

STATE OF NEW YORK

4890

2023-2024 Regular Sessions

IN SENATE

February 16, 2023

Introduced by Sens. RIVERA, LIU -- read twice and ordered printed, and
when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring chain
restaurants to label menu items that have a high content of sodium

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section
2 1357 to read as follows:

3 § 1357. Chain restaurants; sodium content of menu items. 1. Defi-
4 nitions. For purposes of this section the following terms shall have the
5 following meanings:

6 a. "Chain menu developer" means the person that owns and licenses the
7 brand name under which a chain restaurant does business, or any other
8 person responsible for determining the formula or recipe for items
9 displayed on the menu of a chain restaurant.

10 b. "Chain restaurant" means a food service establishment, as defined
11 in part fourteen of the New York sanitary code 10 NYCRR 14-1.20, that is
12 part of a chain with fifteen or more locations within the state doing
13 business under the same name, regardless of the type of ownership of the
14 locations, and offering for sale substantially similar menu items.

15 c. "Daily value" means the daily reference value used by the United
16 States Food and Drug Administration in calculating the percent daily
17 value for nutrition information provided on food labels.

18 d. "Menu or menu board" means the primary writing of a food service
19 establishment from which a customer makes an order selection, including,
20 but not limited to, breakfast, lunch, and dinner menus; dessert menus;
21 beverage menus; children's menus; other specialty menus; electronic
22 menus; and menus on the internet.

23 e. "Standard menu item" means a food or beverage item that is listed
24 on a menu or menu board, excluding temporary menu items appearing on the
25 menu for less than sixty days per calendar year.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 2. Industry guidance. No later than one year after the effective date
2 of this section, the department shall publish guidance explaining the
3 requirements of this section and how businesses can comply.

4 3. Sodium warning icon. No later than one year after the effective
5 date of this section, the department shall develop an icon with accompa-
6 nying text that shall be displayed adjacent to the name of any standard
7 menu item that exceeds the daily value for sodium. Beginning two years
8 after the effective date of this section any chain restaurant operating
9 within the state and not otherwise exempted under subdivision six of
10 this section shall display on menus or menu boards:

11 a. The sodium warning icon and accompanying text promulgated by the
12 department pursuant to this subdivision, at a height no smaller than the
13 largest letter in the name of the item; and

14 b. The following factual statement explaining the sodium warning icon:
15 "Warning (insert icon image and accompanying text here) indicates that
16 the sodium (salt) content of this item is higher than the total daily
17 recommended limit (2300 mg). High sodium intake can increase blood pres-
18 sure and the risk of heart disease and stroke."

19 4. Chain menu developer reporting requirement. Once every ninety
20 days, each chain menu developer shall report to the department the
21 amount of sodium in each standard menu item offered for sale in their
22 chain restaurant, or that no changes to the menu information have been
23 made since the last report.

24 5. Report required. No later than six years after the effective date
25 of this section, the department shall issue a report reviewing evidence
26 of the impact of this section on menu item reformulation and consumer
27 behavior, and recommend additional nutrients that should be considered
28 for menu warning icons.

29 6. Violations. Any chain restaurant that violates the provisions of
30 this section shall be subject to a civil penalty of not more than two
31 hundred fifty dollars per day for each location not in compliance.

32 7. Exemptions. The sodium warning icon required pursuant to subdivi-
33 sion three of this section shall not be required to be displayed next to
34 a menu item that is already labeled with a sodium icon equal or greater
35 in size and similar in general appearance, when such icon is required
36 pursuant to a rule, regulation, ordinance, local law, order or policy
37 issued by another jurisdiction having the same or substantially similar
38 effect as determined by the commissioner. Food service establishments
39 exempted from the sodium warning labeling requirement by this subdivi-
40 sion shall be used in determining if a particular food service estab-
41 lishment is a chain restaurant.

42 § 2. Severability. If any provision of this act, or any application of
43 any provision of this act, is held to be invalid, or to violate or be
44 inconsistent with any federal law or regulation, that shall not affect
45 the validity or effectiveness of any other provision of this act, or of
46 any other application of any provision of this act, which can be given
47 effect without that provision or application; and to that end, the
48 provisions and applications of this act are severable.

49 § 3. This act shall take effect immediately.