioner of the Suffolk County Department of Consumer Affairs is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law.

**Section 8. Applicability.**

This law shall apply to actions occurring on or after the effective date of this law.

**Section 9. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 10. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 11. Effective Date.**

This law shall take effect One Hundred Eighty (180) days after its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

\_\_\_\_\_  
County Executive of Suffolk County

Date: