

# STATE OF NEW YORK

1556--C

2025-2026 Regular Sessions

## IN ASSEMBLY

January 10, 2025

Introduced by M. of A. KELLES, COLTON, EPSTEIN, GIBBS, GLICK, JACKSON, LEE, LEVENBERG, RAGA, REYES, ROSENTHAL, SAYEGH, SEAWRIGHT, SHIMSKY, SIMON, STECK, STIRPE, TAPIA, CLARK, P. CARROLL, HEVESI, TORRES, CRUZ, NORBER, DINOWITZ, KAY, LUNSFORD, GALLAGHER, SLATER, PAULIN, BURROUGHS, SCHIAVONI, DE LOS SANTOS -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to enacting the "food safety and chemical disclosure act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "food safety and chemical disclosure act".

3 § 2. The section heading of section 199-a of the agriculture and  
4 markets law, as amended by chapter 797 of the laws of 1961, is amended  
5 and a new subdivision 5 is added to read as follows:

6 Prohibition as to adulterated or misbranded food and certain food  
7 additives and food color additives intended for human consumption.

8 5. (a) Notwithstanding any other provision of law to the contrary, it  
9 shall be unlawful for any person, firm, association, or corporation to  
10 manufacture, compound, brew, distill, produce, process, sell, deliver,  
11 distribute, hold, offer or expose for sale any of the following  
12 substances as food additives or food color additives or any food or food  
13 product containing any of the following substances intended for human  
14 consumption:

15 (i) FD&C Red No. 3;

16 (ii) Potassium bromate; or

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

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1 (iii) Propylparaben.

2 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-  
3 sion, a store shall be permitted to sell, deliver, distribute, hold,  
4 offer or expose for sale any food or food product containing any of the  
5 substances listed in paragraph (a) of this subdivision until the expira-  
6 tion date, "best by" date, or "sell by" date printed on the packaging of  
7 the food or food product by the manufacturer or producer, but no later  
8 than three years after the effective date of this subdivision, provided,  
9 however, that:

10 (i) the store sells food or food products at retail and is not prima-  
11 riarily engaged in the sale of food for consumption on the premises;

12 (ii) the store is independently owned and operated by a business that  
13 employs ten or fewer persons; and

14 (iii) the food or food product was acquired by the business.

15 (c) Within thirty days of the effective date of this subdivision, the  
16 commissioner shall amend the exemption list maintained pursuant to  
17 subdivision three of this section to indicate that in this state the  
18 substances prohibited in this subdivision shall not be deemed to be safe  
19 for human consumption on or after one year after the effective date of  
20 this subdivision.

21 § 3. Section 198 of the agriculture and markets law is amended by  
22 adding a new subdivision 7-a to read as follows:

23 7-a. For purposes of this section, the term "generally recognized as  
24 safe substance" or "GRAS substance" means any substance added to food  
25 that is exempted from the definition of "food additive" under subdivi-  
26 sion seven of this section because it is generally recognized, among  
27 experts qualified by scientific training and experience to evaluate its  
28 safety, as having been adequately shown to be safe under the conditions  
29 of its intended use:

30 (a) either through scientific procedures using the same quantity and  
31 quality of scientific evidence as is required to obtain approval of the  
32 substance as a food additive; or

33 (b) for a substance used in food prior to January first, nineteen  
34 hundred fifty-eight, through experience based on common use in food.

35 § 4. Subdivision 4 of section 199-a of the agriculture and markets  
36 law, as amended by chapter 671 of the laws of 1966, is amended to read  
37 as follows:

38 4. All data submitted to the commissioner in support of the food or  
39 color additives report under this section shall be considered confiden-  
40 tial by the commissioner and shall not be revealed to any person other  
41 than to a person authorized by the commissioner in the performance of  
42 [~~his~~] their official duties under this article. In case of an actual  
43 controversy as to the validity of an order or decision of the commis-  
44 sioner respecting the test data or report in which a proceeding to  
45 review has been instituted as authorized by section two hundred two-c of  
46 this article the petition, data and report shall be transmitted by the  
47 commissioner to the clerk of the court in which the review proceeding is  
48 instituted, together with a record of the proceedings on which the  
49 commissioner based [~~his~~] the order or decision, and such transmittal  
50 shall not be construed to be a violation of confidence. Subdivisions  
51 two and three of this section shall not apply to food additives or color  
52 additives which are safe within the meaning of the federal food, drug  
53 and cosmetic act as amended.

54 § 5. The agriculture and markets law is amended by adding a new  
55 section 199-g to read as follows:

1 § 199-g. Reporting of GRAS substances. 1. a. Except as provided in  
2 subdivision two of this section, unless a report described in paragraph  
3 b of this subdivision has been submitted to the commissioner and such  
4 report is made available in the database described in subdivision five  
5 of section one hundred ninety-nine-b of this article, and notwithstand-  
6 ing any other provision of law to the contrary, it shall be unlawful for  
7 any person, firm, association, or corporation to:

8 (i) sell or offer or expose for sale for use in or on food, or to use  
9 in the manufacturing, compounding, brewing, distilling, producing, or  
10 processing of any food or food product, any GRAS substance or combina-  
11 tion of GRAS substances;

12 (ii) make any new use of any GRAS substance or combination of GRAS  
13 substances in or on food; or

14 (iii) sell or offer or expose for sale any food or food product  
15 containing any GRAS substance or combination of GRAS substances.

16 b. The report required pursuant to paragraph a of this subdivision  
17 shall include but not be limited to the following information:

18 (i) Signed statements and a certification, including:

19 (1) the date and signature of a responsible official of the reporter  
20 or reporting organization;

21 (2) the name and address of the reporter or reporting organization;

22 (3) the name of any GRAS substances discussed in the report, using an  
23 appropriately descriptive term;

24 (4) intended conditions for the use of any GRAS substance discussed in  
25 the report, including the foods in which the substance will be used, the  
26 levels of such use in such foods, and the purposes for which the  
27 substance will be used, including, when appropriate, a description of  
28 any subpopulation expected to consume such GRAS substance or substances;

29 (5) the statutory basis for the conclusion of GRAS status;

30 (6) a statement that the reported substance is not subject to the  
31 premarket approval requirements of the federal food, drug, and cosmetic  
32 act based on the conclusion that the notified substance is GRAS under  
33 the conditions of its intended use;

34 (7) a statement that, if asked to see the data and information that  
35 are the basis for the GRAS conclusion, the reporter will agree to:

36 (A) make the data and information available to the commissioner; and

37 (B) upon the commissioner's request, both of the following procedures  
38 for making the data and information available to the commissioner:

39 (I) allow the commissioner to review and copy the data and information  
40 during customary business hours at the address specified for where these  
41 data and information will be available; and

42 (II) provide a complete copy of the data and information either in an  
43 electronic format or on paper;

44 (8) views as to whether any of the data and information in the GRAS  
45 report are exempt from disclosure under the freedom of information law;

46 (9) certifications that, to the best of the reporter's knowledge, the  
47 GRAS report is a complete, representative, and balanced submission that  
48 includes both unfavorable and favorable information known to the repor-  
49 ter and pertinent to the evaluation of the safety and GRAS status of the  
50 use of the substance; and

51 (10) the name and position or title of the person who signs the GRAS  
52 report.

53 (ii) The identity, method of manufacture, specifications, and physical  
54 or technical effect of the notified substance, including:

55 (1) scientific data and information that identifies the GRAS  
56 substance, including:

1 (A) examples of appropriate data and information including the chemi-  
2 cal name, applicable registry numbers (such as a chemical abstracts  
3 service (CAS) registry number or an enzyme commission (EC) number),  
4 empirical formula, structural formula, quantitative composition, and  
5 characteristic properties; and

6 (B) when the source of a notified substance is a biological material,  
7 data and information sufficient to identify:

8 (I) the taxonomic source (e.g., genus, species) of the GRAS substance,  
9 including, as applicable, data and information at the sub-species level  
10 (e.g., variety, strain);

11 (II) the part of any plant or animal used as the source of the GRAS  
12 substance; and

13 (III) any known toxicants that could be in the source of the GRAS  
14 substance;

15 (2) a description of the method of manufacture of the GRAS substance  
16 in sufficient detail to evaluate the safety of the notified substance as  
17 manufactured;

18 (3) specifications for food-grade material; and

19 (4) when necessary to demonstrate safety, relevant data and informa-  
20 tion bearing on the physical or other technical effect the GRAS  
21 substance is intended to produce, including the quantity of the GRAS  
22 substance required to produce such effect.

23 (iii) Dietary exposure to the notified substance, including informa-  
24 tion about dietary exposure (i.e., the amount of relevant substances  
25 that consumers are likely to eat or drink as part of a total diet),  
26 including:

27 (1) an estimate of dietary exposure to the notified substance that  
28 includes exposure from its intended use and all sources in the diet;

29 (2) when applicable, an estimate of dietary exposure to any other  
30 substance that is expected to be formed in or on food because of the use  
31 of the notified substance (e.g., hydrolytic products or reaction  
32 products);

33 (3) when applicable, an estimate of dietary exposure to any other  
34 substance that is present with the notified substance either naturally  
35 or due to its manufacture (e.g., contaminants or by-products);

36 (4) sources of any food consumption data used to estimate dietary  
37 exposure, in accordance with clauses one through three of this subpara-  
38 graph; and

39 (5) any assumptions made to estimate dietary exposure, in accordance  
40 with clauses one through three of this subparagraph.

41 (iv) Self-limiting levels of use in circumstances where the amount of  
42 the notified substance that can be added to human food or animal food is  
43 limited because the food containing levels of the notified substance  
44 above a particular level would become unpalatable or technologically  
45 impractical.

46 (v) If the statutory basis for GRAS status is through experience based  
47 on common use in food, evidence of a substantial history of consumption  
48 of the notified substance for food use by a significant number of  
49 consumers prior to January first, nineteen hundred fifty-eight.

50 (vi) A narrative that provides the basis for the conclusion of GRAS  
51 status, including:

52 (1) an explanation for why the data and information in the report  
53 provide a basis for that the notified substance is safe under the condi-  
54 tions of its intended use. Such explanation shall address the safety of  
55 the notified substance, considering all dietary sources and taking into  
56 account any chemically or pharmacologically related substances in such

1 diet, and identify what specific data and information discussed in  
2 accordance with this clause are generally available and not generally  
3 available, by providing citations to the list of data and information  
4 required in subparagraph (vii) of this paragraph;

5 (2) an explanation of how the generally available data and information  
6 relied on to establish safety in accordance with clause one of this  
7 subparagraph provides a basis for the conclusion that the reported  
8 substance is generally recognized, among qualified experts, to be safe  
9 under the conditions of its intended use;

10 (3) either:

11 (A) data and information that are, or may appear to be, inconsistent  
12 with the conclusion of GRAS status; or

13 (B) a statement that the available data and information was reviewed  
14 and the reporter is not aware of any data and information that are, or  
15 may appear to be, inconsistent with the conclusion of GRAS status;

16 (4) if any data and information in the report is exempt from disclo-  
17 sure under the freedom of information law, a statement that identifies  
18 such data and information; and

19 (5) for non-public, safety-related data and information considered in  
20 reaching a conclusion of GRAS status, an explanation of how there could  
21 be a basis for a conclusion of GRAS status if qualified experts do not  
22 have access to such data and information.

23 (vii) A list of the generally available data, information, and methods  
24 the notifier cites in the GRAS notice, including:

25 (1) a list of all of the data and information required by subparagraph  
26 (vi) of this paragraph to provide a basis for determining that the noti-  
27 fied substance is safe under the conditions of its intended use, as  
28 described in accordance with clause one of subparagraph (vi) of this  
29 paragraph; and

30 (2) identification of specific data and information listed in accord-  
31 ance with clause one of this subparagraph that are generally available  
32 and not generally available.

33 (viii) Any previous GRAS substance notices submitted to the federal  
34 food and drug administration on the reported substance and the federal  
35 food and drug administration's responses.

36 (ix) All relevant currently available safety information.

37 2. The following substances are exempt from the reporting requirements  
38 of subdivision one of this section:

39 a. Any GRAS substance for which the federal food and drug adminis-  
40 tration has received a GRAS notice and issued a letter stating that the  
41 federal food and drug administration has no questions regarding the  
42 conclusion that the substance is generally recognized as safe under its  
43 intended conditions of use;

44 b. Any substances recognized in federal regulations as prior sanc-  
45 tioned or GRAS substances for use in food or food packaging;

46 c. Any food contact substance for which there is an effective premar-  
47 ket notification demonstrating safety for its intended use;

48 d. Any substances subject to regulation approving its intended use for  
49 food;

50 e. A food ingredient of natural biological origin that has been widely  
51 consumed for its nutrient properties in the United States prior to Janu-  
52 ary first, nineteen hundred fifty-eight without known detrimental  
53 effects, which is subject only to conventional processing as practiced  
54 prior to January first, nineteen hundred fifty-eight, and for which no  
55 known safety hazard exists;

1 f. Any substance for which the federal food and drug administration  
2 has received a new dietary ingredient notification and issued a letter  
3 of acknowledgement without objection that the substance is safe under  
4 its notification's intended conditions of use; and

5 g. Any substance determined safe to be added to foods by the commis-  
6 sioner through rulemaking.

7 3. Any person may file a report to the commissioner under this  
8 section.

9 4. A small business, defined as a business that is independently owned  
10 and operated and employs ten or fewer persons, shall be exempt from the  
11 requirements of this section.

12 5. Data establishing the general recognition of safety shall be based  
13 on publicly available information and shall not be based on trade  
14 secrets.

15 § 6. Section 199-b of the agriculture and markets law is amended by  
16 adding a new subdivision 5 to read as follows:

17 5. The commissioner:

18 a. shall make reports submitted pursuant to section one hundred nine-  
19 ty-nine-g of this article available to the public in a database on its  
20 website. The database shall:

21 (i) be searchable by members of the public;

22 (ii) enable consumers to download and print displayed information; and

23 (iii) accommodate reasonably anticipated and actual public use.

24 b. shall redact from the public report any information that has been  
25 designated by the submitter as a trade secret, provided, however, that  
26 data establishing the general recognition of safety shall not be redact-  
27 ed;

28 c. shall update the database with any new information that the commis-  
29 sioner receives relating to the safety of the GRAS substance;

30 d. may refuse to list a GRAS substance if the commissioner determines  
31 the report does not contain the information required by section one  
32 hundred ninety-nine-g of this article;

33 e. shall provide an interim progress report concerning efforts to  
34 develop and implement the database system required by this subdivision,  
35 which shall include:

36 (i) a projected completion date;

37 (ii) a description of obstacles to development and implementation of  
38 the database system; and

39 (iii) an estimate of the costs to complete the implementation of the  
40 database system; and

41 f. may charge a fee to the reporter of a GRAS substance in order to  
42 recover the costs incurred in listing such GRAS substance and maintain-  
43 ing the database.

44 § 7. The second undesignated paragraph of section 202-c of the agri-  
45 culture and markets law, as amended by chapter 671 of the laws of 1966,  
46 is amended to read as follows:

47 The commissioner may institute such action at law or in equity as may  
48 appear necessary to enforce compliance with sections one hundred nine-  
49 ty-nine-a, one hundred ninety-nine-g, two hundred and two hundred one of  
50 this article, and any rule or order respecting a GRAS substance, food  
51 additive, or color additive promulgated pursuant to sections one hundred  
52 ninety-nine-b and two hundred fourteen-b of this article and, in addi-  
53 tion to any other remedy under this chapter or otherwise, may apply for  
54 relief by injunction to protect the public interest without being  
55 compelled to allege or prove that an adequate remedy at law does not  
56 exist. In an action instituted by the commissioner to enforce compliance

1 with said sections one hundred ninety-nine-a, two hundred and two  
2 hundred one the commissioner shall not be required to prove that the  
3 food, food additive or color additive mentioned in the complaint is  
4 unsafe and the claim or defense of the defendant as to its safety shall  
5 be immaterial, provided, however, that the recognition by the federal  
6 food and drug administration of a food additive or color additive as  
7 safe may be alleged as a proper defense.

8 § 8. This act shall take effect one year after it shall have become a  
9 law.