

RESOLUTION NO. 186

REQUESTING THE ALBANY COUNTY BOARD OF HEALTH AND THE HEALTH COMMISSIONER TO AMEND THE SANITARY CODE

Introduced: 5/11/09

By Ms. Benedict, Mr. Carman, Ms. Lockart, Messrs. Mendick and Hoblock:

WHEREAS, On May 14, 2007, this Honorable Body passed Resolution No. 237 Requesting the Albany County Board of Health and the Health Commissioner to Amend the Sanitary Code Requiring Restaurants and Food Service Establishments to Phase Out Artificial Trans Fat, and

WHEREAS, Effective July 1, 2009, the Albany County Sanitary Code, Article 4, Section G, Subsection 2, prohibits the use of oils or shortenings used for deep frying of yeast dough or cake batter; and all other foods containing artificial trans fat, and

WHEREAS, Albany County food service establishments cannot find substitutes for transfats that maintain the quality of their product and thereby will be forced to produce inferior foods for public consumption, and

WHEREAS, Albany County food service establishments must compete with food service establishments in Saratoga, Schenectady, and Rensselaer counties as well as large chain supermarkets within the County which do not have to comply with these regulations, and

WHEREAS, No other county that adjoins Albany County has adopted a ban on transfat, and

WHEREAS, Article 4(G)(2), has a harmful and disproportionate impact on Albany County food service establishments, and

WHEREAS, This Honorable Body should do all in its power to assist Albany County businesses and to ensure regulations will not detrimentally and disproportionately affect food service establishments by making them less competitive and thereby jeopardizing jobs, and

WHEREAS, Implementation of Article 4(G)(2) will place Albany County establishments at an unfair disadvantage and can cause the closure of these establishments or their relocation outside of Albany County thereby decreasing Albany County and local municipalities tax revenues, and

WHEREAS, It was never the intent of this Body to place local food services establishments at a competitive disadvantage with similar establishments in other counties, and

WHEREAS, This Honorable Body believes that the citizens of Albany County are free intelligent people who are, and by right ought to be, responsible for making their own dietary choices, and

WHEREAS, It is not the government's role to micromanage the lives of people by controlling types of ingredients in their cupcakes, now, therefore be it

RESOLVED, That the Albany County Commissioner of Health and the Albany County Board of Health are hereby requested to amend the Albany County Sanitary Code, Article 4 by removing Section G, Subsection 2, and be it further

RESOLVED, That this Honorable Body requests that the Albany County Sanitary Code be amended to include regulations that ensure all applicable nutritional facts are labeled on baked goods, and, be it further

RESOLVED, That this Resolution shall take effect immediately, and, be it further

RESOLVED, That the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the appropriate County Officials.

Referred to Law Committee. 5/11/09

Unfavorable Recommendation - Law Committee. 5/27/09

On roll call vote the following voted in favor: Ms. Benedict, Messrs Carman, Clouse, Cotrofeld, Dawson, Ethier, Hoblock, Ms. Lockart, Messrs. Mayo, Mendick, Reilly, Steck, Tunny and Zeilman – 14.

Those opposed: Messrs. Aylward, Beston, Bullock, Ms. Chapman, Messrs. Clay, Clenahan, Commisso, Ms. Connolly, Messrs. Domalewicz, Gordon, Horstmyer, Houghtaling, Infante, Joyce, Mss. Maffia-Tobler, McKnight, Messrs. Morse, Nichols, Rahm, Scavo, Timmins and Ms. Willingham – 22.

Resolution was defeated. 6/8/09